



**AGENDA
POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 23, 2024
6:00 PM CALL TO ORDER**

This meeting is being held in the Village Building and is open to the public to attend in person.

If you would like to watch in real-time, use this link: <http://powhatanva.gov/432/Live-Stream-of-Powhatan-County-Meetings>

If you would like to watch the meeting later, at your convenience, use this link: <http://powhatanva.gov/433/County-Meetings-and-Workshop-Videos-On-D>

Public comments may be made in person during the appropriate comment period or submitted to administration@powhatanva.gov or by leaving a voicemail at (804) 598-5612 prior to the meeting. Any comments received up until 4:00 PM of the day of the meeting shall be entered into the meeting minutes.



1. **Call to Order**
2. **Pledge of Allegiance**
3. **Invocation**
4. **Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation**
5. **Formal Approval of Agenda**
6. **County Administrator Updates**
7. **Public Comment** (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)
8. **Consent**
 - A. **Minutes** March 7, 2024, Joint meeting 6
 - B. **Minutes** August 15, 2024, Board of Supervisors Workshop 11
 - C. **Minutes** August 26, 2024, Board of Supervisors Regular Meeting 17
 - D. **Resolution R-2024-53** Fixing CY2025 Data Center Equipment Personal Property Tax Rate 28
 - E. **Resolution R-2024-55** Amending the Fiscal Year 2024 Powhatan County Operating Budget by Budgeting and Appropriating \$38,542.58 in Utilities Capital Projects Fund 30
 - F. **Resolution R-2024-56** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$377,248.37 for School Grants 33
 - G. **Resolution R-2024-57** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$658,764 in Grants Fund 36



H. **Resolution R-2024-58** Authorizing the County Administrator to
Execute a Contract with SKA Consulting Engineers for an On-call roof
consulting services 38

I. **R-2024-59** Amending the 2024 Board of Supervisors meeting schedule 40

9. Public Hearings

A. **O-2024-14** 24-02-REZ: LC West LLC (District #1 Subletts/Manakin/
Flat Rock) requesting to rezone three contiguous parcels totaling
119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1),
with proffered conditions. The parcels are identified on Powhatan
County's Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61
contains an existing dwelling addressed as 1318 Page Road. The 2021
Comprehensive Plan designates the subject properties as Gateway Business and
Economic Opportunity. This application is being heard in conjunction with
24-03-CUP: LC West LLC requesting a conditional use permit (CUP) to
exceed the 45-foot height limitation for principal structures in the Light
Industrial (I-1) zoning district. 43

B. **O-2024-15** 24-03-CUP: LC West LLC (District #1 Sublett/Manakin/
Flat Rock) requesting a conditional use permit (CUP) to exceed the
45-foot height limitation for principal data center structures. The parcels are
identified on Powhatan County's Tax Maps as 43-61, 43-64, and
43-64E; and TM 43-61 contains an existing dwelling addressed as 1318
Page Road. This application is being heard in conjunction with
24-02-REZ: LC West LLC requesting to rezone three contiguous parcels
totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1). 44

C. **O-2024-16** 24-05-REZ: EWN Investments LLC (District #1
Subletts/Manakin/Flat Rock) requesting to rezone a roughly 6.9-acre
parcel from Agricultural-10 (A10) to Commerce Center (CC), with proffered
conditions. The subject undeveloped parcel is located on the north side of
Anderson Highway approximately 350 feet west of Dorset Road
and is identified on Powhatan County's Tax Maps as 41-12B. The 2021
Comprehensive Plan designates the subject property as Gateway Business on
the Countywide Future Land Use Map. 163

D. **Applicant has requested deferral to the Board's October 28, 2024 meeting**
O-2024-17 24-06-REZ: Mr. Brian Allen (District #3 Bethesda/Lee's Landing)
has applied to rezone a roughly 7-acre portion of a 19.08-acre parcel from



Agricultural-10 (A10) to Commerce Center (CC), with proffered conditions. The subject parcel is identified on Powhatan County's Tax Map as 40-4, and the parcel is improved by an existing dwelling addressed as 3070 Anderson Highway. The 2021 Comprehensive Plan designates the subject property as Rural Areas on the Countywide Future Land Use Map.

- E. **O-2024-18** 24-08-REZ: Foundry Golf Club Inc. (District #3 Bethesda/ Lee's Landing) has applied to rezone roughly 9.49-acres of a 232.3-acre parcel from Agricultural 10 (A-10) to Crossroads, with proffered conditions, to develop onsite overnight lodging exclusively for club members and their guests. The subject 232.2-acre parcel is zoned Agricultural 10, has an address of 3225 Lee's Landing Road, and is identified on Powhatan County's Tax Maps as 18-6. The 2021 Comprehensive Plan designates the property as Rural Areas on the Countywide Future Land Use Map. 204

- F. **O-2024-19** 24-09-CUP: Jinks Towing/Mr. Alexander Jinks (District #4 Powhatan Courthouse/Mt. Zion) has applied for a conditional use permit (CUP) to operate a truck hauler business (i.e., towing and recovery) on a portion of a Commerce Center (CC) zoned parcel. The subject 2.1-acre parcel contains an existing garage structure which is addressed as 3441 Anderson Highway, and the parcel is identified on Powhatan County Tax Maps as 39-85. The 2021 Comprehensive Plan designates the property as Gateway Business on the Countywide Future Land Use Map. 231

- G. **O-2024-20** 24-10-CUP: Schaefer's Grading, Landscaping, & Excavating/ Amber Schaefer (District #4 Powhatan Courthouse/Mt. Zion) has applied for a conditional use permit (CUP) to operate a contractor's storage yard on a portion of a Commerce Center (CC) zoned parcel. Though not associated with the subject business, the 2.1-acre parcel contains an existing garage structure which is addressed as 3441 Anderson Highway, and the parcel is identified on Powhatan County Tax Maps as 39-85. The 2021 Comprehensive Plan designates the property as Gateway Business on the Countywide Future Land Use Map. 233

- H. **O-2024-21** 24-12-ZA: COUNTYWIDE Zoning Ordinance Amendment - An amendment is proposed to section 83-176 (Rural Residential) District of the zoning ordinance, specifically to section 83-177 (permitted uses) to add a number 26 which states: (26) Accessory dwelling unit (detached), up to 50 percent of the square footage of the main dwelling. 253



10. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

11. County Administrator Comments

12. Board Comments

13. Closed Session

14. Adjournment



AT A WORKSHOP MEETING OF THE BOARD OF SUPERVISORS AND POWHATAN COUNTY SCHOOL BOARD HELD IN THE VILLAGE BUILDING AUDITORIUM, AT 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON MARCH 7th, 2024, AT 3:00 PM.

Present: William Donati, Jr, District 1,
Steve W. McClung, District 2, Chair
Robert Powers, District 3,
Mark Kinney, District 4,
Denise Morrissette, District 5,

Vicki Hurt, District 1,
Susan Smith, District 2,
Jeanne Wade, District 3,
James Taylor, District 4,
Michele Ward, District 5

County Staff Present: Bret Schardein, County Administrator
Will Hagy, Deputy County Administrator
Charla Schubert, Finance Director
Thomas Vo, Budget Manager
John Wood, IT/GIS Director

Constitutional Officers Present: Jamie Timberlake, Commissioner of the Revenue

Guests Present:

1. Call to Order

Chairman McClung called the meeting to order.

2. Pledge of Allegiance

Mrs. Morrissette led the Pledge of Allegiance.

3. Invocation

Mr. Donati gave the Invocation.

4. Requests to Postpone Agenda Items and Additions, Deletions, or Changes in the Order of Presentation

None.

5. Formal Approval of Agenda



Mr. Doanti motioned to **approve** the agenda.

Mr. Kinney **seconded** the motion.

Mr. Donati, Chairman McClung, Mr. Powers, Mr. Kinney, and Mrs. Morrisette voted AYE.

VOTE 5-0

Mrs. Hurt, Mrs. Smith, Mrs. Wade, Dr. Taylor, and Mrs. Ward voted AYE.

VOTE 5-0

MOTION PASSED

6. Superintendent Updates

Dr. Teigen discussed the collaboration between the Board of Supervisors (BOS) and the School Board (SB). She explained that we are presenting the budget today and looks forward to continuing the partnership.

7. County Administrator Updates

Mr. Schardein agreed with Dr. Teigen, saying that the collaborations between the Board of Supervisors (BS) and the School Board (SB) are the best he has ever seen. He looks forward to working on the budget.

8. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman McClung opened the public comment period.

Chairman McClung closed the public comment period.

9. New Business

A. FY25 County Budget Discussion

Mr. Schardein presented the draft FY25 recommended budget, covering budget guidelines, policies, and an overview of proposed revenues and expenditures. The budget includes a total of \$39.8 million for county operations, a 5% increase from FY24, and \$59.8 million for schools, a 4.5% increase. Key highlights include maintaining the current 69-cent tax rate, a proposed 4% countywide pay increase, and an increase in headcount by 4.7 full-time equivalents.

The CIP budget is proposed at \$17.5 million, focusing on essential projects while pushing out others. Notably, a transportation manager position is proposed to streamline projects and pursue grants, funded by the Central Virginia Transportation Authority (CVTA). Other proposed positions include part-time firefighters, utility



operators, and support roles in various departments.

The budget also outlines significant expenditures on public safety, technology upgrades, and facility improvements, including potential community center design work. Lastly, the Sheriff's Office is set to receive seven new vehicles. The final budget decisions and detailed department reviews will occur in the next workshop.

B. FY25 Schools Budget Discussion

Dr. Teigen acknowledged the hard work of the finance team, highlighting the early and ongoing budget process that starts in October. The budget discussions focus on needs over wants due to limited funding. He explained that funding projections begin with a state-provided dollar value in December, which informs the budget process. The goal is to offer a 4% salary increase for staff, although some localities are offering more.

The budget is complicated by outdated state Standards of Quality (SOQs), which don't reflect actual staffing needs, resulting in a significant portion of funding needing to come from local sources. Dr. Teigen mentioned that the school system had initiated a compensation and classification study, with preliminary results suggesting a 6% increase across the board, although this varies by position. The finalized results were recently received, but the budget presented doesn't fully cover these recommendations, leading to a shortfall.

The total proposed budget is \$63.3 million, a \$3 million increase from last year, with significant portions allocated to salaries and benefits. The discussion also touched on the state's role in funding, with the current budget based on the governor's December 20th proposal. The budget also includes a focus on addressing red-flagged areas in student performance, particularly in mathematics and students with disabilities, which require additional resources for remediation and support.

Mr. Benway Overview of FY25 and CIP

Mr. Benway discussed the details of school facility upgrades, funding, and project priorities. A 2014 study by Mosley Architects identified necessary upgrades, such as HVAC systems and roof repairs, which have been delayed and are causing ongoing maintenance issues. Recent assessments by Duber Engineers have prioritized these projects, focusing on life safety and critical needs.



The conversation also addresses specific problems, like failing HVAC systems and outdated equipment, emphasizing the need to complete HVAC work before roof repairs to avoid warranty issues. There is concern about past delays and the importance of ensuring accountability.

The discussion includes managing unspent Capital Improvement Plan (CIP) funds, with a request for \$5.9 million for Fiscal Year 2025. Some projects from previous years are incomplete, raising questions about using unspent funds from those projects for new ones. Board members suggest reallocating these funds could reduce the need for additional funding, though procurement and contract management delays are a concern. The board seeks to improve planning and communication to avoid repeating past mistakes and ensure effective use of funds.

10. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman McClung opened the public comment period.

Ranjit Mazumdar, 4481 Cosby Rd, congratulated Mr. Schardein on his first anniversary and spoke about conversations with Mrs. Morrissette. He questioned if we were given 10% more money than is being asked for, where we would spend it, and what better results would result. He explained he would be happy paying more in taxes to see better and faster results. He then asked what we would cut if we had 10% less to spend.

Chairman McClung opened the public comment period.

11. School Superintendent Comments

Dr. Teigen thanked the BOS for the opportunity to meet today and collaborate on the budget process.

12. County Administrator Comments

Mr. Schardein echoed Dr. Teigen and is glad about the BOS and SB partnership. He added that they are working on solutions for the middle school traffic back-up.

13. School Board Comments

Mrs. Hurt explained that the SB's funding is more complicated than the BOS's and that it is difficult to understand. She asked the BOS to contact the state representatives about the situation regarding the Standards of Quality (SOQ). She said that we have roughly 222 positions that need to be accounted for.

Dr. Teigen added that many of the bus drivers are part of that number.

Mrs. Hurt said Virginia is one of the worst in the nation for the SOQs. She said they impact what the BOS has to offer and are unfair.



Mrs. Smith asked the BOS as they examine the budget; she hopes they will see the SB is committed to improving compensation and benefits for the staff, properly maintaining the facilities, identifying the needs of our students, and having a clear plan to show the disbursement of the monies asked for. She thanked the BOS.

Mrs. Ward thanked the BOS, said the SB was being transparent, and thanked Mrs. Halloway for her hard work. She talked about the red areas in our county and asked the BOS to give them the funding they are asking for.

14. Board Comments

Mr. Donati discussed the relationship between the BOS and the SB. He said that both have the same vision and mission. He also said that the BOS needs to be disciplined and move forward.

Mr. Powers talked about serving on the Strategic Planning Committee with Dr. Teigen. He said he 100% supports the proposed budget from the SB.

15. Adjournment

Chairman McClung adjourned the meeting at approximately 5:30 PM.

Bret Schardein, County Administrator
Powhatan County Board of Supervisors

Steve W. McClung, Chairman
Powhatan County Board of Supervisors



AT A WORKSHOP MEETING OF THE BOARD OF SUPERVISORS HELD IN THE VILLAGE BUILDING CONFERENCE ROOM, AT 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, ON AUGUST 15th, 2024, AT 3:00 PM.

Board of Supervisors Present: William Donati, Jr, District 1,
Steve W. McClung, District 2, Chair
Robert Powers, District 3,
Mark Kinney, District 4,
Denise Morrissette, District 5, Vice Chair

Board of Supervisors Absent: None

County Staff Present: Bret Schardein, County Administrator
Kalli Jackson, County Attorney
Will Hagy, Deputy County Administrator
Katie Shiflett, Senior Executive Associate/Deputy Clerk
Charla Schubert, Finance Director
Melissa Lowe, Human Resources Director
Roxanne Salerno, Economic Development Director
Meghan Carroll, Director of Social Services
Megan Heatwole, Parks and Recreation Director
Ligon Webb, Director of Planning and Zoning
John Wood, IT/GIS Director

Constitutional Officers Present:

Guests Present: John Sarvay, Floricane
Dr. Teigen, Superintendent of Powhatan County Public Schools
Debbie Weir, Community Stakeholder

1. Call to Order

Mr. McClung called the meeting to order.

2. Pledge of Allegiance

Ms. Morrissette led the pledge of allegiance.

3. Invocation

Mr. Donati led the invocation.



4. Requests to Postpone Agenda Items and Additions, Deletions, or Changes in the Order of Presentation

None.

5. Formal Approval of Agenda

Mr. Donati motioned to **approve** the agenda as presented.

Mr. Powers seconded the motion.

Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrissette voted AYE.

VOTE 5-0

MOTION PASSED

6. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman McClung opened the public comment period.

Seeing no one wishing to speak, Chairman McClung closed the public comment period.

7. New Business

- a.** Strategic Plan Update – Discussion facilitated by John Sarvay of Floricane consulting

John Sarvay went over the agenda for discussion. He asked Chairman McClung and Ms. Morrissette for their initial thoughts. Chairman McClung said the strategic plan was impressive, and he appreciated everyone's input. Ms.

Morrissette said she appreciated the attention to detail and was looking forward to hearing her colleagues' opinions.

Mr. Donati said he was excited about the initial plan because it allowed the Board to step back and ensure everyone agreed on their vision for the county. He loved the emphasis on infrastructure, economic development, and housing affordability.

Mr. Powers said the initial plan was an excellent document that reflected the Board's previous conversations. He said he liked the vital nature of infrastructure, the need for investment, and the need to balance the residential and commercial tax base ratios. He emphasized the need to address the county's housing needs. He



added that he believed the Board could have an impact on flow and safety. He also said the county needed to enforce their ordinances and make some improvements. He suggested combining several farms to create a large AFD and help them survive. Mr. Sarvay approved of finding innovative ways to incentivize large landowners to sustain their properties.

Mr. Schardein noted that community engagement and public information may be missing from the initial plan. Ms. Morrissette added that engaging the younger generation of students was also essential. Mr. Sarvay agreed with the comments about attracting and keeping young talent in the county. Mr. Powers noted that the Virginia Department of Health recently gave the county a health report card, and it was not very good. Mr. Sarvay explained that the county's overall health can be seen through the many issues the strategic plan aims to address.

Mr. Powers said he was surprised that the schools weren't a bigger highlight in the initial plan because they are a large and successful part of the county. Mr. Sarvay explained that he believed Powhatan's citizens were very aware of the school system.

Chairman McClung said it was important to define "rural character." Mr. Powers pointed out that the serially treated variables would likely take longer than their current term. He expressed the importance of starting those long-term projects now. Mr. Sarvay agreed that the strategic plan was designed to set the county's direction and the necessary first steps.

Mr. Powers pointed out that to lower the cost of housing in the area, the county would need to add density. He expressed the importance of finding a compromise between the two. Mr. Kinney said he believed the Board could add a bit of density without compromising the county's rural character. He pointed out that a larger development wouldn't start on houses for three to four years, which would give the county time to offset related challenges. He also noted that areas like Raleigh, NC, have maintained their rural character by developing in designated areas and keeping buffers/setbacks.



Mr. Sarvay suggested that the Board educate the community on density. He added that the Board should consider all aspects of the county's infrastructure before building housing. Mr. Powers noted that different groups of people throughout the county had different attitudes about what the Board should be doing. Mr. Sarvay urged the Board to think about the future regarding tax revenue and commercial and retail services. Mr. Powers suggested that the Board engage with the citizens and get their feedback on the future.

Mr. Donati pointed out that many aspects of the county, such as water, housing, economic development, and the tax rate, pivot off the infrastructure.

Mr. Sarvay led an exercise with the Board members and meeting attendees. He asked the Board questions to answer on a sheet of paper, then pass the sheet along to their left-hand neighbor. The question said:

- What is the most critical action or initiative for Powhatan County to take in the next five years to ensure a prosperous and sustainable future for its residents?

Then, the Board members and attendees shared ideas that stood out and read them aloud. Later, Mr. Sarvay divided the group into groups led by the Board. Each group appointed a scribe and picked two ideas they would most like to discuss next. Group 5 chose affordable housing, group 3 chose infrastructure, group 4 chose a balanced tax base, group 2 chose community engagement, and group 1 chose educating the citizens. The groups then discussed several questions based on their choice, such as:

- What is the problem or the opportunity we are trying to address?
- What is the right work for us to do to solve this problem or address this opportunity?
- What will be different five years from now if we do the correct work?

Group 2 mentioned the lack of transportation to and from the county. They urged the importance of fixing this problem. Group 4 discussed a dependable independent public water source. They also emphasized the need to educate the



public about the issue and the funding options. They suggested that the county issue bonds or borrow reserve funds to finance the project. They also said the county could strike a revised agreement with Chesterfield County for 5 million gallons of water. Group 1 said the major issue was a lack of communication of understanding between the county and its citizens. They said the county should focus on meeting people where they are and communicating with various communities/age groups. Group 5 said the county should develop zoning policies promoting varying housing types. The Chairman McClung's group asserted the county should look at all strong/ diverse aspects of the county to envision its growth in the future.

Mr. Sarvay said the Board and staff would continue their conversations and work towards the next steps at the next workshop session in October. He estimated that they would have a plan by December.

Mr. Powers noted that the data can be confusing and that it needs to be clearer and more accessible to the community.

8. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman McClung opened the public comment period.

Seeing no one wishing to speak, Chairman McClung close the public comment period.

9. County Attorney Comments

None.

10. County Administrator Comments

Mr. Schardein said good job to everyone at the meeting.

11. Board Comments

None.

12. Adjournment

Chairman McClung adjourn the meeting at 5:15pm.

POWHATAN COUNTY BOARD OF SUPERVISORS
WORKSHOP MEETING
AUGUST 15th, 2024



Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrissette
voted AYE.

VOTE 5-0
MOTION PASSED

Bret Schardein, Clerk

Steve McClung, Chairman

Powhatan County Board of Supervisors

Powhatan County Board of Supervisors

<i>Bill A. Donati Jr.</i>	
<i>Steve W. McClung</i>	
<i>Robert W. Powers</i>	
<i>Mark A. Kinney</i>	
<i>Denise L. Morrissette</i>	



AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE VILLAGE BUILDING AUDITORIUM, AT 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON August 26th, 2024, AT 6:00 PM.

Board of Supervisors Present: William Donati, Jr, District 1,
Steve W. McClung, District 2, Chair
Robert Powers, District 3,
Mark Kinney, District 4,
Denise Morrissette, District 5,

Board of Supervisors Absent: None

County Staff Present: Bret Schardein, County Administrator
Kalli Jackson, County Attorney
Will Hagy, Deputy County Administrator
Charla Schubert, Finance Director
Jamie Babcock, Emergency Management Coordinator
John Wood, IT/GIS Director
Phil Warner, Fire/EMS Chief
Taylor Goodman, Fire/EMS Deputy Chief
Tom Nolan, Director of Public Safety Communications
Jeff Searfoss, Chief Deputy Sheriff
Leon Sydnor, Fire Marshall

Constitutional Officers Present: Jamie Timberlake, Commissioner of the Revenue

Guests Present: John Few and Cathy Howland, Virginia Cooperative
Extension Agency
Dr. Beth Teigen and Robert Benway, Powhatan County
Public Schools
Kyle Laux and Austin Sacks, Davenport and Company

1. Call to Order

Chairman McClung called the meeting to order.

2. Pledge of Allegiance

Mr. Donati led the pledge of allegiance.



3. Invocation

Mr. Kinney led the invocation.

4. Requests to Postpone Agenda Items and Additions, Deletions, or Changes in the Order of Presentation

None.

5. Formal Approval of Agenda

Mr. Donati motioned to **approve** the agenda as presented.

Ms. Morrisette seconded the motion.

Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrisette voted AYE.

**VOTE 5-0
MOTION PASSED**

6. County Administrator Updates

A. Plan RVA — Rural Transportation Analysis

Mr. Schardein said Plan RVA was conducting a survey to examine transportation options in the county. He asked for public input regarding transportation needs and potential solutions and said the county website had a link to the survey.

Mr. Schardein added that there was a preconstruction kickoff meeting last week to plan the groundbreaking ceremony in September.

He also mentioned that there would probably be a proposal to replace the library HVAC equipment at the next meeting. Additionally, he noted that they just finished the Fighting Creek covered bridge and are working to make the trails ADA-compliant.

Lastly, he reminded everyone of Friday and Saturday's 9/11 First Responder's Day events.

7. Proclamations

Mr. Hagy read the proclamation to hereby recognize September as Suicide Prevention Month.



8. Presentations

A. Virginia Cooperative Extension Agency

Mr. John Few gave a presentation titled “Powhatan County Agriculture.” This presentation included his educational background, statistics on Powhatan’s agriculture, land use, agricultural and forestall district program revitalization, future plans & ideas, and contact information.

B. Real Estate Assessment Update

Mr. Timberlake gave a presentation that included first-half 2024 residential sales, a comparison to last year’s sales and surrounding areas, commercial market rates, recent commercial sales, and emerging trends. Mr. Powers asked for a projection on the assessments they’d be doing in terms of increase. Mr. Timberlake estimated about 3, but said they’d be doing a sale analysis across everything in September to have notices out to the public by mid-October.

9. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman McClung opened the public comment period.

[Judy Barker, 2315 Mary Goodwin Road](#), spoke about the need for additional income and growth. She asked for reasonable opportunities that would maintain the lifestyle that Powhatan citizens value. She also expressed concerns about traffic, schools, and lack of environmental/human resources.

[Mike Prendergast, 2305 Branchway Forest](#), noted the significant community interest in the Spring Branch project. He suggested that the Board hold a town hall meeting to address the high level of opposition.

[Kathy Carr](#) expressed concerns about the Spring Branch project. She asked the Board to prioritize the well-being of its residents and mentioned the importance of the county's long-term sustainability.

[Terry Adcock, 5719 Cartersville Road](#), said she was highly opposed to the Spring Branch project as a longtime realtor.



[Karen Rismeyer, 3523 Richard's Run](#), said Spring Branch did not align with the comprehensive plan. She urged the Board to act on behalf of the residents.

[Kathy Brundage, 1938 Woodberry Mill Road](#), asked the Board to listen to the citizens of Powhatan and deny the Spring Branch project.

[Laura Majeskey, 3502 Richard's Run](#), strongly opposed the Spring Branch project. She said that high-density development should not reside at the center of the county and agreed that there should be a town hall meeting.

[Michelle Stinnett, 2889 Crews Lane](#), said Powhatan's current infrastructure could not support high-density housing. She mentioned that a VDOT worker told her the Virginia standard was a five-day study, but the county was only doing a 24-hour study on Page Road. She urged the citizens on Page Road to record their own traffic data to compare to VDOT's study.

[Darlene Bowlin, 630 Petersburg Road](#), said many farms around hers had disappeared recently, which was discouraging. She urged the Board to keep the county rural and agricultural and asked it not to hurry this decision.

[Carl Schwendeman, 1727 Teresa Lane](#), asked the Board to tell the Planning Commission to solidify their zoning codes. He strongly urged the Board to require proffered sidewalks or bike paths on Route 60.

[Stephen Barham, 3492 Richard's Run](#), said the Board's most important job was to worry about the well-being of the citizens. He added that projects like Spring Branch only added stress to surrounding residents' lives. He suggested that the Board hold a town hall meeting.

Ms. Morrisette motioned to **extend** the public comment period.

Chairman McClung seconded the motion.

Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrisette voted AYE.

VOTE 5-0
MOTION PASSED



[Keith Buch, 2246 Branch Forest Way](#), strongly opposed the Spring Branch project. He went over other growth projects that are planned.

[Cindy Booten, Three Bridge Road](#), spoke strongly against high-density housing in the county. She urged the Board to deny the Spring Branch project. She added that the Board should look to Chesterfield as an example of overdevelopment and insufficient resources. She also noted that the public library needed new computers.

[Brady J. Phelps](#), was very discontent with the potential high-density housing project. He asked the Board to please their neighborhood alone.

Seeing no one else wishing to speak, Chairman McClung closed the public comment period.

10. Consent

- A. **Minutes** April 22nd, 2024, Board of Supervisors Workshop
- B. **Minutes** April 29th, 2024, Board of Supervisors Workshop
- C. **Minutes** June 24th, 2024, Board of Supervisors Regular Meeting
- D. **Minutes** July 22nd, 2024, Board of Supervisors Regular Meeting
- E. **Resolution R-2024-48** Authorizing the Execution of the 82 FY24-FY25 Goochland-Powhatan Community Services Board Performance Contract
- F. **Resolution R-2024-49** Amending the Fiscal Year 2025 Powhatan 233 County Operating Budget by Budgeting and Appropriating \$0.00 in Capital Projects Fund
- G. **Resolution R-2024-50** Amending the Fiscal Year 2025 Powhatan 235 County Operating Budget by Budgeting and Appropriating \$18,764 in General Fund
- H. **Resolution R-2024-52** Supporting Goochland County's SMART Scale 237 Application for the Route 288 Hard Shoulder Running Project

Ms. Morrissette motioned to **approve** the consent agenda as presented.

Mr. Powers seconded the motion.

Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms.

Morrissette voted AYE.

VOTE 5-0

MOTION PASSED



11. Appointments

A. Board of Zoning Appeals

Mr. Schardein said two applications had been received for the BZA vacancy.

Mr. Powers motioned to **appoint** Mr. Latham.

Mr. Kinney seconded the motion.

Mr. Donati, Mr. Kinney, and Mr. Powers voted AYE.

Chairman McClung and Ms. Morrisette voted NAY.

VOTE 3-2

MOTION PASSED

B. Economic Development Authority Board Liaison

Mr. Schardein said there was one appointment needed for a Board representative.

Mr. Kinney motioned to **appoint** Mr. Donati to the position of EDA Board Liaison.

Mr. Powers seconded the motion.

Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrisette voted AYE.

VOTE 5-0

MOTION PASSED

12. Old Business

A. FY25 CIP Project Borrowing

Mr. Schardein gave a brief overview. He explained that some projects were more time-sensitive than others, like school improvements, which could only be done in the summer. He reminded the Board that they chose to prioritize the replacement of the high school equipment, elementary HVAC system, and demolition of a wing at the Pocahontas Landmark Center.



Mr. Kyle Laux from Davenport gave a presentation on the plan of finance. This presentation included background, the interest rate environment, reinvestment rate trends, funding sources, a summary of capital projects, the plan of finance (interim financing), the existing debt profile, and a preliminary financing schedule.

Mr. Powers asked why they had planned on a three-year payment plan. Mr. Laux said it was a general estimate with some contingency built in. Mr. Powers asked about getting the projects paid off, and Mr. Laux said the county may be able to cover the cost without a tax rate increase.

Mr. Kinney asked about any timing restraints, and Ms. Schubert explained that the county would have to spend all the money within a certain time frame. She said she was unsure if the County could develop a plan before October, but they'd see what they could do.

Mr. Powers asked if the \$8.1 million would cover all the necessary equipment, even if they don't have time to install it before school. Mr. Benway, Director of Facilities for Powhatan County Public Schools, pointed out that the county was on track to complete the high school project on time. He explained that the money would cover the equipment purchase, but it's essential to consider installing things before their warranties run out. On the other hand, he noted that the county would not be able to complete the Pocahontas HVAC installation in the summer of 2025.

Mr. Powers asked why Mr. Laux thought the County should work with the EDA. Mr. Powers said the EDA was a legal conduit issuer that allowed each county to borrow money through a different act under Virginia law.

Mr. Powers said the Board needed more guidance and information from the schools.

13. New Business

- A. Resolution R-2024-51** Amending the Fiscal Year 2025 Powhatan 299 County Operating Budget by Budgeting and Appropriating \$182,336 in School Fund



Mr. Schardein gave a brief overview. Dr. Teigen then went over the history of the school's funding and improvements.

Mr. Kinney motioned to **approve** Resolution R-2024-51.

Mr. Powers seconded the motion.

Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrissette voted AYE.

VOTE 5-0
MOTION PASSED

B. SAFER Grant

Mr. Schardein gave a brief overview. Chief Warner presented the plan for the department's SAFER grant.

Mr. McClung was impressed with the department's accomplishments.

Mr. Kinney motioned to **accept** the SAFER grant.

Mr. Powers seconded the motion.

Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrissette voted AYE.

VOTE 5-0
MOTION PASSED

C. Discussion of Route 60 Development Standards (Requested by Supervisor Powers)

Mr. Schardein and Mr. Powers gave a brief overview.

Mr. Powers motioned to **initiate** and **refer** to the Planning Commission for its amendment recommendations to the county's development standards to further enhance setback, landscaping, buffering, and parking location on Route 60, Route 522, and Route 711 at the December regular meeting.

Mr. Donati seconded the motion.



Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrissette voted AYE.

VOTE 5-0
MOTION PASSED

D. Discussion of Route 60 Turning Lane (Requested by Supervisor Powers)

Mr. Schardein gave a brief overview.

Mr. Kinney motioned to **initiate** and **refer** to the Planning Commission for its amendment recommendations to the county's development standards to require turn lanes and tapers for new development along primary highways within 100 days.

Mr. Powers seconded the motion.

Chairman McClung, Mr. Donati, Mr. Kinney, Mr. Powers, and Ms. Morrissette voted AYE.

VOTE 5-0
MOTION PASSED

14. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman McClung opened the public comment period.

[Bruce Freer, 3744 Archie Way](#), spoke against the high-density project proposal and asked if the citizens could vote on it themselves.

[Carl Schwendeman, 1727 Teresa Lane](#), asked if the Board could vote to reinstate a sidewalk between South Creek High School and Food Lion in the transportation master plan.

[Cindy Booten, Three Bridge Road](#), emphasized how strongly the citizens wanted to keep the county rural.



[Tammy Seav](#), said there were many lawsuits against the schools. She suggested that the Board ask the schools for a complete breakdown of each purchase and expressed several concerns about them.

[Carolyn Covington, Academy Road](#), said anyone wanting to live in Powhatan could wait and save for a normal house. She suggested that high-density housing would attract more families than people estimated.

[Rebecca Worley, VDOT](#), said the Board had complied with VDOT's regulations for traffic counts.

[Don Rissmeyer, 3523 Richard's Run](#), said he had several meetings with Mr. Powers about water and sewer. He explained the details of the petition against the project. He reminded the Board that the project was not appropriate for this zoning designation. He urged the Board to talk to the community.

Seeing no one else wishing to speak, Chairman McClung closed the public comment period.

15. County Administrator Comments

Mr. Schardein reminded everyone of the 9/11 First Responders memorial events on September 14th.

16. Board Comments

Mr. Donati thanked everyone for their comments.

Mr. Kinney said he would hold a general-topic town hall on September 10th at the Village building from 6:30 to 8:00 PM.

Mr. Powers said assumptions had been made about his honesty. He clarified that he had no conflict of interest with the proposed project. He then pointed out that the company's owners were from Powhatan.

Chairman McClung thanked everyone who spoke during the meeting.

17. Adjournment

Chairman McClung adjourned the meeting.

POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
AUGUST 26th, 2024



Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

<i>Bill A. Donati Jr.</i>	
<i>Steve W. McClung</i>	
<i>Robert W. Powers</i>	
<i>Mark A. Kinney</i>	
<i>Denise L. Morrissette</i>	



Powhatan County Board of Supervisors Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **Resolution R-2024-53** Fixing Calendar Year 2025 Business Personal Property Tax Rate for Data Center Equipment

Motion: Move to approve Resolution R-2024-53 as presented

Dates Previously
Considered by Board: N/A

Summary of Item: Data centers are a growing industry in the Central Virginia region. For Powhatan County to be a viable location, there must be a business personal property rate and equipment depreciation schedule that is competitive within the region. The County proposes to adopt a business personal property tax rate specifically for data center equipment. In 2017 Henrico County lowered their rate to \$0.40 per \$100 of assessed value. In 2019 Chesterfield County lowered their rate to \$0.24. Hanover has a rate of \$0.45. Goochland has a rate of \$0.40.

Personal property taxes are based on the calendar year in Powhatan County, with twice-a-year billing in June and November. The 2024 rates were set in March and the books have been turned over to the Treasurer for billing. For 2025, it is desired to establish a separate, lower, business personal property tax rate for data center equipment as allowed by Virginia Code Section 58.1-3506(A)(43).

Notice and a public hearing are required only prior to a tax rate increase. The attached resolution approves a lower rate for data center equipment in Calendar Year 2025 than the Board has set for Calendar Year 2024, therefore no notice or public hearing is required.

Staff: Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: None, as there are currently no data centers located in the County

Attachments: Resolution R-2024-53

Staff/Contact: Bret Schardein, County Administrator, (804) 598-3639 bschardein@powhatanva.gov
Charla W. Schubert, Director of Finance, (804) 598-5780, cschubert@powhatanva.gov
Jamie Timberlake, Commissioner of the Revenue, jtimberlake@powhatanva.gov

**RESOLUTION R-2024-53
FIXING CALENDAR YEAR 2025 PERSONAL PROPERTY TAX RATE
FOR DATA CENTER EQUIPMENT**

WHEREAS, the Powhatan County tax levy for calendar year 2024 business personal property was adopted by resolution on March 25, 2024, at the rate of \$3.60 per \$100.00 of assessed value; and

WHEREAS, the Board of Supervisors desires to ensure continued effective fiscal management and the ability to meet the ongoing financial obligations of Powhatan County; and

WHEREAS, the Board of Supervisors desires to establish a separate, lower business personal property tax rate for data center equipment for calendar year 2025 as permitted by Virginia Code Section 58.1-3506(A)(43); and

WHEREAS, pursuant to Virginia Code Section 58.1-3007, notice and a public hearing are required before any local tax levy shall be increased in any county, and therefore no notice or public hearing is required.

NOW, THEREFORE, BE IT RESOLVED, the Powhatan County Board of Supervisors does hereby approve a business personal property tax rate for calendar year 2025 for data center equipment qualifying under Virginia Code Section 58.1-3506(A)(43) at the rate of \$0.40 per \$100.00 of assessed value in accordance with the following depreciation schedule adopted by the Commissioner of the Revenue under Virginia Code Section 58.1-3503(B):

Year 1	50% of original cost
Year 2	30% of original cost
Year 3	20% of original cost
Year 4	10% of original cost
Year 5	10% of original cost.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
SEPTEMBER 23, 2024.**

Steve M. McClung, Chair
Powhatan County Board of Supervisors

Recorded Vote:

<i>William Donati, Jr</i>	_____
<i>Steve McClung</i>	_____
<i>Robert Powers</i>	_____
<i>Mark Kinney</i>	_____
<i>Denise Morrissette</i>	_____

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors



Powhatan County Board of Supervisors Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **Resolution R-2024-55** Amending the Fiscal Year 2024 Powhatan County Operating Budget by Budgeting and Appropriating \$38,542.58 in Utilities Capital Projects Fund

Motion: Move to approve Resolution R-2024-55

Dates Previously Considered by Board: N/A

Summary of Item: During the FY2024 CIP process the Board of Supervisors approved the purchase of a vehicle for the Utilities department. The vehicle was budgeted and appropriated in the Capital Projects fund. The vehicle should have been budgeted and appropriated in the Utilities Capital Projects fund. The funds need to be moved from the Capital Projects fund to the Utilities Capital Projects fund and this resolution appropriates these funds.

Staff: X Approve Disapprove See Comments

Commission/Board: N/A Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$0 net impact. This moves \$38,542.58 in previously budgeted funds to a different budget line.

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, cschubert@powhatanva.gov

**RESOLUTION
AMENDING THE FISCAL YEAR 2024 POWHATAN COUNTY OPERATING BUDGET
BY BUDGETING AND APPROPRIATING \$38,542.58 IN UTILITIES CAPITAL
PROJECTS FUND**

WHEREAS, on May 1, 2023, the Powhatan County Board of Supervisors adopted Resolution R-2023-21, which adopted the Fiscal Year 2024 Powhatan Operating Budget in the amount of \$152,761,319 and on May 22, 2023 the Powhatan County Board of Supervisors adopted Resolution R-2023-22 in the amount of \$998,824 for a total FY 2024 Powhatan Operating budget of \$153,760,143 ; and

WHEREAS, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

WHEREAS, the amendment of the budget in this resolution in the amount of \$38,542.58 (0.0252%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

NOW, THEREFORE, BE IT RESOLVED that the FY 2024 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

CAPITAL PROJECTS FUND

REVENUES

Transfer from General Fund	301-20-41050-0100	\$	(38,542.58)
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EXPENDITURES

County Vehicles	301-10-12500-8302	\$	(38,542.58)
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UTILITIES CAPITAL PROJECTS FUND

REVENUES

Transfer from General Fund	502-20-41050-0100	\$	38,542.58
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EXPENDITURES

Vehicles	502-40-42000-0001	\$	38,542.58
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**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
SEPTEMBER 23, 2024.**

ATTEST:

**Bret Schardein, County Administrator
Powhatan County Board of Supervisors**

**Steve W. McClung, Chairman
Powhatan County Board of Supervisors**

Recorded Vote:

<i>William Donati, Jr.</i>	
<i>Steve W. McClung</i>	
<i>Robert Powers</i>	
<i>Mark Kinney</i>	
<i>Denise Morrissette</i>	



Powhatan County Board of Supervisors Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **Resolution R-2024-56** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$377,248.37 for School Grants

Motion: Move to approve Resolution R-2024-56

Dates Previously
Considered by Board: N/A

Summary of Item: The schools receive various federal grants each year. The grants allow for any remaining amount unspent to be carried over to the next fiscal year. This resolution appropriates these funds.

Staff: X Approve Disapprove See Comments

Commission/Board: N/A Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$377,248.37 in federal grant funds

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, cschubert@powhatanva.gov

RESOLUTION
AMENDING THE FISCAL YEAR 2025 POWHATAN COUNTY OPERATING BUDGET
BY BUDGETING AND APPROPRIATING \$377,248.37 FOR SCHOOL GRANTS

WHEREAS, on April 29, 2024, the Powhatan County Board of Supervisors adopted Resolution R-2024-30, which adopted the Fiscal Year 2025 Powhatan Operating Budget in the amount of \$152,460,081; and

WHEREAS, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

WHEREAS, the amendment of the budget in this resolution in the amount of \$377,248.37 (0.240%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

NOW, THEREFORE, BE IT RESOLVED that the FY 2025 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

SCHOOL FUND

REVENUES

Vocational Education	205-18-33020-0024	\$	1,733.82
Title I	205-18-33020-0010		108,846.42
Title II	205-18-33020-0026		49,610.57
Title IV	205-18-33010-0004		38,305.06
Title VI-B	205-18-33020-0019		70,609.67
Preschool - Special Education	205-18-33020-0035		3,929.74
McKinney Vento - ARP	205-18-33010-0007		5,758.63

EXPENDITURES

Instruction	205-60-61000-0001	\$	5,758.63
Instruction - Title I	205-60-61000-0002		108,846.42
Instruction - Title II	205-60-61000-0007		49,610.57
Instruction - Perkins	205-60-61000-0004		1,733.82
Instruction - Title IV	205-60-61000-0003		38,305.06
Special Education 611	205-60-61000-0008		70,609.67
Special Education 619	205-60-61000-0009		3,929.74

SCHOOL GRANTS FUND

REVENUES

ESSER III	208-18-33010-0002	\$	61,787.62
ESSER III - Unfinished Learning	208-18-33010-0003		681.76
ESSER III - Before & After	208-18-33010-0004		25,349.08
ESSER III - RARS	208-18-33010-0009		10,636.00

EXPENDITURES

ESSER Grant III Expenses	208-60-61000-0002	\$	98,454.46
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**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
SEPTEMBER 23, 2024.**

ATTEST:

**Bret Schardein, County Administrator
Powhatan County Board of Supervisors**

**Steve W. McClung, Chairman
Powhatan County Board of Supervisors**

Recorded Vote:

<i>William Donati, Jr.</i>	
<i>Steve W. McClung</i>	
<i>Robert Powers</i>	
<i>Mark Kinney</i>	
<i>Denise Morrissette</i>	



Powhatan County Board of Supervisors Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **Resolution R-2024-57** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$658,764 in Grants Fund

Motion: Move to approve Resolution R-2024-57

Dates Previously
Considered by Board: N/A

Summary of Item: The County budgeted for a Tobacco Use Prevention grant in the FY25 budget process based on what was requested. The state awarded the County \$6,000 more for this grant. The County was also awarded for the 3rd time in a row a Firefighter Recruitment and Retention grant. The grant was awarded in the amount of \$652,764 with no local match needed. This resolution appropriates these funds.

Staff: X Approve Disapprove See Comments

Commission/Board: N/A Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$658,764 in grant funds

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, cschubert@powhatanva.gov

**RESOLUTION
AMENDING THE FISCAL YEAR 2025 POWHATAN COUNTY OPERATING BUDGET
BY BUDGETING AND APPROPRIATING \$658,764 IN GRANTS FUND**

WHEREAS, on April 29, 2024, the Powhatan County Board of Supervisors adopted Resolution R-2024-30, which adopted the Fiscal Year 2025 Powhatan Operating Budget in the amount of \$152,460,081; and

WHEREAS, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

WHEREAS, the amendment of the budget in this resolution in the amount of \$658,764 (0.418%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

NOW, THEREFORE, BE IT RESOLVED that the FY 2025 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

GRANTS FUND

REVENUES

Tobacco Use Prevention Grant	116-17-24020-0006	\$	6,000.00
SAFER Grant	116-18-33010-0013		652,764.00

EXPENDITURES

Tobacco Use Prevention Grant	116-70-71110-0001	\$	6,000.00
SAFER Expenses	116-32-32200-0010		652,764.00

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
SEPTEMBER 23, 2024.**

ATTEST:

**Bret Schardein, County Administrator
Powhatan County Board of Supervisors**

**Steve W. McClung, Chairman
Powhatan County Board of Supervisors**

Recorded Vote:

<i>William Donati, Jr.</i>	
<i>Steve W. McClung</i>	
<i>Robert Powers</i>	
<i>Mark Kinney</i>	
<i>Denise Morrissette</i>	



Powhatan County Board of Supervisors Agenda Item

Meeting Date: June 27, 2024

Agenda Item Title: **Resolution R-2024-58** Authorizing the County Administrator to execute a contract with SKA Consulting Engineers for on-call roof consulting services.

Motion: Move to approve Resolution R-2024-58

Dates Previously
Considered by Board: N/A

Summary of Item: The County issued a Request for Proposals for on-call roof consultant services and would like to award a contract to SKA Consulting Engineers. An on-call roof consultant assists the County ensure the oversight and maintenance of County buildings. The contract will allow for regular inspections and preventive measures, helping avoid or anticipate costly repairs and extend the lifespan of roofs. The consultant's expertise ensures that any issues are identified early.

In emergency situations, such as roof damage from severe weather, an on-call roof consultant provides immediate assessment and guidance, ensuring timely and effective repairs. On-call arrangements offer cost efficiency by providing access to specialized knowledge without the need for dedicated staff. It ensures consistent quality control across projects and reduces liability risks, allowing the County to manage roofing projects and repairs in a responsible and professional manner.

Staff: N/A Approve ___ Disapprove ___ See Comments

Commission/Board: N/A Approve ___ Disapprove ___ See Comments

Comments: None

Budget/Fiscal Impact: Up to \$200,000

Attachments: Resolution

Staff/Contact: Will Hagy, Deputy County Administrator, 804-892-4804, whagy@powhatanva.gov

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

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SKA CONSULTING ENGINEERS FOR ON-CALL ROOF CONSULTING SERVICES

WHEREAS, the County has determined the need for professional roof consulting services to assist in maintain and overseeing roof repairs, replacements, and preventative maintenance for County buildings and facilities; and

WHEREAS, SKA Consulting Engineers has been identified as a qualified provider of on-call roof consulting services through the County’s competitive procurement process; and

WHEREAS, the proposed contract with SKA Consulting Engineers is for a term of five (5) years, with annual reviews to evaluate performance, service quality, and the ongoing needs of the County; and

WHEREAS, the County Administrator has reviewed the need for this contract and recommends proceeding with the necessary negotiations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Powhatan County, Virginia, that:

1. The County Administrator is hereby authorized to negotiate and execute a contract with SKA Consulting Engineers for on-call roof consulting services, once the terms and conditions of the contract have been finalized and approved as to form by the County Attorney, for a period of five (5) years with annual reviews.
2. The contract shall include terms ensuring that the services provided by SKA Consulting Engineers meet the County’s standards and expectations, and the County Administrator is authorized to finalize any details necessary to complete the agreement.
3. The County Administrator, or designee, is further authorized to take any actions necessary to facilitate the negotiation, execution, and implementation of the contract, ensuring that all provisions comply with County requirements.
4. This resolution shall take effect immediately upon its adoption.

Bret Schardein, Clerk

Powhatan County Board of Supervisors

Steve McClung

Powhatan County Board of Supervisors

Recorded Vote:	
<i>William Donati, Jr</i>	
<i>Steve McClung</i>	
<i>Robert Powers</i>	
<i>Mark Kinney</i>	
<i>Denise Morissette</i>	

RESOLUTION

Resolution Amending the Board of Supervisors’ 2024 Meeting Schedule

WHEREAS, the Powhatan County Board of Supervisors wishes to amend the schedule of its meetings for the remainder of 2024 as well as January of 2025 in accordance with Virginia Code § 15.2-1416; and

WHEREAS, The Board of Supervisors wishes to add an additional Workshop to be held October 17th at 3pm in the Conference Room of the Village Building; and

WHEREAS, The Board of Supervisors wishes to move the 2025 Organizational Meeting, previously scheduled for January 20th, 2025 to January 27th, 2025; and

WHEREAS, the Board of Supervisors has considered the attached revised schedule and finds it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED the Powhatan County Board of Supervisors adopts the attached revised schedule with all meetings held in the Village Building at 3910 Old Buckingham Road, Powhatan Virginia, unless otherwise noted.

ADOPTED SEPTEMBER 23, 2024 BY THE POWHATAN COUNTY BOARD OF SUPERVISORS

Bret Schardein, Clerk

Powhatan County Board of Supervisors

Steve McClung, Chairman

Powhatan County Board of Supervisors

Recorded Vote:	
<i>William Donati, Jr</i>	
<i>Steve McClung</i>	
<i>Robert Powers</i>	
<i>Mark Kinney</i>	
<i>Denise Morissette</i>	



2024 Powhatan County Board of Supervisors Meeting Schedule

As of September 23, 2024

- Board of Supervisors Meeting
- Budget Workshops
- Holiday
- Joint BOS SB Meetings
- Special Meeting
- Proposed Workshops

BOS Meeting Location:
 The Village Building
 3910 Old Buckingham Road
 Powhatan, VA 23139

Holidays & Observances

- January 1 New Year's Day (obs)
- January 15 Martin Luther King
- February 19 President's Day
- May 27 Memorial Day
- June 19 Juneteenth
- July 4 Independence Day
- September 2 Labor Day
- October 14 Columbus Day
- November 5 Election Day
- November 11 Veteran's Day
- November 27* 4 hours additional
- November 28 Thanksgiving Day
- November 29 Day after Thanksgiving
- December 24* 8 hours additional
- December 25 Christmas Day

JANUARY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

MARCH						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Powhatan County Board of Supervisors 2024 Meeting Dates

All Meetings and Workshops will be held in the Village Building *unless noted*

Date	Day	Time	Event
1/8/2024	Monday	6:00PM	Special Meeting - Organizational
1/22/2024	Monday	6:00PM	Regular Meeting/ RE and PP update
2/22/2024	Thursday	3:00PM	Workshop - Discuss Departmental Requests and Tax Rates
2/26/2024	Monday	6:00PM	Regular Meeting/CA Recommended Budget Release and Discuss Tax Rates
3/7/2024	Thursday	3:00PM	Budget W/S: Introduce Financial Forecast, budget presentation, and School budget presentation
3/14/2024	Thursday	3:00PM	Budget Workshop: Discuss Departmental Budgets
3/18/2024	Monday	3:00PM	Budget Workshop: Discuss CIP and Personnel
3/25/2024	Monday	6:00PM	Regular Meeting - Public Hearing on RE Tax Rate and Adopt PP Tax Rates
3/28/2024	Thursday	3:00PM	Budget Workshop: Discuss Budget Scenerios/ Decide What Budget to Advertise
4/22/2024	Monday	6:00PM	Budget W/S: Public Hearing on Budget and fee schedule
4/29/2024	Monday	6:00PM	Regular Meeting: Adopt the FY 2025 Budget and CIP
5/9/2024	Thursday	3:00PM	Workshop (tentative)
5/20/2024	Monday	6:00PM	Regular Meeting
6/13/2024	Thursday	3:00PM	Workshop (tentative)
6/24/2024	Monday	6:00PM	Regular Meeting
7/22/2024	Monday	6:00PM	Regular Meeting (to include draft Legislative Agenda)
8/15/2024	Thursday	3:00PM	Workshop (tentative)
8/26/2024	Monday	6:00PM	Regular Meeting
9/12/2024	Thursday	3:00PM	Workshop (tentative)
9/23/2024	Monday	6:00PM	Regular Meeting
10/10/2024	Thursday	3:00PM	Joint Workshop with School Board and Legislators (<i>held at PLC-4201 Anderson Highway</i>)
10/17/2024	Thursday	3:00PM	Workshop
10/28/2024	Monday	6:00PM	Regular Meeting
11/18/2024	Monday	6:00PM	Regular Meeting
12/16/2024	Monday	6:00PM	Regular Meeting
1/27/2025	Monday	6:00PM	Regular Meeting (Inc. Organizational Meeting)



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: Case 24-02-REZ: LC West LLC (District #1 Subletts/Manakin/Flat Rock) requesting to rezone three contiguous parcels totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1). The parcels are identified on Powhatan County’s Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 contains an existing dwelling addressed as 1318 Page Road. The 2021 Comprehensive Plan designates the subject properties as Gateway Business and Economic Opportunity. This application is being heard in conjunction with 24-03-CUP: LC West LLC requesting a conditional use permit (CUP) to exceed the 45-foot height limitation for principal structures in the Light Industrial (I-1) zoning district.

Summary of Item: The Board is requested to hold a public hearing and vote on the applicant’s request to rezone 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1), with proffered conditions, to construct a data center development.

Draft Motions: **Approve:** Move to approve rezoning Case 24-02-REZ for 119.9 acres on Page Road from Agriculture-10 (A10) to Light Industrial (I-1), with proffered conditions, (as presented / as amended).

Deny: Based on the information in the staff report and from the public hearing, I move the Board of Supervisors deny rezoning Case 24-02-REZ for 119.9 acres on Page Road from Agriculture-10 (A10) to Light Industrial (I-1), with proffered conditions, on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, or good zoning practice, and _____.

Dates Previously Considered by Board: None

Staff Recommendation: _____ Approve _____ Deny _____ See Comments

Planning Commission Recommendation: _____ Approve X Deny _____ See Comments

Attachments: Ordinance
Staff Report with Attachments

Staff/Contact: Ligon Webb, Planning Director
(804) 598-5621 x 2006
Lwebb@powhatanva.gov



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **24-03-CUP: LC West LLC** (District #1 Sublett/Manakin/Flat Rock) requesting a conditional use permit (CUP) to exceed the 45-foot height limitation for principal data center structures. The parcels are identified on Powhatan County’s Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 contains an existing dwelling addressed as 1318 Page Road. This application is being heard in conjunction with 24-02-REZ: LC West LLC requesting to rezone three contiguous parcels totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1), with proffered conditions.

Summary of Item: The Board is requested to hold a public hearing and vote on this request for a conditional use permit (CUP) to allow data center buildings and substation components to be constructed up to 75 feet in height, with an overall maximum height of 90’ including accessory rooftop equipment and screening, within Land Bays 1, 2, and 3 as shown on the "Page Road Conceptual Land Bay Plan" prepared by Dewberry, dated August 5, 2024.

Draft Motion: **Approve:** Move to approve conditional use permit 24-03-CUP to allow increased height for data center buildings and equipment on Page Road subject to the imposed conditions, as presented.

Deny: Based on the information in the staff report and from the public hearing, I move the Board deny conditional use permit 24-03-CUP to allow increased building height for data center structures on Page Road on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, or good zoning practice, and _____.

Dates Previously Considered by Board: None

Staff Recommendation: _____ Approve _____ Deny _____ See Comments

Planning Commission Recommendation: _____ Approve X Deny _____ See Comments

Attachments: Ordinance
Staff Report with Attachments

Staff/Contact: Ligon Webb, Planning Director
(804) 598-5621 x 2006
Lwebb@powhatanva.gov



Case #24-02-REZ: LC West LLC

Case #24-03-CUP: LC West LLC

Staff Report Prepared for the Board of Supervisors

Submitted by Ligon Webb, Director of Planning

Staff Report Prepared on September 16, 2024

I. PUBLIC HEARINGS

Planning Commission
Board of Supervisors

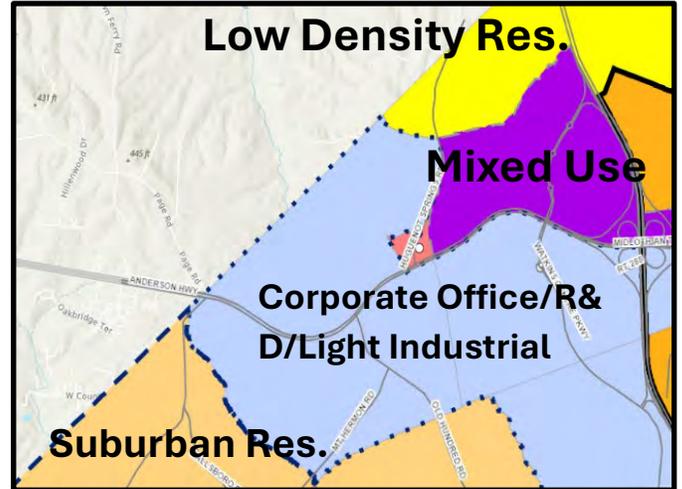
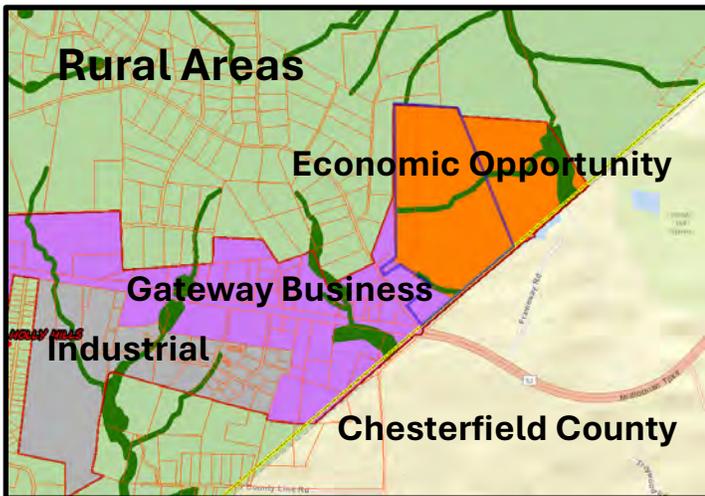
August 6, 2024
September 23, 2024

Public Hearing
Public Hearing

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Request	Rezone to Light Industrial (I-1) & CUP to Exceed Height Limitation
Existing Zoning	Agricultural 10 (A-10)
Parcel Size	119.9 +/- acres (three parcels)
Parcel Tax Map	43-61, 43-64, & 43-64E
Open Space/Lot Coverage	A minimum 20 percent of the 119.9-acre site would remain undeveloped/open space (i.e., conservation areas, natural buffers, and existing easements) and buildings can only cover 50 percent of each lot's total area.
Applicant	LC West LLC
Owner	New County Line Farm LLC
Location of Property	1318 Page Road
Electoral District	District 1

2021 Future Land Use Plan	Economic Opportunity, Gateway Business, Natural Conservation
Adjacent Zoning/2021	North: A-10/Rural Areas
Future Land Use Plan	South: Agricultural, Corporate Office/Research & Development/Light Industrial/Specific Master Planned (Chesterfield County) East: Rural Areas & Economic Opportunity West: Gateway Business & Rural Areas



III. EXECUTIVE SUMMARY

The applicant, LC West LLC, has applied to rezone 119.9 acres (“the site” or “the parcels”), composed of three different parcels, from Agricultural 10 (A10) to Light Industrial (I-1) to develop data centers on the site. In the I1 zoning district, a “data center” is permitted use by right. The County’s zoning ordinance defines a data center as follows: *Data center means an establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as telecommunications and storage systems) for data processing and storage, web hosting, application hosting, streaming services, and related services. This use includes a server farm, telecom hotel, carrier hotel, telco hotel, Telehouse colocation center, or any other term applicable to facilities which are used for these specified purposes.*

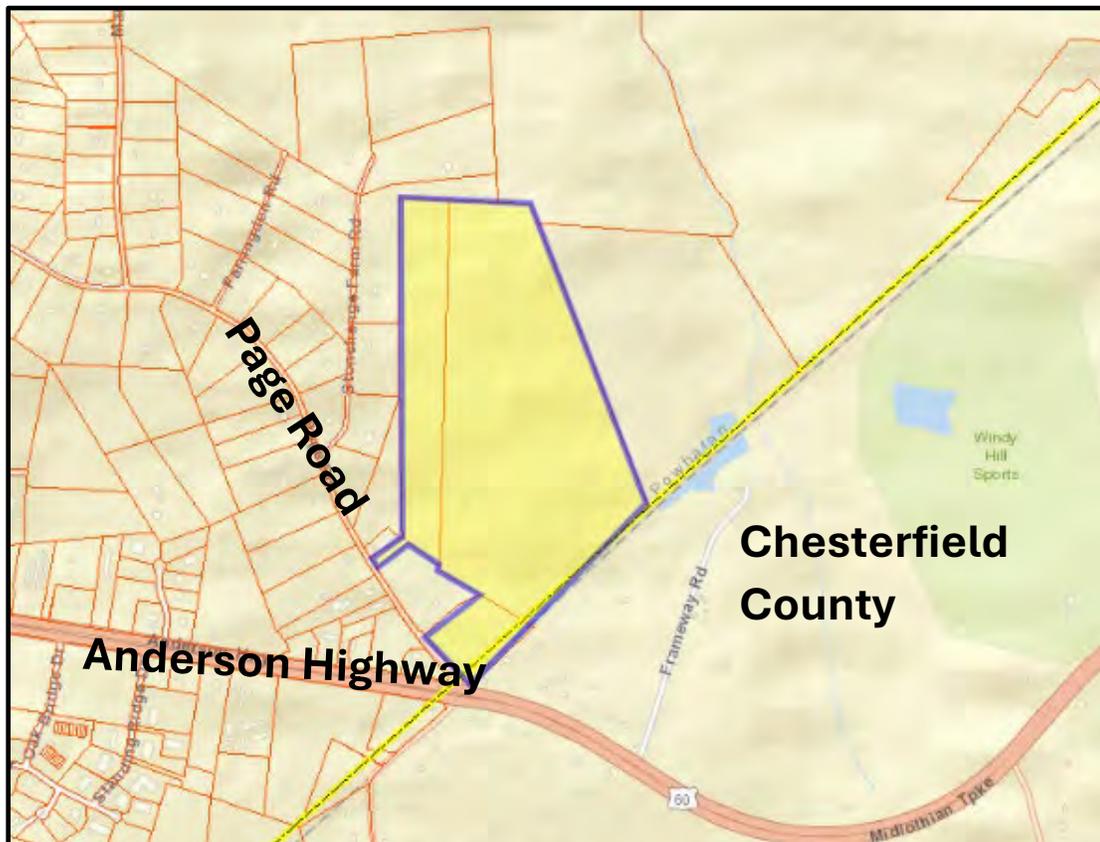
In addition, the applicant has applied for a conditional use permit (CUP), per section 83-250 (light industrial), C (intensity and dimensional standards), to allow for the data center structures to exceed the 45-foot height limitation; if the CUP is approved, the structures height limitation would be 75 feet, and per section 83-531 of the zoning ordinance certain roof mounted equipment (i.e., HVAC, antennas) may exceed 75 feet.

As proposed, the site would contain three (3) detached data center structures containing a combined floor area of 1,525,000 million square feet. The site would also contain additional supporting structures as described in proffer number six (6) of the applicant’s submitted proffer statement. At full capacity, it is anticipated the data centers would use approximately 300 MW of electricity from the electrical grid. The site would be served by Dominion Energy (“Dominion”) and a “will serve” letter for the proposed data center has been provided to the County (**see Attachment 2**).

If approved, the project build-out is expected to take at-minimum five years.

IV. PROPERTY DESCRIPTION

The subject properties are located to the immediate east of Page Road (Rt. 675) near the intersection of Page Road and Anderson Highway (US 60). A portion of TM 43-64, and the western property line of TM 43-64E, adjoin Page Road. The southern portions of TM 43-64E and 43-61 directly border Chesterfield County.



V. EXISTING CONDITIONS

The property features a diverse range of physical and land use characteristics that are pivotal in understanding its current state and potential for future development. It currently contains a single existing dwelling, addressed as 1318 Page Road, accessed via a private driveway connecting to Page Road. If this rezoning is approved, the dwelling would be removed.

Additionally, a Dominion Energy transmission line bisects the property, occupying a 100-foot easement. The land itself is a mix of open fields and undeveloped areas, with approximately 60 percent covered in woodland and forest. The property is also the location of two intermittent streams. While there are no identified flood zone areas, County code requires a 50-foot riparian buffer from both sides of the streams' banks, totaling a 100-foot non-developed riparian buffer.

Visuals



Surrounding Land Use

West: To the west of the property, there are numerous parcels developed with single-family dwellings.

North, East, and South: The properties to the north, east, and south are larger, mostly undeveloped lots.

Transportation/Roads/Access

Anderson Highway (US 60) within the identified study area is a four-lane divided roadway, listed as a Principal Arterial on VDOT's Functional Classification Map. It has an east-west alignment and a posted speed limit of 55 mph. According to published VDOT traffic data, this section of Anderson Highway (US 60) currently carries an average of 36,000 vehicles per day.

Page Road within the identified study area is a two-lane undivided roadway, listed as a Major Collector on VDOT's Functional Classification Map. It has a north-south alignment and a posted speed limit of 35 mph. According to published VDOT traffic data, this section of Page Road currently carries an average of 1,200 vehicles per day.

County Line Road within the identified study area is a two-lane undivided and unmarked roadway, listed as a Local Road on VDOT's Functional Classification Map. It has a north-south alignment and a posted speed limit of 45 mph. According to published VDOT traffic data, this section of County Line Road currently carries an average of 710 vehicles per day.

Traffic Accidents

In 2023, the section of Anderson Highway (U.S. 60) between the county line with Chesterfield County and Holly Hills Road (approximately 1.4 miles) experienced 11 vehicle accidents, none of which resulted in serious injuries. In 2022, the same segment of Anderson Highway saw 6 vehicle accidents, one of which involved a serious injury but was nonfatal.



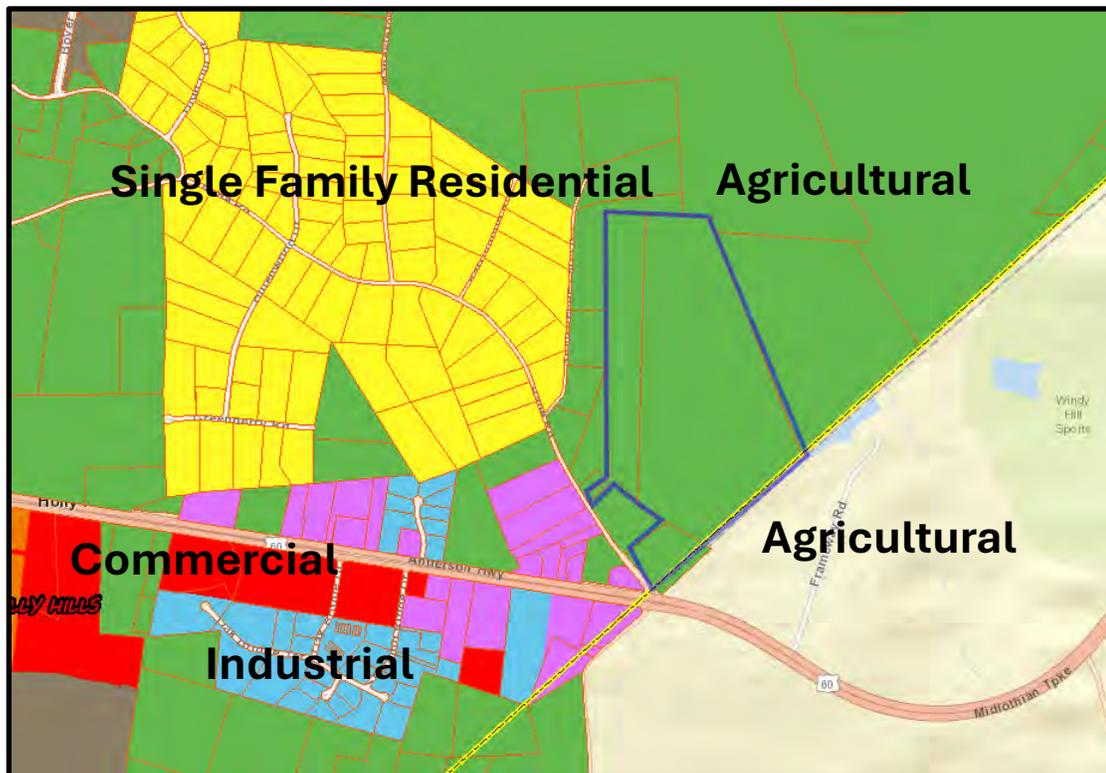
Summary

The property exhibits a blend of residential, agricultural, and natural land use characteristics. The existing dwelling, substantial wooded areas, open fields, and the Dominion Energy transmission line define the current state of the property. The surrounding land uses include single-family residential uses to the west and larger underdeveloped uses to the north, east, and south. Understanding these existing conditions is essential for informed decision-making regarding the rezoning and future development of the property.

VI. LAND USE ANALYSIS

Site Zoning and Nearby Zoning

The subject parcels are zoned Agricultural 10 (A-10); adjoining parcels to the west, east, and north are also zoned A10. Parcels to the south (located in Chesterfield County) are zoned agricultural.



Site Plan Requirements

If this rezoning is approved, the following items would be subject to administrative review as part of an official Site Plan submittal:

- Access and circulation (Section 83-451)
- Off-Street Parking (Section 83-455)
- Tree Protection (Section 83-460)
- Landscaping and Buffering (Section 83-461)
- Screening (Section 83-465)

- Fences and Walls (Section 83-466)
- Exterior Lighting (Section 83-469)
- Open Space (Section 83-470)
- Environmental Protections/Riparian Buffers (Section 83-470)

Intensity and Dimensional Standards in Light Industrial (I-1) Zoning (Section 83-250, C.)

Minimum Lot Area	N/A
Minimum Lot Width	N/A
Maximum Density	N/A
Maximum Lot Coverage	50 percent
Maximum Structure Height	45 feet (may be increased via CUP)
Maximum Front Yard Depth	75 feet (fronting US 60), 25 feet front property line
Side and Rear Yard Depth	25 feet side property lines

Off Street Parking and Loading (Section 83-455)

Industrial service uses, specifically "commercial industrial services," require 1 parking space per 500 square feet of building area. Therefore, a total of 1,525,000 square feet of building area would necessitate 3,050 parking spaces. However, since data centers are generally less labor-intensive, the proposed data centers at full build-out would employ (up to) 200 individuals, which would likely be spread out over two or three shifts in a 24-hour period.

Because the zoning ordinance does not provide specific off-street parking requirements for data centers, the applicant has proffered (proffer 11 h.) off-street parking to accommodate the maximum number of employees per shift, to also include handicapped and loading spaces. An alternative parking plan will be submitted with the official Site Plan, in accordance with section 83-455 (Off-Street Parking and Loading), subsection (g) (Off-Street Parking Alternatives), (1) (General; alternative parking plan) of the zoning ordinance. The alternative parking plan must be approved by the Planning Director.

VII. PUBLIC SERVICE ANALYSIS (Review by County Departments and State Agencies)

Building Official

Under the Virginia Uniform Statewide Building Code (VUSBC), a data center building would typically fall under the "Business Group B" use category. This classification is appropriate for buildings used for business transactions, the storage of records and accounts, and similar functions. Data centers, which house servers and provide data storage and processing services, align with this category due to their commercial and industrial nature focused on information technology services. Buildings classified under

Business Group B must adhere to specific safety measures to ensure the safety and welfare of occupants. These measures include:

Based on the proposed overall size of the structures, a Type I construction would be required unless each building is divided by fire walls that would limit each fire area's size for other types of construction.

The applicant will likely be asking for a code modification for the use of a gas type suppression system as an alternative to the required water suppression system due to the electronics located within the building. The Fire Marshal and Building Official had a previous meeting regarding the proposed gas type suppression system, and it was determined that we would need a performance-based approach engineered and sized to provide adequate protection.

There is an exception for the manual fire alarm boxes mentioned below which reads: "Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow."

The section regarding emergency backup power would be limited to the exit signs and egress lights, along with the fire alarm panel. These can operate on battery backup when designed accordingly and do not require a generator type backup power supply. If smoke control systems are required, standby power will then be required as part of the design.

This project will require the plans to be designed and stamped/sealed by an engineer licensed in the State of Virginia. The plan review and inspections are being proposed to be completed by an independent third-party agency not associated with the project. The county does reserve the right to perform inspections and site visits throughout the construction process once a permit has been issued.

Public Safety Communications

The building(s) should include an in-building emergency communications system, also known as a bi-directional antenna (BDA) system for a distributed antenna system (DAS), if public safety wireless communications systems are deemed inadequate for the building.

According to the Virginia Statewide Fire Prevention Code and the Virginia Construction Code, new buildings in Virginia must either provide such a system or conduct an acceptable test demonstrating adequate coverage just prior to building occupancy. Additionally, compliance with the National Fire Alarm Code (NFPA 72) may be required to ensure that emergency communication systems meet all necessary standards and provide effective coverage throughout the building. See Statewide Fire Prevention Code:

SECTION 510

MAINTENANCE OF IN-BUILDING EMERGENCY COMMUNICATION EQUIPMENT

510.1 General. In-building emergency communication equipment shall be maintained in accordance with USBC and the provisions of this section.

510.2 Additional in-building emergency communications installations. If it is determined by the locality that increased amplification of their emergency communication system is needed, the building owner shall allow the locality access as well as provide appropriate space within the building to install and maintain necessary additional communication equipment by the locality. If the building owner denies the locality access or appropriate space, or both, the building owner shall be responsible for the installation and maintenance of these additional systems.

510.3 Field tests. After providing reasonable notice to the owner or the owner's representative, the fire official, police chief, or their agents shall have the right during normal business hours, or other mutually agreed upon time, to enter onto the property to conduct field tests to verify that the required level of radio coverage is present at no cost to the owner.

Department of Public Works

Typical daily water usage in the Flat Rock Area Water System fluctuates between 150,000 and 170,000 gallons per day. The system has a water capacity of 572,000 gallons per day, purchased from Chesterfield County. The proposed data center estimates a daily usage of 100,000 gallons of water per day. The system can supply the necessary water to the data centers based on this estimate.

The applicant has provided an estimated daily water demand of 100,000 gallons. However, a final figure will not be determined until an official Site Plan is submitted. The water usage of data centers can vary widely depending on their design, though recent technological advances have reduced water demand.

Fire/Rescue

The fire/rescue has reviewed the data center rezoning application and has no issues with the proposed building heights. During the Site Plan review, fire/rescue will conduct a thorough examination of road access and hydrant locations to ensure they meet all safety standards and requirements. It is crucial that the design provides adequate access for emergency vehicles and that hydrants are strategically placed to facilitate efficient firefighting operations. Additionally, fire/rescue will assess the site's overall layout to confirm that it supports the rapid and effective response of emergency services in case of an incident.

VDOT

Please see VDOT letter dated June 25, 2024, page 3, which states the following (**see Attachment 3**):

The report recommends that the following improvements be made as part of the development in order to help facilitate the construction of a full signalized restricted crossing u-turn (RCUT) in the future.

- *Design and improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200-foot-long taper and 200-foot-long storage.*
- *Design and construct install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200-foot-long taper and 200-foot-long storage.*

The applicant has offered for these improvements to begin prior to building permit for vertical construction to help address concerns with construction traffic creating a temporarily higher trip generation than the completed site. The Department supports this approach and the proposed improvements.

In addition to the above-described improvements, all of which have been proffered by the applicant, the submitted proffers also include a 100-foot-long storage lane and 100-foot-long taper lane along the property's frontage on north bound Page Road.

VDH

The Health Department has no adverse comments regarding this rezoning submittal. If there are any wells on the property that will need to be abandoned, then the applicant will need to apply at the Health Department for an abandonment permit (one for each well) and then have the wells abandoned per the conditions in the approved permit.

VIII. Energy Consumption and Infrastructure for Proposed Data Centers

The applicant proposes to develop data centers, which at full build-out staff understands, based on a typical center of this size, may draw in the range of 300 megawatts of power from the electrical grid.

Dominion Energy has confirmed its ability to supply the necessary power to the site. A high voltage transmission line running through the site provides an advantageous infrastructure for this proposed project. To facilitate this project a substation will need to

be constructed on-site. A typical substation is 5-7 acres in size and can supply up to 300 megawatts of electricity.

The applicant is required to submit a site plan to Dominion Energy, and the construction of such a substation typically takes 48 to 60 months.

IX. PROFFER ANALYSIS

Voluntary proffers are commitments made by a rezoning applicant to address concerns related to the impact of their proposed development. Proffers are typically used to mitigate potential negative effects of the development on the surrounding community, such as increased traffic, environmental impacts, or infrastructure demands.

The applicant has submitted a conceptual site plan for a data center, but it lacks critical details about the primary and support structures. Notable proffers include the preservation of riparian buffers and a 100-foot Dominion Power easement, maintaining at least 20% open space, and reductions in permitted uses to enhance compatibility with the surrounding area.

Buffers and setbacks are designed to minimize visual and environmental impacts, with buffers along some property lines and adherence to "dark sky" lighting standards. Building materials are specified to ensure high-quality construction and aesthetic consistency. Road improvement and noise management during construction are also included. Additionally, construction access and hours are regulated to minimize disruptions.

They have proffered that if any alternative uses other than data center are proposed in the future, they will require updated traffic assessments specific to that use and to construct any required infrastructure improvements.

X. TRAFFIC ANALYSIS

Bowman Engineering has prepared memorandum, dated March 15, 2024, entitled "Powhatan County Data Center – Supplemental Assessment (see **Attachment 3**), to determine the average weekday and peak hour trip generation rates for data center facilities based on historical data from fully operational sites located in the Commonwealth of Virginia.

An excerpt of Bowman's memorandum states the following:

Proposed Development Trip Generation

Bowman has prepared and developed a Data Center Trip Generation Assessment in coordination with the Virginia Department of Transportation's (VDOT) Fredericksburg District and Central Office, to determine the average weekday and peak hour trip

generation rates for data center facilities based on historical data from fully operational sites located in the Commonwealth of Virginia.

The Data Center Trip Generation Methodology prepared by Bowman was used to determine the anticipated number of trips generated by the proposed land use. Table 1 outlines the projected morning peak hour, evening peak hour, and daily trip generation for the proposed development.

Table 1. Site Trip Generation

Development ⁽¹⁾	Size	Units	Weekday AM Peak Hour			Weekday PM Peak Hour			Average Weekday		
			In	Out	Total	In	Out	Total	In	Out	Total
Data Center	1,525,000	SF	75	62	137	14	32	46	572	572	1,144

(1) Trips based on the 2023 Data Center Trip Generation Assessment prepared by Bowman

As shown in Table 1, the proposed development is expected to generate 137 total trips (75 in and 62 out) during the morning peak hour, 46 total trips (14 in and 32 out) during the evening peak hour, and 1,144 trips (572 in and 572 out) during an average weekday.

An excerpt of VDOT’s June 25, 2024, letter (**see Attachment 3**):

Proposed development

The conceptual plan includes one proposed street connection to Page Road. The proposed uses provided include 1.5 million square feet of data center and associated structures. The proposed use generates fewer trips and lower peak trips, once operational, than in the previously submitted zoning case. The level of service impacts from the proposed use are within the same service level when compared to the no build conditions; however, the build condition does provide longer delays. It should be noted that both have level service of F, which is the lowest level of service.

Data Center – 1,525,000 SF – Weekday AM Peak Hour – 137 trips per day
 Weekday PM Peak Hour – 46 trips per day
 Average weekday – 1,144 trips per day

Study Area

The analysis focused on the Anderson Highway (US 60) and Page Road/County Line Road intersection. This is consistent with previous studies for this intersection and parcels for development.

VDOT offers the following notes and comments based on the review of the provided Traffic Study Amendment and conceptual plan:

Traffic Analysis Categories

The report expects a buildout date of 2027; however, discussions with developer indicate this may extend to 2029. With the significant amount of traffic on Route 60, the overall level of service is not expected to change between the two potential buildout years and should have no significant impact on the study. The overall impact is still lower than previously approved study for the property.

The buildout year was factored with a background 2% growth rate to determine future traffic along the corridor. This is consistent with previous studies.

Operational Analysis

The analysis evaluated the performance of the intersection under existing 2024, no-build 2027, and build 2027 conditions and assigned a level of service (LOS) to each. The results of the operational analysis are summarized as follows:

Year	Approach	LOS AM Peak	LOS PM Peak
2024 Existing	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	B	C
2027 No Build	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	F	D
2027 Build	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	F	D

The results of the analysis indicate that Route 60 will experience significant traffic constraints in both the build and no build conditions. The proposed data center is not expected to impact the overall performance of the intersection in terms of level of service; however, there is potential for longer delays and queues under the build condition. (End of excerpt from VDOT letter)

Brief Explanation of VDOT Level of Service (LOS) Road Categories

LOS B: Indicates stable traffic flow with slight delays. Traffic moves efficiently, but there may be some slowing during peak times. Drivers experience minor inconveniences, but overall travel speed and freedom to maneuver remain high.

LOS C: Represents stable flow, but with increasing delays and more restricted maneuverability. Traffic becomes denser, and the ability to change lanes or pass slower vehicles is limited. Some congestion is noticeable, especially during peak periods, but travel speed is still acceptable.

LOS D: Denotes approaching unstable flow with significant delays. Traffic flow is heavily affected by congestion, with reduced speeds and frequent stop-and-go conditions. Maneuverability is very restricted, and travel times increase considerably.

LOS E: Characterizes unstable traffic flow with frequent and severe delays. Roads operate at or near full capacity, leading to stop-and-go conditions and slow travel speeds. The slightest disruption can cause substantial delays, and maneuverability is extremely limited.

LOS F: Indicates forced or breakdown traffic flow with severe congestion. Traffic flow is highly unstable, with long queues and stop-and-go waves. Travel speed is extremely slow, and delays are unpredictable and severe. This level represents a breakdown of the road network's ability to handle traffic demand.

The 2019-06-06-REZ Traffic Assessments included the RCUT analysis at the Anderson Highway (US 60)/Page Road/County Line Road intersection. The analysis anticipated a queue length for the southbound approach of 31 feet during the AM peak hour and 47 feet during the PM peak hour. The current project proposes a 70% reduction in trips as compared to that 2019 analysis, thus even shorter queue lengths can be expected.

Summary

The proposed data center, encompassing 1,525,000 square feet, is expected to generate approximately 1,144 daily trips, with 137 trips during the weekday AM peak hour and 46 trips during the weekday PM peak hour. This is relatively low considering the substantial square footage, attributed to data centers being less labor-intensive. The Level of Service (LOS) analysis indicates that both the no-build and build conditions for this project will result in an LOS F.

The applicant has proposed several on-site and off-site road improvements to mitigate the traffic impact and enhance road safety. These improvements include extending the eastbound left turn lane on Anderson Highway at Page Road to a 200-foot-long storage lane and a 200-foot-long taper lane, installing a directional median crossover on Anderson Highway with a westbound left turn lane, and constructing a 100-foot-long storage lane and taper lane along northbound Page Road to the site's entrance/exit. VDOT has concurred with these proposed improvements. Anderson Highway (US 60) is a four-lane divided roadway with a speed limit of 55 mph, carrying an average of 36,000 vehicles per day. Page Road, a two-lane undivided roadway, carries 1,200 vehicles per day with a speed limit of 35 mph. County Line Road, a two-lane undivided roadway, has a speed limit of 45 mph and carries 710 vehicles per day. Recent traffic data indicates that the section of Anderson Highway

near the project site experienced 11 vehicle accidents in 2023, none resulting in serious injuries, and 6 accidents in 2022, one of which involved a serious but nonfatal injury.

XI. ECONOMIC ANALYSIS

The applicant submitted an economic analysis. The County is finalizing its evaluation of this analysis.

XII. COMPREHENSIVE PLAN ANALYSIS

The proposed data center rezoning aligns with many elements of the Powhatan County's Comprehensive Plan, which designates much of the subject property as "Economic Opportunity." This designation is intended for areas where large, cohesive master-planned developments can be created, incorporating commercial and light industrial uses. The area is suitable for such developments due to its large, contiguous parcels and proximity to major highways, utilities, and other infrastructure, making it ideal for projects that can support regional employers and major businesses.

The proposed project addresses the 2021 Comprehensive Plan's goals for Economic Development through Strategy 4.1.B- Attract New Business and Strategy 4.1.C- Balance Commercial to Residential development. The data center proposed project's economic impact is considered through revenue from real estate, business personal property, water and sewer usage and building permits, which provide estimated direct revenue to the County. Additional revenues would be derived from the indirect impact of local companies that would serve the development and construction of the site and buildings and essential services (food, gas, groceries, personal needs) for workers on the site during and after construction. At this time, the County can only project and evaluate the measurable direct impact to the County tax base which is estimated based on the overall capital investment of the projected \$3 billion dollars that would result in considerable revenue increase from real estate, business personal property, water & sewer fees and building permits. Revenue from the project has potential to positively offset the current 92% residential to 8% commercial tax base ratio.

Additionally, smaller portions of the property are designated as "Gateway Business" and "Natural Conservation." The "Gateway Business" areas are appropriate for offices and light industrial development, such as clean manufacturing and research and development, near major thoroughfares. Complementary commercial uses like retail stores, restaurants, and lodging may also be suitable near major intersections or within master-planned developments; however, no such uses are being proposed for the site. The "Natural Conservation" areas include identified riparian buffer zones around two intermittent streams on the property, requiring a 50-foot undeveloped buffer on each side to protect these natural resources.

XIII. STAFF RECOMMENDATION

The County anticipates receiving updated proffers to address many of the concerns noted in staff's recommendation to the Planning Commission. The updated proffers once received will be reviewed by staff, who shall update their recommendation upon completion of review of the proffers.

XIV. PLANNING COMMISSION RECOMMENDATION

The Commission held a public hearing on the rezoning and CUP requests on August 6, 2024, deferred the cases to September 3, 2024, and voted 4-1 on September 3, 2024 to recommend denial of both requests.

ATTACHMENTS

1. Application with Proffers (August 29, 2024)
2. Dominion Energy "Will Serve"
3. Transportation Related Correspondences
4. Prohibited and Allowable Uses
5. Site Conceptual Plan
6. Road Improvements Visual
7. Community Meeting Summary
8. LC West LLC – Letter & Presentation

END OF DOCUMENT



**County of Powhatan,
Virginia
Rezoning Application**

For Office Use Only	
Case Number	400-2024

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

Applicant Information	
Name of Applicant	LC West, LLC, a Delaware limited liability company
Mailing Address	26 Corporate Plaza, Suite 260 Newport Beach, CA 92660
Phone Number	(949) 533-4800
Email Address	TRamm@ProvinceGroup.com

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	New County Line Farm, LLC
Mailing Address	1318 Page Road Midlothian, VA 23113
Phone Number	(804) 539-5536
Email Address	hellis@ppinfrastructure.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 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	Jeffrey P. Geiger
Mailing Address	P.O. Box 500 Richmond, VA 23218
Phone Number	(804) 771-9557
Email Address	jgeiger@Hirschlerlaw.com

Parcel Information	
Tax Map Number	43-61, 43-64 and 43-64E
Physical Address	1318 Page Road Powhatan, VA 23113
General Description of Property Location	North east intersection of Anderson Highway and Page Road.
Election District	1 - Subletts/Manakin/Flat Rock
Total Acreage	119.9
Current Zoning	Agricultural - 10
Requested Zoning	Light Industrial I-1
Acreage to Be Rezoned	119.9
Countywide Future Land Use: Land Use Designation	Economic Opportunity and Gateway Business

Proposed Use	
Describe Proposed Use	A campus styled development comprised of multiple data center buildings to diversify the County's property tax base and drive economic development.
Amount of Dedicated Open Space (Acreage + % of Site)	Approximately 24.0 acres (20% of site) which includes approximately 8.5 acres of conservation area and perimeter buffers, power line easements, steep slopes, etc.
If this request is approved, will new lots be created?	Yes, each data center building may be on its own lot and substations may be on their own lot. Division lines are to be determined at plans review.
If this request is approved, will new structures be constructed?	Yes, data center buildings, substations and accessory uses
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.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
7057089389	C&CD3 Properties LLC	14506 Post Mill Drive Midlothian, VA 23113
7067081895 7067093700	Patricia T. Chafin, Pamela T. Edwards and Peggy O. Tucker	600 Country Line Road Midlothian, VA 23112
7067099844	Archibald C. Jr., and J.P. Frame	1200 Frameway Road Midlothian, VA 23113
7077092170	Huguenot Development LLC	1475 Oakbridge Ct. Powhatan, VA 23139
7077108031	HMG Investments LLC	1475 Oakbridge Ct. Powhatan, VA 23139
43-57	W.S. Carnes, Inc.	612 Huguenot Trail Midlothian, VA 23113
43-62	JMS Investments LLC	1475 Oakbridge Ct. Powhatan, VA 23139
43-36B	Prime Enterprise LLC	1300 Anderson Hwy. Powhatan, VA 23139
43-36 43-33A	Berk and Alp, LLC	14301 Justice Road Midlothian, VA 23113
43-39D	Fox Cleaning Service Inc.	P.O. Box 572 Midlothian, VA 23113
43-37	OCS Properties, LLC	1325 Page Road Powhatan, VA 23139

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
43-39A	1331 Page Roads LLC	1719 Douthit Court Powhatan, VA 23139
43-63	Adana Investments LLC	1320 Page Road Midlothian, VA 23113
43-40	Dwayna A. Winegard et al	1338 Page Riad Midlothian, VA 23113
43-41	Cheryl L. Howie et al	1320 Page Road Midlothian, VA 23113
43-42C	Michael Louis Proffitt	1356 Page Road Midlothian, VA 23113
43-42B	Powers & Associates II LLC	P.O. Box 2139 Chesterfield, VA 23832
43-42A	Tyler John Lamond and Mega Andrich	1810 Stonehenge Farm Road Midlothian, VA 23113
43-2-1	Walter E. Higham et al	1820 Stonehenge Farm Road Midlothian, VA 23113
7057085453 7057088344	E.L. Belvins TR D.B. Belvin TR	17417 Midlothian Tpke Midlohan, VA 23113
7057086748	E.L. Belvins TR D.B. Belvin TR	17417 Midlothian Tpke Midlohan, VA 23113
7067094861 7057099107	New County Line Farm, LLC	1318 Page Road Powhatan, VA 23313

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

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.)

Proffer #1	See Proffers submitted with the application.
Proffer #2	
Proffer #3	
Proffer #4	
Signature of Applicant	
Name of Applicant (Printed)	Jeffrey P. Geiger

Commonwealth of Virginia
County of Richmond ^{city}, to wit:
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Jeffrey P. Geiger, whose name is signed to the above, on this 22nd day of April 2024.

Notary Public		
Commission Expires	9-30-2026	
Notary Number	143796	

Statement of Validity of Information

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

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.

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.

Signature of Applicant

Name of Applicant (Printed)

Jeffrey P. Geiger

Commonwealth of Virginia

County of Richmond City, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Jeffrey P. Geiger, whose name is signed to the above, on this 22nd day of April 2024.

Notary Public

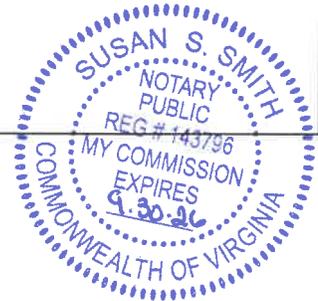
Seal

Commission Expires

9.30.26

Notary Number

143796

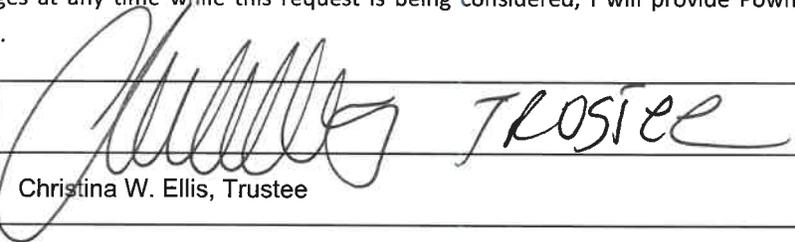


Ownership Disclosure

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.

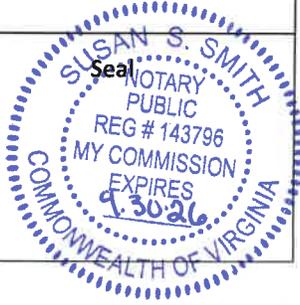
Name	Address
New County Line Farm, LLC	1318 Page Road Midlothian, VA 23113
Harold L. Ellis, III, Trustee Under Harold L. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113
Christina W. Ellis, Trustee Under Christina W. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113

I, Christina W. Ellis, Trustee, 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 43-61,43-64, and 43-64E.
 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  **TRUSTEE**

Name of Applicant (Printed) Christina W. Ellis, Trustee

Commonwealth of Virginia
 County of City - Richmond, to wit:
 Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Christina W. Ellis, Tr, whose name is signed to the above, on this 15th day of April 20 24.

Notary Public	<u>Susan S. Smith</u>	
Commission Expires	<u>9.30.26</u>	
Notary Number	<u>143796</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
New County Line Farm, LLC	1318 Page Road Midlothian, VA 23113
Harold L. Ellis, III, Trustee Under Harold L. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113
Christina W. Ellis, Trustee Under Christina W. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113

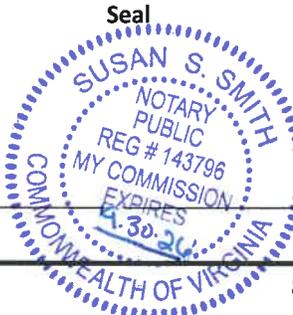
I, Harold L. Ellis, III, Trustee, do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting rezoning for Tax Map 43-61, 43-64, and 43-64E.

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>Harold L. Ellis, III Trustee</i>
Name of Applicant (Printed)	Harold L. Ellis, III, Trustee

Commonwealth of Virginia
County of City Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Harold L. Ellis, III Tr. whose name is signed to the above, on this 15th day of April 20 24.

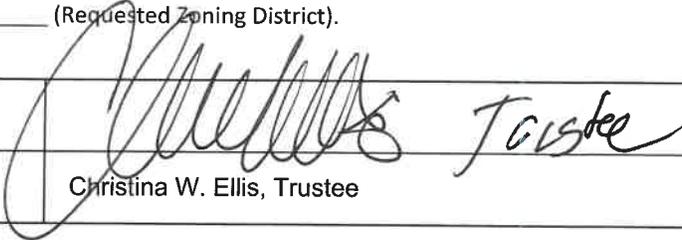
Notary Public	<i>Susan S. Smith</i>	<p style="text-align: center;">Seal</p> 
Commission Expires	<u>9.30.26</u>	
Notary Number	<u>143796</u>	

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, Christina W. Ellis, Trustee, am the owner of the property subject to this rezoning request and consent to the request submitted by LC West, LLC (Applicant) to rezone Tax Map 43-61, 43-64 and 43-64E from Agricultural - 10 (Current Zoning District) to Light Industrial I-1 (Requested Zoning District).

Signature of Owner



Name of Owner (Printed)

Christina W. Ellis, Trustee

Commonwealth of Virginia

County of City - Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Christina W. Ellis, Tr., whose name is signed to the above, on this 15th day of April 20 24.

Notary Public

Susan S. Smith

Commission Expires

9.30.26

Notary Number

143796



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, <u>Harold L. Ellis, III, Trustee</u> , am the owner of the property subject to this rezoning request and consent to the request submitted by <u>LC West, LLC</u> (Applicant) to rezone Tax Map <u>43-61, 43-64 and 43-64E</u> from <u>Agricultural - 10</u> (Current Zoning District) to <u>Light Industrial I-1</u> (Requested Zoning District).		
Signature of Owner		
Name of Owner (Printed)	Harold L. Ellis, III, Trustee	
Commonwealth of Virginia County of <u>City-Richmond</u> , to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Harold L. Ellis, III Trustee</u> whose name is signed to the above, on this <u>15th</u> day of <u>April</u> 20 <u>24</u> .		
Notary Public		Seal 
Commission Expires	<u>9-30-26</u>	
Notary Number	<u>143796</u>	

Applicant's Permission for Inspection of Property

I, Christina W. Ellis, Trustee, hereby grant access to the Director of Community Development, 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.

Signature of Applicant

[Handwritten Signature] TRUSTEE

Name of Applicant (Printed)

Christina W. Ellis, Trustee

Commonwealth of Virginia

County of City. Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Christina W. Ellis, Trustee, whose name is signed to the above, on this 15th day of April 2024.

Notary Public

[Handwritten Signature] Susan S. Smith

Commission Expires

9.30.26

Notary Number

143796



**Review Checklist
(For Office Use Only)**

This form will be completed by the Department of Community Development as the application is reviewed.

Action	Date of Action	
Application Submitted	April 26, 2024	
Application Deemed Complete	May 1, 2024	
Application Routed to Reviewing Agencies	May 8, 2024	
Comments Received from Reviewing Agencies	Building Inspections	5/15/2024
	Environmental	6/5/2024
	Public Works	6/25/2024
	Sheriff	
	Fire	6/20/2024
	Health	5/22/2024
	Transportation	6/25/2024
	Other	
Planning Commission: Notice in Newspaper	July 17, July 24, 2024	
Planning Commission: Letters Sent to Adjoining Property Owners	July 22, 2024	
Planning Commission: Public Hearing	August 6, 2024 (6 p.m.)	
Planning Commission: Recommendation Made	4-1 denial - September 3, 2024	
Board of Supervisors: Notice in Newspaper	September 11, 16, and 18, 2024	
Board of Supervisors: Letters Sent to Adjoining Property Owners	September 12, 2024	
Board of Supervisors: Public Hearing	September 23, 2024	
Board of Supervisors: Recommendation Made		

LEGEND

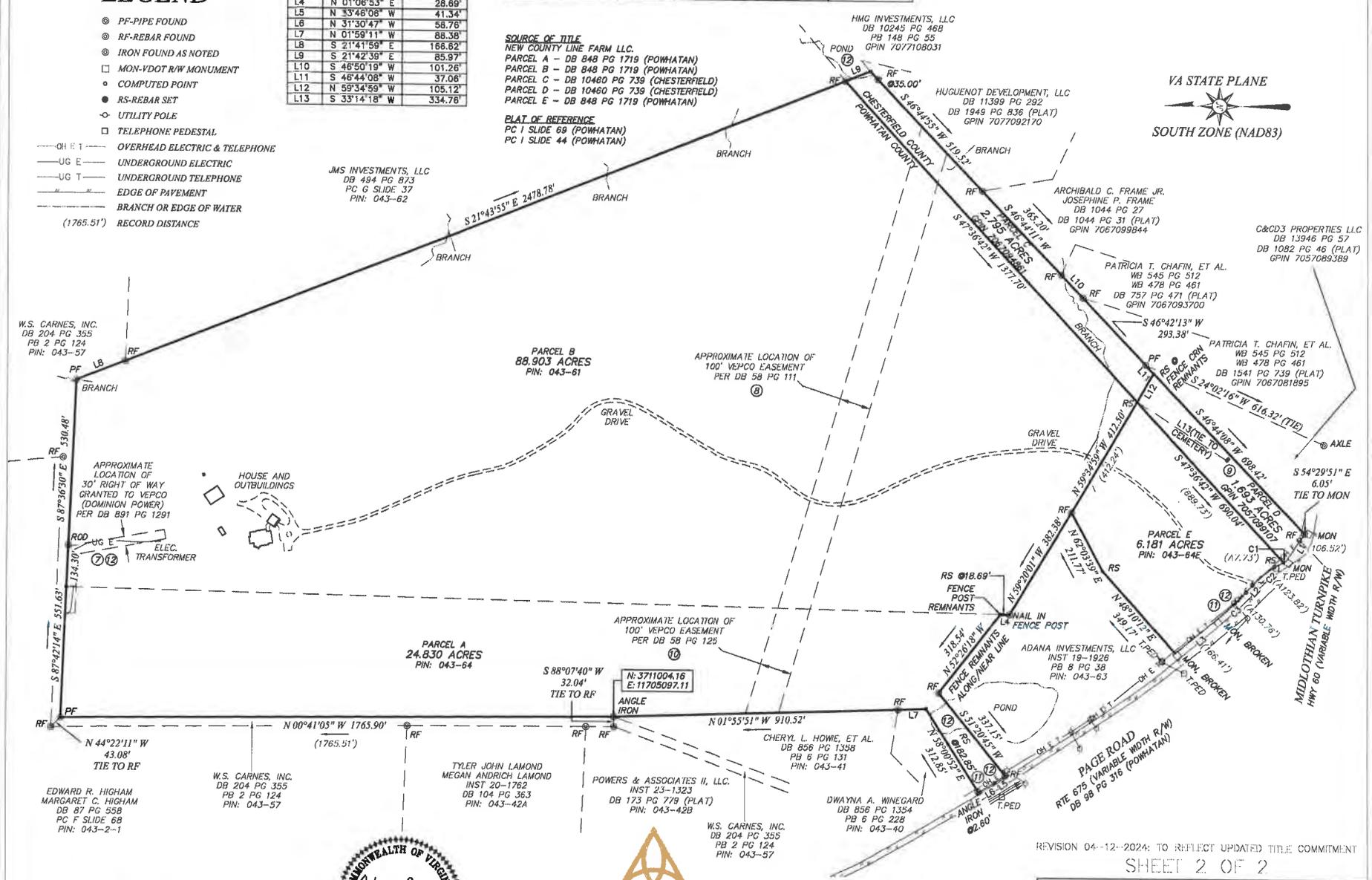
- ⊙ PF-PIPE FOUND
- ⊙ RF-REBAR FOUND
- ⊙ IRON FOUND AS NOTED
- MON-VDOT R/W MONUMENT
- COMPUTED POINT
- RS-REBAR SET
- UTILITY POLE
- TELEPHONE PEDESTAL
- OH E T — OVERHEAD ELECTRIC & TELEPHONE
- UG E — UNDERGROUND ELECTRIC
- UG T — UNDERGROUND TELEPHONE
- — — — — EDGE OF PAVEMENT
- — — — — BRANCH OR EDGE OF WATER
- (1765.51') RECORD DISTANCE

LINE	BEARING	DISTANCE
L1	N 55°49'45" W	107.05'
L2	N 47°44'15" W	30.75'
L3	N 39°35'49" W	166.68'
L4	N 01°06'53" E	28.69'
L5	N 33°48'06" W	41.34'
L6	N 31°30'47" W	58.76'
L7	N 01°59'11" W	88.38'
L8	S 21°41'59" E	168.62'
L9	S 21°42'59" E	85.97'
L10	S 46°50'19" W	101.26'
L11	S 46°44'08" W	37.06'
L12	N 59°34'59" W	105.12'
L13	S 33°14'18" W	334.78'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1°15'43"	331.08'	7.29'	N 28°38'07" W	7.29'
C2	21°28'14"	331.08'	124.06'	N 37°00'07" W	123.33'
C3	8°06'00"	923.55'	130.56'	N 43°41'15" W	130.45'

SOURCE OF TITLE
NEW COUNTY LINE FARM LLC.
 PARCEL A - DB 848 PG 1719 (POWHATAN)
 PARCEL B - DB 848 PG 1719 (POWHATAN)
 PARCEL C - DB 10460 PG 739 (CHESTERFIELD)
 PARCEL D - DB 10460 PG 739 (CHESTERFIELD)
 PARCEL E - DB 848 PG 1719 (POWHATAN)

PLAT OF REFERENCE
 PC 1 SLIDE 68 (POWHATAN)
 PC 1 SLIDE 44 (POWHATAN)

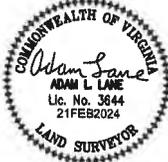


REVISION 04-12-2024: TO REFLECT UPDATED TITLE COMMITMENT

SHEET 2 OF 2

DRAWN BY: MSG DATE: 02-21-2024 PROJECT #240055

PLAT SHOWING
 ALTA/NSPS LAND TITLE SURVEY OF THE PROPERTY OF
NEW COUNTY LINE FARM, LLC.
 HUGUENOT DISTRICT, POWHATAN COUNTY, VIRGINIA
 AND
 MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY, VIRGINIA



ARMSTRONG CIVIL
 105 NORTH MAIN ST. GRETNA, VA 24657. 454-858-1051
 ARMSTRONGCIVIL.COM
 INFO@ARMSTRONGCIVIL.COM

NOTES:

- THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
- THIS PLAT HAS BEEN PREPARED WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY DATED 02-09-2024 (COMMITMENT #VA2301425, REV. 5).
- THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE PER FEMA FLOOD MAP 51145C0165B EFFECTIVE 02-08-2008.
- SCHEDULE B, PART II GENERAL EXCEPTIONS 1-6 DO NOT CONTAIN ANY SURVEY MATTERS OR MAPPABLE APPURTENANCES. SCHEDULE B, PART II SPECIAL EXCEPTIONS 1-6 DO NOT CONTAIN ANY SURVEY MATTERS OR MAPPABLE APPURTENANCES.
- ADDRESS OF PROPERTY IS 1318 PAGE ROAD, MIDLOTHIAN, VA 23113.
- NO RECENT EARTHWORK OR CONSTRUCTION WAS NOTICED DURING DURING FIELDWORK OF THE PROPERTIES AT THE TIME OF THIS SURVEY.
- NO RECENT CHANGES IN ROAD OR RIGHT-OF-WAY WERE NOTICED OR GIVEN TO THIS SURVEYOR AT THE TIME OF THIS SURVEY.
- BOUNDARY LINE BETWEEN PARCEL A (POWHATAN PIN 043-64) AND PARCEL B (POWHATAN PIN 043-61) NOT SURVEYED BY CLIENT REQUEST. FOR PURPOSES OF DETERMINING ACREAGE LINE IS SHOWN AS DEPICTED IN PLAT TITLED "PLAT SHOWING A LOT LINE ADJUSTMENT BETWEEN TWO PARCELS OF LAND LOCATED NORTH OF PAGE ROAD (TAX MAP 43-61 & 43-64)" BY MARK B. BEALL DATED 03-16-2016 AS RECORDED IN POWHATAN CO. PC 1, SLIDE 69. SAID PLAT IS NOT THE PLAT OF LEGAL RECORD.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES MEASURED IN US SURVEY FEET UNLESS NOTED. GPS MEASUREMENTS WERE SCALED USING A COMBINED FACTOR OF 1.00006202266950 FROM A POINT AT NORTING: 3711004.19 EASTING: 11705097.11.
- HORIZONTAL DATUM FOR THIS DRAWING IS VIRGINIA STATE PLANE COORDINATE NAD83 VA SOUTH WHICH WAS ESTABLISHED USING OPUS. SMALL DIFFERENCES IN BEARINGS BETWEEN PLAT OF RECORD AND CURRENT SURVEY NOT DEEMED SIGNIFICANT BY THIS SURVEYOR. DIFFERENCES IN DISTANCES BETWEEN PLAT OF RECORD AND CURRENT SURVEY THAT ARE DEEMED SIGNIFICANT BY THIS SURVEYOR HAVE RECORD DISTANCE LISTED BELOW CURRENT BEARING AND DISTANCE ANNOTATION.
- UNDERGROUND UTILITIES WERE MARKED BY THE FOLLOWING MISS UTILITY TICKETS.
UTILITY TICKET NUMBER: B404602845

UTILITY	RESPONSE
AT&T	NO CONFLICT
CHESTERFIELD-WTR & SWR	NO CONFLICT; PRIVATE UTILITY PRESENT
COMCAST	NO CONFLICT
DOMINION CENTRAL DISTRIBU	NO CONFLICT
POWHATAN-WATER	NO CONFLICT
POWHATAN-SEWER	NO CONFLICT
VERIZON	MARKED

UTILITY TICKET NUMBER: B404602850

UTILITY	RESPONSE
AT&T	NO CONFLICT
CHESTERFIELD-WTR & SWR	NO CONFLICT; PRIVATE UTILITY PRESENT
COMCAST	NO CONFLICT
DOMINION CENTRAL DISTRIBU	MARKED
POWHATAN-WATER	NO CONFLICT
POWHATAN-SEWER	NO CONFLICT
VERIZON	MARKED

TO: NEW COUNTY LINE FARM, LLC, A VIRGINIA LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY
NEWPORT EQUITIES, LLC, A CALIFORNIA LIMITED LIABILITY CO.
LC WEST, LLC, A DELAWARE LIMITED LIABILITY CO.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2,3,4,13,14,16,17,18 & 19. OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 02-21-2024.

Adam Lane 02-21-2024
ADAM L. LANE, LICENSE #L-3644 DATE

BELOW ARE THE EXCEPTIONS IN TITLE COMMITMENT FURNISHED FIDELITY NATIONAL TITLE INSURANCE COMPANY DATED 02-09-2024 (COMMITMENT #VA2301425, REV. 5) WHICH ARE:

- TERMS, CONDITIONS, COVENANTS, AND EASEMENTS CONTAINED IN THE RIGHT OF WAY AGREEMENT DATED JUNE 16, 2016 AND RECORDED JULY 7, 2016 IN DEED BOOK 891 AT PAGE 1291, AND SHOWN ON THE PLAT ATTACHED THERETO; AND SHOWN ON THE ALTA/NSPS LAND TITLE SURVEY ENTITLED "NEW COUNTY LINE FARM, LLC., HUGUENOT DISTRICT, POWHATAN COUNTY, VIRGINIA AND MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY, VIRGINIA" PREPARED BY ARMSTRONG CIVIL, DATED FEBRUARY 21, 2024 AND SIGNED/SEALED FEBRUARY 21, 2024, PROJECT NO. 240055, AND CONSISTING OF TWO (2) SHEETS (THE "SURVEY").
-SHOWN ON MAP
- TERMS, CONDITIONS, COVENANTS, RESERVATIONS, AND EASEMENTS CONTAINED IN THE AGREEMENT DATED SEPTEMBER 10, 1948 AND RECORDED OCTOBER 3, 1948, IN DEED BOOK 58 AT PAGE 111; AND SHOWN ON THE SURVEY.
-SHOWN ON MAP
- TITLE TO AND RIGHTS OF ACCESS TO AND FROM THAT PORTION OF THE INSURED PREMISES SITUATED WITHIN THE BOUNDS OF THE CEMETERY AS SHOWN ON SURVEY RECORDED IN PLAT BOOK 8 AT PAGE 38; AND SHOWN ON THE SURVEY.
-SHOWN ON MAP
- TERMS, CONDITIONS, COVENANTS, RESERVATIONS, AND EASEMENTS CONTAINED IN THE AGREEMENT DATED AUGUST 24, 1948 AND RECORDED OCTOBER 3, 1948, IN DEED BOOK 58 AT PAGE 125; AND SHOWN ON THE SURVEY.
-SHOWN ON MAP
- CERTIFICATE NO. C13480, RECORDED JULY 19, 1967 IN DEED BOOK 86 AT PAGE 319, AND ORDER, RECORDED JULY 1, 1971 DEED BOOK 98 AT PAGE 316, EVIDENCES THE TAKING OF THE FOLLOWING; AND BEING SHOWN ON THE SURVEY:
A. EASEMENT TO BE CONVEYED TO VIRGINIA ELECTRIC AND POWER COMPANY FOR FACILITIES AND APPURTENANCES THERETO AS DETAILED THEREIN, PURSUANT TO SECTION 33-1-98, 1980 CODE OF VIRGINIA, AS AMENDED.
-ABOVE GROUND ELECTRIC DISTRIBUTION APPURTENANCES SHOWN ON MAP
- THE FOLLOWING MATTERS AS ARE SHOWN AND/OR NOTED ON THE SURVEY:
A. RIGHTS, IF ANY, OF THE PROPERTY OWNERS ABUTTING THE PONDS IN AND TO THE WATERS THEREOF AND IN AND TO THE BED THEREOF; ALSO BOATING AND FISHING RIGHTS OF PROPERTY OWNERS ABUTTING SAID PONDS OR THE STREAM OF WATER THERETO OR THEREFROM;
B. THE RIGHTS OF OTHERS TO THE FACILITIES, UTILITIES, AND EQUIPMENT AS EVIDENCED BY UTILITY POLES, TELEPHONE PEDESTALS, ELECTRIC TRANSFORMERS, OVERHEAD AND UNDERGROUND ELECTRIC AND OVERHEAD TELEPHONE LINES LOCATED OUTSIDE OF RECORDED EASEMENT AREAS.
-PONDS AND ABOVE GROUND UTILITY APPURTENANCES SHOWN ON MAP

RECORD LEGAL DESCRIPTION:

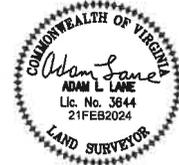
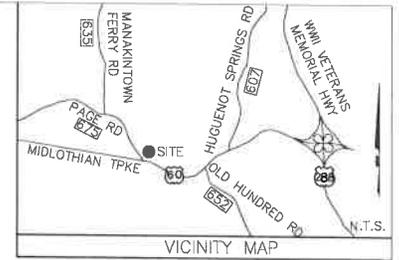
THE FOLLOWING DESCRIBED TRACTS OF LAND FORMERLY SITUATED IN POWHATAN COUNTY BUT NOW SITUATED PARTLY IN POWHATAN AND PARTLY IN CHESTERFIELD COUNTY BY FINAL DETERMINATION IN CASE NO. C.83-1964 STYLED COUNTY OF CHESTERFIELD, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, PETITIONER, AND COUNTY OF POWHATAN, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, RESPONDENT, AS EVIDENCED BY THE FOLLOWING INSTRUMENTS RECORDED IN THE CLERK'S OFFICE, CIRCUIT COURT, CHESTERFIELD COUNTY VIRGINIA: AMENDED FINAL ORDER, RECORDED DECEMBER 9, 1996, IN DEED BOOK 2970, PAGE 397, ORDER, RECORDED MARCH 8, 1996, IN DEED BOOK 2970, PAGE 389, FINAL ORDER, RECORDED NOVEMBER 28, 1996, IN DEED BOOK 2970, PAGE 402 AND AS DEPICTED ON PLATS RECORDED, IN PLAT BOOK 92, PAGE 72 THROUGH 77.

TRACT I:
THAT CERTAIN TRACT OF LAND IN HUGUENOT DISTRICT, POWHATAN COUNTY, NORTH OF THE BUCKINGHAM ROAD, CONTAINING 87-1/2 ACRES, MORE OR LESS, AND BOUNDED ON THE WEST BY THE LAND FORMERLY OWNED BY ROSA MARTIN AND OTHERS, KNOWN AS "HIGH HILL" AND GEORGE SIGNOR, ON THE EAST BY THE LANDS OF TURPIN'S ESTATE, AFTERWARDS OWNED BY R. A. JUSTIS, ON THE NORTH BY THE LANDS OF TURPIN'S ESTATE KNOWN AS "JABEZ WATKINS" TRACT, AND ON THE SOUTH BY THE LAND FORMERLY OWNED BY GEORGE SIGNOR AND LUTHER MOORE; THE METES AND BOUNDS OF WHICH TRACT OF LAND ARE MORE ACCURATELY AND FULLY SHOWN ON A PLAT THEREOF MADE BY D. F. LAPRADE JANUARY 13, 1905, RECORDED, IN THE CLERK'S OFFICE, POWHATAN COUNTY, PLAT BOOK 1, PAGE 88.

TRACT II:
ALL THOSE CERTAIN LOTS, PIECES, OR PARCELS OF LAND WITH ALL IMPROVEMENTS THEREON, DESIGNATED AS PARCELS A AND C CONTAINING 44.9 ACRES AS SHOWN ON PLAT OF SURVEY BY ROBT. N. BLANKENSHIP, III, D.S. DATED FEBRUARY 11, 1971, ENTITLED "PLAT OF THREE PARCELS SITUATED ON STATE ROUTE 671, HUGUENOT DISTRICT, POWHATAN CO., VA", A COPY OF WHICH PLAT IS ATTACHED TO AND MADE A PART OF THAT CERTAIN DEED, RECORDED FEBRUARY 16, 1971, IN THE CLERK'S OFFICE, CIRCUIT COURT, POWHATAN COUNTY, VIRGINIA, IN DEED BOOK 96, PAGE 408, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY HEREBY CONVEYED.

LESS AND EXCEPT THAT PORTION OF THE ABOVE-DESCRIBED PROPERTY TAKEN BY THE COUNTY OF POWHATAN BY CERTIFICATE NO. C13480 RECORDED JULY 19, 1967, IN DEED BOOK 86, PAGE 319, AND ORDER, ENTERED JUNE 30, 1971, RECORDED JULY 1, 1971, IN DEED BOOK 86, PAGE 316.

FURTHER BEING DESCRIBED AS FOLLOWS:
ALL THOSE CERTAIN LOTS, PIECES OR PARCEL OF LAND WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREON BELONGING, LYING, AND BEING IN HUGUENOT DISTRICT OF POWHATAN COUNTY VIRGINIA AND MIDLOTHIAN DISTRICT OF CHESTERFIELD COUNTY VIRGINIA, AND MORE PARTICULARLY SHOWN AS PARCELS A, B, C, D, AND E ON PLAT OF SURVEY PREPARED BY BURRUSS LAND SURVEY, LLC, DATED JANUARY 21, 2014, AS MAY BE AMENDED, ENTITLED, "PLAT OF FIVE PARCELS OF LAND LYING IN THE HUGUENOT DISTRICT OF POWHATAN COUNTY AND IN THE MIDLOTHIAN DISTRICT OF CHESTERFIELD COUNTY, VIRGINIA", A COPY OF WHICH IS RECORDED JANUARY 27, 2014, IN THE CLERK'S OFFICE, CIRCUIT COURT, POWHATAN COUNTY, VIRGINIA, IN PLAT CABINET I, SLIDE 44, AND IN THE CLERK'S OFFICE, CIRCUIT COURT, CHESTERFIELD COUNTY, VIRGINIA, IN PLAT BOOK 221, PAGE 86, TO WHICH PLATS REFERENCE IS HEREBY MADE FOR MORE PARTICULAR DESCRIPTIONS OF THE PROPERTY HEREBY CONVEYED.

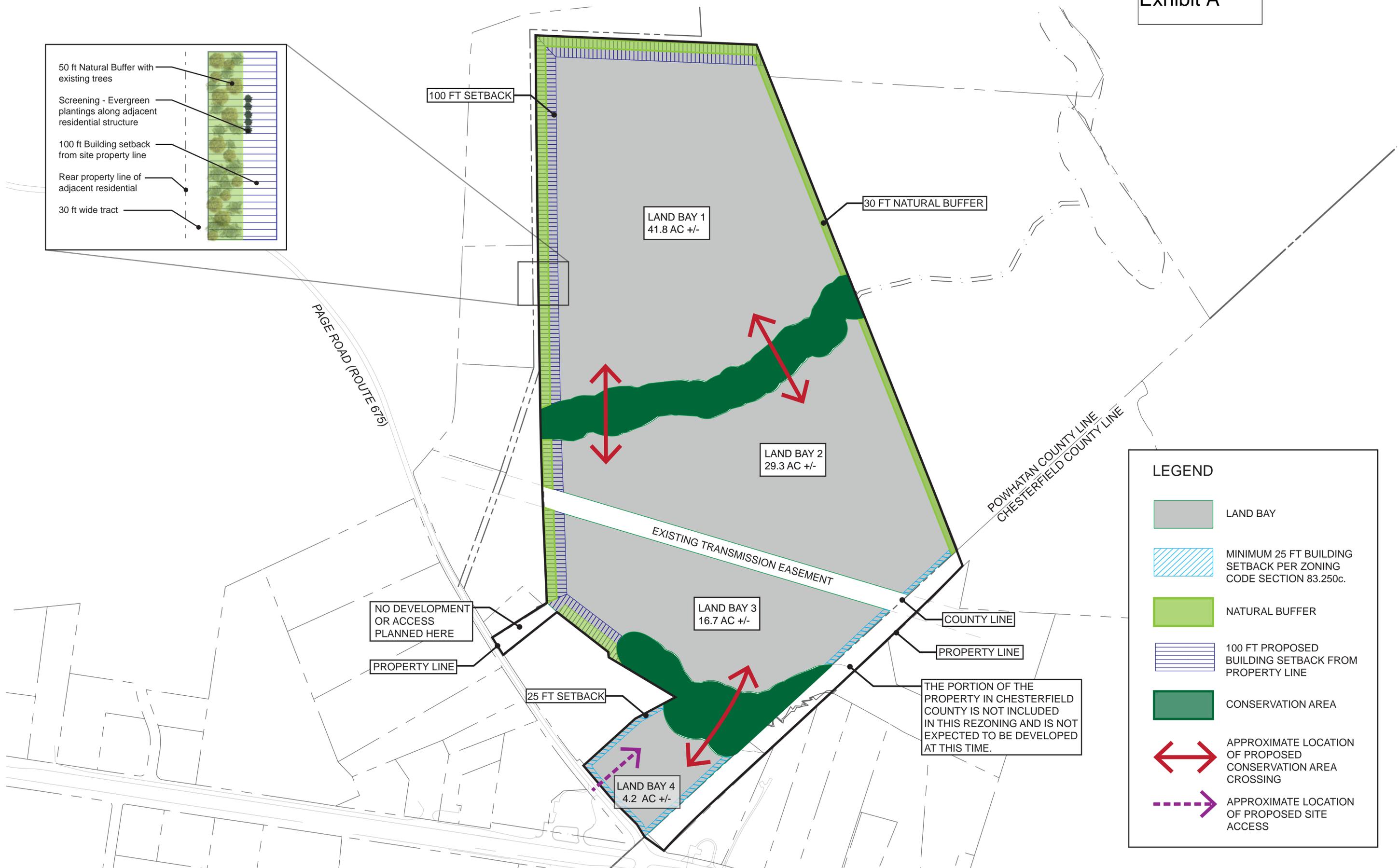
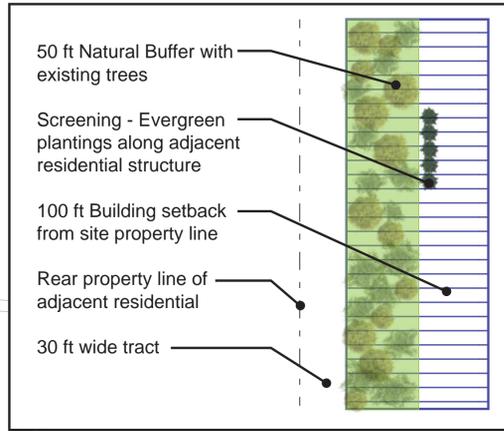


ARMSTRONG CIVIL
105 NORTH MAIN ST. GREENVA, VA 24657, 434-656-1051
ARMSTRONGCIVIL.COM
INFO@ARMSTRONGCIVIL.COM

REVISION 04-12-2024: TO REFLECT UPDATED TITLE COMMITMENT
SHEET 1 OF 2

DRAWN BY: MSG DATE: 02-21-2024 PROJECT #240055

PLAT SHOWING
ALTA/NSPS LAND TITLE SURVEY OF THE PROPERTY OF
NEW COUNTY LINE FARM, LLC.
HUGUENOT DISTRICT, POWHATAN COUNTY, VIRGINIA
AND
MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY, VIRGINIA



LEGEND

- LAND BAY
- MINIMUM 25 FT BUILDING SETBACK PER ZONING CODE SECTION 83.250c.
- NATURAL BUFFER
- 100 FT PROPOSED BUILDING SETBACK FROM PROPERTY LINE
- CONSERVATION AREA
- APPROXIMATE LOCATION OF PROPOSED CONSERVATION AREA CROSSING
- APPROXIMATE LOCATION OF PROPOSED SITE ACCESS

Proffer Statement	
<p>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.</p> <p>(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.)</p>	
Proffer #1	See Proffers dated August 29, 2024
Proffer #2	
Proffer #3	
Proffer #4	
Signature of Applicant	
Name of Applicant (Printed)	Jeffrey P. Geiger
<p>Commonwealth of Virginia County of <u>City of Richmond</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Jeffrey P. Geiger</u>, whose name is signed to the above, on this <u>29th</u> day of <u>August</u> 20<u>24</u>.</p>	
Notary Public	<u>Susan S. Smith</u>
Commission Expires	<u>9.30.2026</u>
Notary Number	<u>143796</u>
	

CASE NO. #24-02-REZ: LC WEST, LLC
PROFFERED CONDITIONS
August 29, 2024

The property owner(s) and applicant (collectively, “owner”) in this rezoning case, pursuant to Section 15.2-2298 *et seq.* of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Powhatan County (the “Zoning Ordinance”), for themselves and their successors or assigns, proffer that the property under consideration, being Tax Map Numbers 043-64E, 043-61, and 043-64 (collectively, the “Property”) will be developed according to the following proffers (“Proffered Conditions”) if, and only if, (i) the Property is rezoned from Agricultural-10 to Light Industrial (I-1) with only those conditions proffered or agreed to by the owner (“Rezoning”), (ii) a new data center business personal property tax rate, as authorized under Section 58.1-3506 of the Code of Virginia (1950 as amended), is adopted concurrently with approval of the rezoning request submitted herewith (the “Data Center Tax Rate”) and (iii) the accompanying Conditional Use Permit request is approved by the Board of Supervisors (the “CUP”). In the event the Rezoning is denied or approved with conditions not agreed to by the owner, or the Data Center Tax Rate or the CUP is not adopted concurrently with approval of the rezoning request submitted herewith, the Proffered Conditions shall immediately be null and void and of no further force or effect.

These Proffered Conditions include one (1) exhibit attached hereto:

1. Conceptual Plan. The Property shall be developed in general conformance with the “Page Road Conceptual Land Bay Plan” prepared by Dewberry, dated August 5, 2024 (“Conceptual Plan”) attached as Exhibit A, subject to the requirements and adjustments permitted in the Proffered Conditions. The Conceptual Plan is conceptual in nature and may vary based on the final Site Plan depending on the final grading and soil studies, Resource Protection Area lines, entrance location(s), road design, building area dimensions, substation and switchyard area dimensions, parking area design and location, perimeter security fencing, guard and gate locations, division line locations for new parcels within the project, utility locations (including substations), VDOT requirements, BMP design and location, easements, approval requirements for state and federal agencies, and other design or engineering reasons. Any substantive changes that do not relate to the prior sentence shall be reviewed during the final Site Plan submission and substantive changes may be approved as presented, approved with modifications, or denied by the Director of Planning. If modified or denied, within seven (7) calendar days of the notice of modification or denial, the Director of Planning shall provide a letter, sent via e-mail or in writing, detailing specific reasons for final Site Plan modification or denial and outlining the necessary steps to be taken by the owner(s) necessary to gain approval and any modification or denial may be appealed to the Planning Commission. The Property may be subdivided into individual parcels in accordance with the Zoning Ordinance and the County’s subdivision ordinance. In the event of any conflict between

information shown on the Conceptual Plan and these Proffered Conditions, these Proffered Conditions shall control.

2. Conservation Areas. The conservation areas shown on the Conceptual Plan are generally consistent with the Natural Conservation Land Use designation shown on the 2021 County Future Land Use Plan and as identified by the Powhatan County GIS Map Layer “Streams USGS NHD Intermittent and Perennial.” The required riparian buffers (as outlined in Section 83.471 of the County Zoning Ordinance) for these two streams and the wetlands contiguous to these streams will be based on field locations and shown on the plans during final Site Plan review. Development within the conservation areas and associated riparian buffers will be limited to those listed in Sec 83-471 (5) “Allowable development within riparian buffers.” Development impacts to other wetlands and streams that fall under the jurisdiction of the State of Virginia or the USACOE shall be permitted through the appropriate agencies prior to commencement of construction that includes the impacts.
3. Open Space. The owner will keep a minimum of twenty percent (20%) of the site in open space which shall include, but not be limited to, conservation areas, natural buffers and existing easements.
4. Plantings. Plants selected for the initial landscape plan submitted with the final Site Plan shall be native plants and, where possible, pollinating plants will be incorporated in the landscape plan where they meet landscape requirements.
5. Prohibited Uses. The following uses shall be prohibited on the Property:
 - a. Forestry and logging
 - b. Newspaper or magazine publishing
 - c. Radio or television broadcast studio
 - d. Telecommunications facility collocated
 - e. Fire or EMS station
 - f. Fire training facility
 - g. Law enforcement facility
 - h. Massage Clinic
 - i. Helicopter landing facility
 - j. Surface transportation passenger station/terminal
 - k. Marina commercial
 - l. Auction facility
 - m. Automotive paint and body shop
 - n. Automotive wrecker service
 - o. Parking lot or parking structure(as a principal use)
 - p. Taxi or limousine service facility
 - q. Heavy equipment sales, rental or storage
 - r. Outdoor storage(as a principal use)
 - s. Truck or freight terminal
 - t. Distribution(with high truck traffic as a principal use)
 - u. Convenience center, county

- v. Recycling drop of center
 - w. Shed sales, outdoors
 - x. Wood and stump recycling business
6. Permitted Supporting Uses. For clarity, the following supporting uses are permitted on the Property: (i) buildings for support offices and security, (ii) buildings for maintenance and maintenance offices, (iii) all electric generation, distribution, switchyard, transmission and substation facilities (including solar facilities designed to serve the electricity or thermal needs of the data center buildings), (iv) energy, battery and fuel storage facilities, (v) office, general office and storage, (vi) logistics and maintenance facilities, (vii) water and sewer facilities, (viii) water treatment facilities, (ix) water storage and cooling facilities and associated water pumps and equipment, (x) communication, broadband, fiber optic utilities (xi) air handlers, cooling equipment and heat pumps, etc., and (xii) other private utilities, emergency generators, all utilities, and other uses that relate to the primary use(s) constructed on the Property.
7. Buffers.
- a. Natural Buffer. In lieu of a Type C buffer, a natural buffer as follows (collectively, the “Natural Buffer”): (a) fifty feet (50’) in width, shall be provided generally along the Property’s northern and western boundary, in the location illustrated on the Conceptual Plan, to provide screening for the following off-site parcels of land identified by their Tax Map Number as of the date hereof: 043-2-1, 043-42A, 043-42B, 043-41, 043-63 (collectively, the “Adjacent Parcels”); and (b) thirty feet (30’) in width along the Property’s easterly boundary to provide screening for off-site parcel 043-62. The Natural Buffer shall be included within any required building setback along the perimeter of the Property. The owner, to the extent reasonably possible for purposes of developing the Property, will preserve existing trees within the Natural Buffer. Dead or diseased trees may be removed. In the event the owner clears existing trees within the Natural Buffer, the owner agrees to install new planting materials (outside of any easement areas), consisting of one hundred percent (100%) evergreen plantings spaced in a manner required for successful plant growth as determined by the owner’s landscape consultant and approved by the Planning Director. New plantings that fail to grow and/or die (brown in color) shall be replaced in accordance with Section 83-461(h)(i)(2)g. In the event the removal of dead or diseased trees creates a gap in the Natural Buffer, the gap shall be replanted in accordance with the plantings and spacing required by Type C Opaque Buffer, unless different plantings and spacing are required for successful plant growth as determined by the owner’s landscape consultant and approved by the Planning Director.
 - b. No landscape buffer of any type and no Natural Buffer is required on the southern boundary of Parcels 043-61 and 043-64E as long as the ownership of those parcels is the same ownership as the adjacent land in Chesterfield County identified on Chesterfield’s tax map as GPINs 705709910700000 and 707609486100000.

8. Screening. The owner shall plant a row of evergreen (or similar) trees (minimum height of 5' at time of planting), or install an alternative screening technique (such as fencing), as approved by the Planning Director, where needed to enhance the screening between an existing residence on an Adjacent Parcel and a building, substation, switchyard and/or battery storage system constructed adjacent to such Adjacent Parcel as mutually agreed by the owner and the Planning Director; provided, however, that the foregoing shall not limit the ability of the owner to install utilities, fencing and other items within the area to be planted with evergreen trees and/or shrubs or install alternative screening. In the event screening trees are removed due to death or disease, owner shall replace such dead or diseased trees with evergreens a minimum of 5' in height at time of planting.
9. Lighting. All exterior lighting fixtures, including pole-mounted exterior lighting and building-mounted exterior lighting, shall be shielded to reduce light pollution. Lighting that is exempt from these requirements includes, entrance signage, temporary lighting and lighting provided for emergency or safety and security purposes as required by: the Building Code, Electrical Code, or otherwise within the State and County Code. The uplighting of buildings is prohibited. This condition is intended to enhance, not diminish, the County's "dark sky" ordinance requirements in Section 83-469. In the event of any conflict, the requirements in Section 83-469 shall control.
10. Building Setback. Buildings shall be setback from the property lines as shown on Exhibit A.
11. Building Standards.
 - a. In all instances, the data center buildings, and any energy storage standalone structures, on the Property will be constructed in compliance with applicable codes, including the applicable provisions of the Virginia Uniform Statewide Building Code in effect at the time of building permit application.
 - b. Acceptable siding materials for buildings include brick, brick veneer, stone, stone veneer, stucco, concrete, E.I.F.S., cultured stone, other masonry materials, fiber cement siding (such as HardiPlank, HardieShingle, and HardieTrim), or engineered wood siding (such as LP SmartSide) and other masonry materials or a combination of the foregoing materials. Dutch lap, plywood, vinyl and metal siding are not permitted. Other materials may be used for parapets, roof or equipment screening (including but not limited to metal louvers), cornices, surrounds, trim, awnings, architectural decorations, and design elements. Roofing material for a sloped roof shall be standing seam metal, dimensional architectural shingles or similar, unless a different material is approved by the Planning Director at the time of plan review (however, flat roofs are exempt from this requirement). This subsection shall only apply to the data center buildings and not other supporting uses.
 - c. Pedestrian walkways at least five feet in width will be provided through parking areas to provide connections from parking lots to the primary building entrance,

with such walkways separated from parking spaces and drive aisles by curbing and/or landscaping.

- d. Any secondary building entrance(s), if required, shall be connected by a pedestrian walkway to building parking.
- e. Buildings shall use one or more neutral colors (such as taupe, tan, brown, beige, ivory, cream, white, black, grey or similar) with accent colors to complement the dominant building color.
- f. Above-ground mechanical equipment will be screened from view from adjacent public streets and residential dwellings where feasible with landscaping as determined in the landscape plan submitted by the owner with the final Site Plan unless an alternative screening method is approved by the Planning Director at the time of final Site Plan review.
- g. Any mechanical units placed on the rooftops of buildings shall, to the extent feasible, be screened from view from adjacent public streets and residential dwellings by architectural features which are compatible with building architecture.
- h. In lieu of the Light Industrial (I-1) parking requirements, a data center campus shall be parked as follows: one parking space for each employee working on the shift with the largest number of employees. Additionally, one loading space and two ADA accessible spaces shall be required at each data center building.
- i. The maximum lot coverage for the Property will not exceed fifty percent (50%), but individual development sites or phases may exceed fifty percent (50%).

12. Road Improvements. The following road improvements shall be completed (or paid for) by the owner or by others:

- a. Prior to the commencement of vertical construction, the owner (or others) shall:
 - i. Complete construction of the following “offsite” improvements near the intersection of Anderson Highway at Page Road:
 - 1. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
 - 2. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and a 200 foot long taper.

- b. Prior to the commencement of vertical construction, complete construction of a 100 ft long turn lane and a 100 foot long taper, along north bound Page Road on the Property's frontage, into the project entrance.

Any significant modification to the alignment, design and length specified above for the road improvements shall be approved by VDOT. If any of the road improvements identified above are completed by others, then the specific road improvement or related payment shall no longer be required of the owner. The timing for the construction of road improvements or payments may be adjusted by a phasing plan proposed by the owner and approved by the Planning Director at the time of site plan review.

Owner will attempt to acquire any "off-site" right-of-way (including any temporary construction easements) that is necessary for the road improvements described above (the "Required ROW"). If owner notifies the County that such attempts were unsuccessful, then the owner shall request, in writing, that the County or VDOT acquire the Required ROW as a road project. In the event the County or VDOT chooses not to acquire the Required ROW or is unable to acquire the Required ROW by the issuance of the site work disturbance permit, the owner shall be relieved of the obligations under section 12.a.i. above and shall instead pay to the County the sum of Two Million Dollars (\$2,000,000) concurrent with the issuance of the first building permit for vertical construction.

13. Construction Clean Up. The owner shall require (i) the placement of heavy equipment wash stations at the exit of the site and (ii) the removal of mud and debris tracked onto the internal roads during facility construction.
14. Noise. Noise levels at the Property's property line during normal operations will not exceed an average noise level (Leq) of 70 decibels (dBA) between the hours of 7 AM to 10 PM weekdays and between 9 AM to 10 PM on weekends and legal holidays and will not exceed an average noise level (Leq) of 65 decibels (dBA) at the Property's property line between the hours of 10 PM to 7 AM weekdays, weekends and legal holidays. Measurements for compliance with these requirements shall be conducted 5' above the property line for a period of 20 minutes with a Class 1 Sound Level Meter per ANSI S1.4:2014. Emergency operations and the testing of emergency equipment shall not be subject to the foregoing limitations and the term "emergency" shall mean any situation arising from sudden or reasonably unforeseen events beyond the control of the facility, which situation requires the use of emergency generators.

At completion of construction, applicant shall retain an acoustic engineer to take field measurements to verify compliance with the sound level proffer. If the measurements exceed the sound levels, sound attenuation measures shall be promptly performed, and the sound levels shall again be field measured to verify compliance with this proffer #14.

15. Signage. All freestanding signs installed at the entrance onto Page Road, excluding directional signs, will be designed by the owner thereof as monument signs with a masonry base and shall comply with the sign requirements in the Zoning Ordinance.
16. Noise Reduction. Each external emergency generator shall only be tested during the hours of 8 AM to 5 PM, Monday through Friday for no longer than thirty (30) minutes each, unless a longer time requirement is required by any federal, state, local or manufacturer's requirements for testing of emergency generators.
17. Construction Access. The owner shall require all contractors to direct their heavy-duty construction trucks (such as dump trucks) to access the Property via the Anderson Highway and Page Road intersection so that these trucks do not enter the site from eastbound Page Road and do not leave the site using westbound Page Road. This requirement shall be placed in all construction contracts.
18. Construction Hours. The hours of exterior construction on the Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours, or utility connections. No exterior construction shall occur on Sunday. All clearing, grading and construction contracts will contain these provisions.
19. Alternate Uses. Prior to the commencement of any use on the Property for other than a data center campus, and provided that such alternate use generates traffic trips in excess of the projected traffic set forth in the March 15, 2024 Supplemental Traffic Assessment, the owner shall submit an updated traffic study completed in accordance with VDOT requirements at the time of site plan submission or site plan amendment submission. The approved site plan or approved site plan amendment shall include the road improvements recommended in such updated traffic study and approved by VDOT.
20. Internal Roads. Internal roads shall be hard surfaces (e.g. asphalt) and privately owned and maintained.
21. Height. In lieu of the height requirements applicable to the Light Industrial (L-1) district, the exceptions to the maximum structure height shall be as set forth in CUP 24-03-CUP: LC West, LLC.

[PROFFER STATEMENT SIGNATURE PAGE]

New County Line Farm, LLC

By:  _____
Jeffrey P. Geiger, Attorney-in-Fact
Date: August 29, 2024

16899160.30 048840.00001

Summary of Neighborhood Meeting
1318 Page Road Rezoning
Meeting Date: April 18, 2024

A Neighborhood Meeting for the I-1 Rezoning request for 1318 Page Rd was held at 1355 Anderson Highway on April 18, 2024, from 6-7:30 PM. The meeting was conducted as an “Open House” and applicant provided information related to the application and proposed uses, and the community could ask questions.

Questions included:

1. The Page Road / Anderson Highway intersection is awful. What is going to be done to fix it?
2. When will the roadway improvements be made?
3. Why does VDOT want an R-CUT instead of a signal?
4. Did you do new traffic counts or just rely on the prior studies?
5. How much traffic will the new project create?
6. Will trucks go the other way on Page Road toward Walmart?
7. How will construction traffic be handled?
8. Will the buildings be leased?
9. How many companies will be created to serve the new data center?
10. How many buildings are proposed?
11. How large will the facility be?
12. Will it be visible from Anderson Highway?
13. What about noise?
14. Will the employees be there 24/7? In shifts?
15. How many employees will there be?
16. When will construction start?
17. How long will it take to build the project?
18. How much water will it use?
19. Where is the water coming from?
20. Can you extend sewer to my parcels in Chesterfield County adjacent to your property?
21. Where is the connection to the County’s sewer system?
22. Where are you in the process?
23. What will take place on Land Bay 4?
24. What will be the prohibited land uses?
25. Why was “data center” chosen as the preferred use?
26. How do we know that you will plant the evergreen screening?
27. Wow – is that right about the property tax revenues?

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name Harold L. Ellis, III TR Telephone (804) 539-5536

Address 1318 Page Road, Midlothian, VA 23113

Name Christine W. Ellis, TR Telephone (804) 539-5536

Address 1318 Page Road, Midlothian, VA 23113

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

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

43-61, 43-64 and 43-64E

and authorized to take such action, do hereby make, constitute and appoint:
R. Robert Benaicha and Amari F. Wright (804) 771-9512 and (804) 771-9583

2. Name Jeffrey P. Geiger, any of whom may act Telephone (804) 771-9557

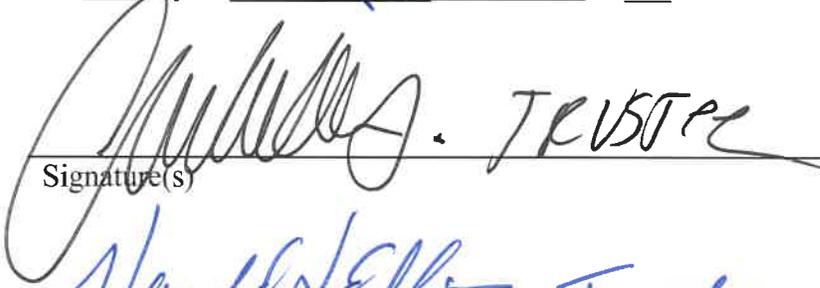
Address P. O. Box 500, Richmond, VA 23218

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, variance, appeal or any other zoning matter, and to set forth and offer such legally acceptable voluntarily proffered conditions (including any additions, amendments, modifications or deletions thereto), or any other agreements or representations that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. None

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

this 15th day of April 2024.

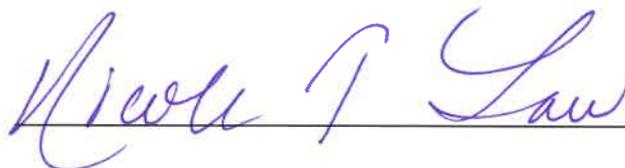

Signature(s)

Signature(s)

Signature(s)

Signature(s)

Witnessed
by:



Witnessed
by:



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



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

For Office Use Only	
Case Number	399-2024

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

Applicant Information	
Name of Applicant	LC West, LLC, a Delaware limited liability company
Mailing Address	26 Corporate Plaza, Suite 260 Newport Beach, CA 92660
Phone Number	(949) 533-4800
Email Address	TRamm@ProvinceGroup.com

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	New County Line Farm LLC
Mailing Address	1318 Page Road Midlothian, VA 23113
Phone Number	(804) 539-5536
Email Address	hellis@ppinfrastructure.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	Jeffrey P. Geiger
Mailing Address	P.O. Box 500 Richmond, VA 23218
Phone Number	(804) 771-9557
Email Address	jgeiger@Hirschlerlaw.com

Parcel Information	
Tax Map Number	43-61, 43-64 and 43-64E
Physical Address	1318 Page Road Powhatan, VA 23113
General Description of Property Location	North east intersection of Anderson Highway and Page Road.
Election District	1 - Subletts/Manakin/Flat Rock
Total Acreage	119.9
Current Zoning	Agricultural - 10
Countywide Future Land Use: Land Use Designation	Economic Opportunity and Gateway Business
Proposed Use	
Proposed Use (Identify Use Listed in Zoning Ordinance)	A maximum height increase to 75 feet for the structure height of the principal, permitted use of a data center, and subject to a 100 foot building setback from the property's western parcel line that is shared with parcels containing existing dwellings.
Proposed Use: Detailed Description	Data centers are built with two stories with each story being taller than a typical story for operational efficiency and to accommodate the sophisticated building systems.
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
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)	
<p>Describe any impacts the proposed use may have on adjacent properties and the surrounding neighborhood (e.g. noise, glare, smells, traffic, etc.).</p>	<p>In an age where data is the lifeblood of every industry, the demand for efficient and scalable data centers has never been greater. And, in Powhatan County a data center development will be an employment-generating use that supports local economic development goals by providing a new, significant, and positive commercial tax revenue. Two-story data centers with structure heights of 75 feet are crucial for optimizing operational efficiency and accommodating the sophisticated building systems required by these modern buildings. The proposed facility will be well shielded from view and any roof mounted equipment that exceeds the structure height shall be screened in accordance with Section 83-465. The project will have a 100-foot building setback line and an existing landscape buffer of tall, dense trees on the property lines will help to shield the buildings from view.</p> <p>There are no residences directly to the east of the property so no neighbors will be impacted; there is a vacant portion of a parcel (043-2-1) to the north of the subject property (this 11.7 ac parcel has a residence on the southwest portion of the L shaped parcel). This parcel is approximately 175 feet in width with existing dense vegetation north of the subject property that will provide an extra buffer in addition to the onsite buffer and setback proposed on the subject property, such that the neighbor located north of Parcel 043-2-1 should not be impacted by the height request.</p> <p>To the west of the subject property is a 30' strip of densely treed property which will help further shield the neighbors' view of the proposed project. With the on-site 50-foot landscape buffer proposed on the subject site and 100-foot building setback, the neighbors to the west should not be impacted. However, the Applicant has proposed a proffer to add evergreen/tree screening to enhance the screening between the existing residential structures and the property if needed. Lastly, the buildings will be located far from Page Road and Anderson Highway and significant existing tall trees shielding the view of the buildings from these public streets.</p> <p>By providing a mature-tree natural buffer and committing to a building setback of 100 feet, visual impacts to the neighbors and public road are minimized or eliminated.</p> <p>In summary, increasing the data center building's structure height to 75 feet offers a balanced approach to meeting operational needs while respecting the surrounding environment and neighbors. The request is condition on a 100' building setback and keeping a minimum 50' buffer of existing tall trees on the west property lines will minimize visibility from off-site locations.</p>

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
7057089389	C&CD3 Properties LLC	14506 Post Mill Drive Midlothian, VA 23113
7067081895 7067093700	Patricia T. Chafin, Pamela T. Edwards and Peggy O. Tucker	600 Country Line Road Midlothian, VA 23112
7067099844	Archibald C. Jr., and J.P. Frame	1200 Frameway Road Midlothian, VA 23113
7077092170	Huguenot Development LLC	1475 Oakbridge Ct. Powhatan, VA 23139
7077108031	HMG Investments LLC	1475 Oakbridge Ct. Powhatan, VA 23139
43-57	W.S. Carnes, Inc.	612 Huguenot Trail Midlothian, VA 23113
43-62	JMS Investments LLC	1475 Oakbridge Ct. Powhatan, VA 23139
43-36B	Prime Enterprise LLC	1300 Anderson Hwy. Powhatan, VA 23139
43-36 43-33A	Berk and Alp, LLC	14301 Justice Road Midlothian, VA 23113
43-39D	Fox Cleaning Service Inc.	P.O. Box 572 Midlothian, VA 23113
43-37	OCS Properties, LLC	1325 Page Road Powhatan, VA 23139

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
43-39A	1331 Page Roads LLC	1719 Douthit Court Powhatan, VA 23139
43-63	Adana Investments LLC	1320 Page Road Midlothian, VA 23113
43-40	Dwayna A. Winegard et al	1338 Page Riad Midlothian, VA 23113
43-41	Cheryl L. Howie et al	1320 Page Road Midlothian, VA 23113
43-42C	Michael Louis Proffitt	1356 Page Road Midlothian, VA 23113
43-42B	Powers & Associates II LLC	P.O. Box 2139 Chesterfield, VA 23832
43-42A	Tyler John Lamond and Mega Andrich	1810 Stonehenge Farm Road Midlothian, VA 23113
43-2-1	Walter E. Higham et al	1820 Stonehenge Farm Road Midlothian, VA 23113
7057085453 7057088344	E.L. Belvins TR D.B. Belvin TR	17417 Midlothian Tpke Midlohan, VA 23113
7057086748	E.L. Belvins TR D.B. Belvin TR	17417 Midlothian Tpke Midlohan, VA 23113
7067094861 7057099107	New County Line Farm, LLC	1318 Page Road Powhatan, VA 23113

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

Statement of Validity of Information

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

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.

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.

Signature of Applicant

Name of Applicant (Printed)

Jeffrey P. Geiger

Commonwealth of Virginia

County of Richmond, to wit:

City

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Jeffrey P. Geiger, whose name is signed to the above, on this 22nd day of April 20 24.

Notary Public

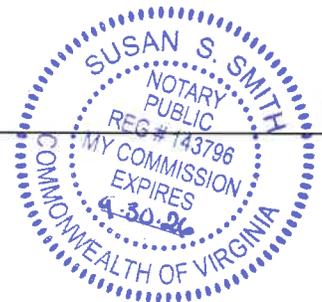
Seal

Commission Expires

9.30.26

Notary Number

143796



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
New County Line Farm, LLC	1318 Page Road Midlothian, VA 23113
Harold L. Ellis, III, Trustee Under Harold L. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113
Christina W. Ellis, Trustee Under Christina W. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113

I, Christina W. Ellis, Trustee, 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 43-61,43-64, and 43-64E.

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 *Christina W. Ellis, TRUSTEE*

Name of Applicant (Printed) Christina W. Ellis, Trustee

Commonwealth of Virginia
County of City, Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Christina W. Ellis, Trustee, whose name is signed to the above, on this 15th day of April 2024.

Notary Public	<i>Susan S. Smith</i>	
Commission Expires	<i>9.30.26</i>	
Notary Number	<i>143796</i>	

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
New County Line Farm, LLC	1318 Page Road Midlothian, VA 23113
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Christina W. Ellis, Trustee Under Christina W. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113

I, Harold L. Ellis, III, Trustee, 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 43-61,43-64, and 43-64E.
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

Harold L. Ellis, III Trustee

Name of Applicant (Printed)

Harold L. Ellis, III, Trustee

Commonwealth of Virginia
County of Augusta Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Harold L. Ellis, III, Trustee, whose name is signed to the above, on this 15th day of April 20 24.

Notary Public

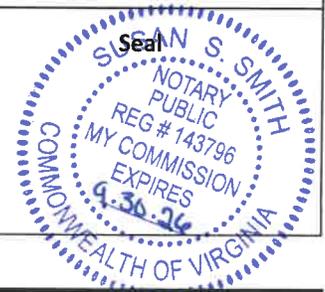
Susan S. Smith

Commission Expires

9.30.26

Notary Number

143796



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, Christina W. Ellis, Trustee, am the owner of the property subject to this rezoning request and consent to the request submitted by LC West, LLC (Applicant) to rezone

Tax Map 43-61, 43-64 and 43-64E from Agricultural - 10 (Current Zoning District) to Light Industrial I-1 (Requested Zoning District).

Signature of Owner

[Handwritten Signature] Trustee

Name of Owner (Printed)

Christina W. Ellis, Trustee

Commonwealth of Virginia

County of City-Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Christina W. Ellis, Trustee, whose name is signed to the above, on this 15th day of April 20 24.

Notary Public

[Handwritten Signature]

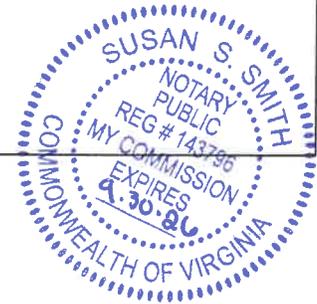
Seal

Commission Expires

9.30.26

Notary Number

143796



Recommended CUP Conditions:

- 1) Data center buildings and substation components not exceeding 75 feet in height may be constructed on the Property (Tax Map Parcels 43-64E, 43-61, and 43-64) within the areas of the Property labeled Land Bay 1, Land Bay 2, and Land Bay 3 as such land bays are generally depicted on the Conceptual Plan entitled “Page Road Conceptual Land Bay Plan” prepared by Dewberry, dated August 5, 2024, which Conceptual Plan is attached and incorporated into these CUP conditions as **Exhibit A**.
- 2) Properly screened rooftop mounted equipment including but not limited to HVAC equipment may be placed on top of data center buildings provided the screening and equipment does not exceed 90 feet in overall height (except for antennas).

17103251.3 048840.00001

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

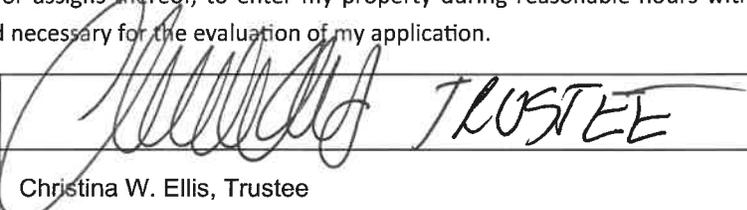
I, Harold L. Ellis, III, Trustee, am the owner of the property subject to this rezoning request and consent to the request submitted by LC West, LLC (Applicant) to rezone Tax Map 43-61, 43-64 and 43-64E from Agricultural - 10 (Current Zoning District) to Light Industrial I-1 (Requested Zoning District).

Signature of Owner	<i>Harold L. Ellis, III, Trustee</i>
Name of Owner (Printed)	Harold L. Ellis, III, Trustee

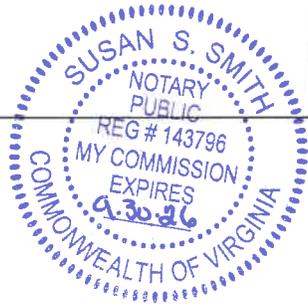
Commonwealth of Virginia
 County of City. Richmond, to wit:
 Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Harold L. Ellis, III Trustee, whose name is signed to the above, on this 15th day of April 20 24.

Notary Public	<i>Susan S. Smith</i>	Seal
Commission Expires	<i>9.30.26</i>	
Notary Number	<i>143796</i>	



Applicant's Permission for Inspection of Property		
I, <u>Christina W. Ellis, Trustee</u> , hereby grant access to the Director of Community Development, 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.		
Signature of Applicant	 TRUSTEE	
Name of Applicant (Printed)	Christina W. Ellis, Trustee	
Commonwealth of Virginia County of <u>City of Richmond</u> , to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Christina W. Ellis, Trustee</u> , whose name is signed to the above, on this <u>15th</u> day of <u>April</u> 20 <u>24</u> .		
Notary Public	<u>Susan S. Smith</u>	Seal
Commission Expires	<u>9.30.26</u>	
Notary Number	<u>143796</u>	



Applicant's Permission for Inspection of Property		
I, <u>Harold L. Ellis, III, Trustee</u> , hereby grant access to the Director of Community Development, 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.		
Signature of Applicant		
Name of Applicant (Printed)	Harold L. Ellis, III, Trustee	
Commonwealth of Virginia County of <u>City of Richmond</u> , to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Harold L. Ellis, III, Trustee</u> , whose name is signed to the above, on this <u>15th</u> day of <u>April</u> 20 <u>24</u> .		
Notary Public		Seal 
Commission Expires	<u>9.30.26</u>	
Notary Number	<u>143796</u>	

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name Harold L. Ellis, III TR Telephone (804) 539-5536

Address 1318 Page Road, Midlothian, VA 23113

Name Christine W. Ellis, TR Telephone (804) 539-5536

Address 1318 Page Road, Midlothian, VA 23113

Name _____ Telephone _____

Address _____

Name _____ Telephone _____

Address _____

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

43-61, 43-64 and 43-64E

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

R. Robert Benaicha and Amari F. Wright (804) 771-9512 and (804) 771-9583

2. Name Jeffrey P. Geiger, any of whom may act Telephone (804) 771-9557

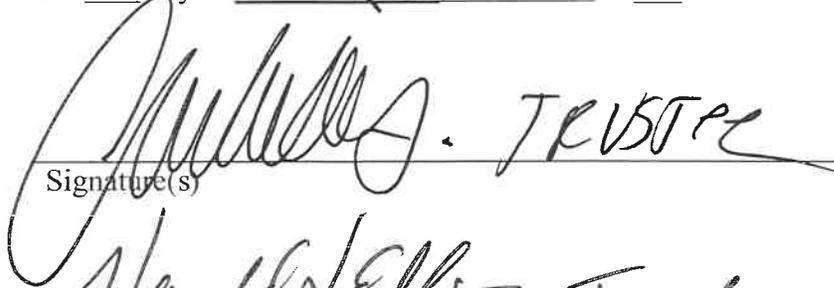
Address P. O. Box 500, Richmond, VA 23218

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, variance, appeal or any other zoning matter, and to set forth and offer such legally acceptable voluntarily proffered conditions (including any additions, amendments, modifications or deletions thereto), or any other agreements or representations that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. None

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

this 15th day of April 2024.


Signature(s)


Signature(s)

Signature(s)

Signature(s)

Witnessed
by:



Witnessed
by:



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

Attachment 2

~~Attachment 1~~ - Dominion Energy "Will Serve"



April 15, 2023

Roxanne Salerno
Economic Development Manager
Powhatan County
3834 Old Buckingham Rd
Powhatan, VA 23139

RE: Ellis Property – Page Road, Powhatan VA

Dear Roxanne Salerno:

Dominion Energy eagerly anticipates serving the electric requirements of the Ellis Property site in Powhatan, Virginia. We embrace the positive impact this site will have on job creation and investment within Powhatan County and Central Virginia. Our unwavering commitment is to ensure the successful realization of projects at this significant location.

The timeframes below provide a high-level view into the intricate processes involved in maintaining and expanding our electrical infrastructure.

Distribution Line Upgrades:

- Duration: Approximately 18 months.

Existing Substation Expansion/Upgrade:

- Duration: Approximately three years.

New Substation/Transmission Line Construction:

- Duration: Approximately four years.
- Process: Site selection, design, SCC approval, and construction of a new substation.

The timeframes above could change based on currently unknown or unknowable information or circumstances. Any delays due to land conveyance, permitting, or supply chain can impact the target schedule.

Dominion Energy is fully committed to delivering affordable, reliable, and sustainable energy. As we navigate the challenges of infrastructure development, collaboration and innovation remain key. If you have any questions or need assistance, feel free to reach out and together, we can power a brighter future.

Sincerely,

Dominic Minor

Dominic Minor
Manager, Customer Service & Strategic Partnerships
Dominion Energy

Attachment 2 Trans. Related Correspondences

Bowman Memo - March 15, 2024
VDOT Letter - April 10, 2024
Bowman Letter - May 14, 2024
VDOT Letter - May 24, 2024 (2 letters)
Bowman Letter - June 17, 2024
VDOT Letter - June 25, 2024

Bowman

Memorandum

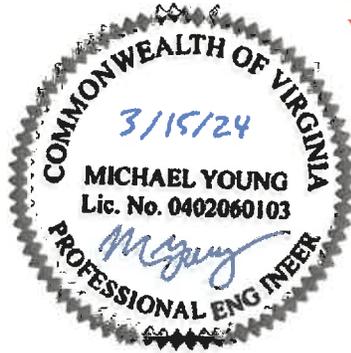
To: Mr. Mark Jacobson
Newport Equities, LLC

CC:

From: Daniela Valenzuela
Michael Young, P.E.

Date: 3/15/2024

Re: Powhatan County Data Center – Supplemental Assessment



As requested, Bowman has prepared a supplemental assessment for the proposed Powhatan Data Center development to be located in Powhatan County, Virginia.

The purpose for this supplemental assessment is to update/verify that the results of the previously approved Ellis Farm Property Traffic Statement are valid with the proposed land use program (Powhatan Data Center development). This approach was discussed with Powhatan County and the Virginia Department of Transportation (VDOT) on February 14th, 2024.

Background Information

The proposed Data Center development is to be located at the northeast corner of the intersection of Page Road and Anderson Highway (US 60) in Powhatan County, Virginia. **Figure 1** depicts the site location.



Figure 1. Site Location

The proposed development consists of three (3) buildable areas with a cumulative size of up to 1,525,000 S.F. The conceptual plan for the proposed site is depicted in **Figure 2** and included in **Attachment A**.

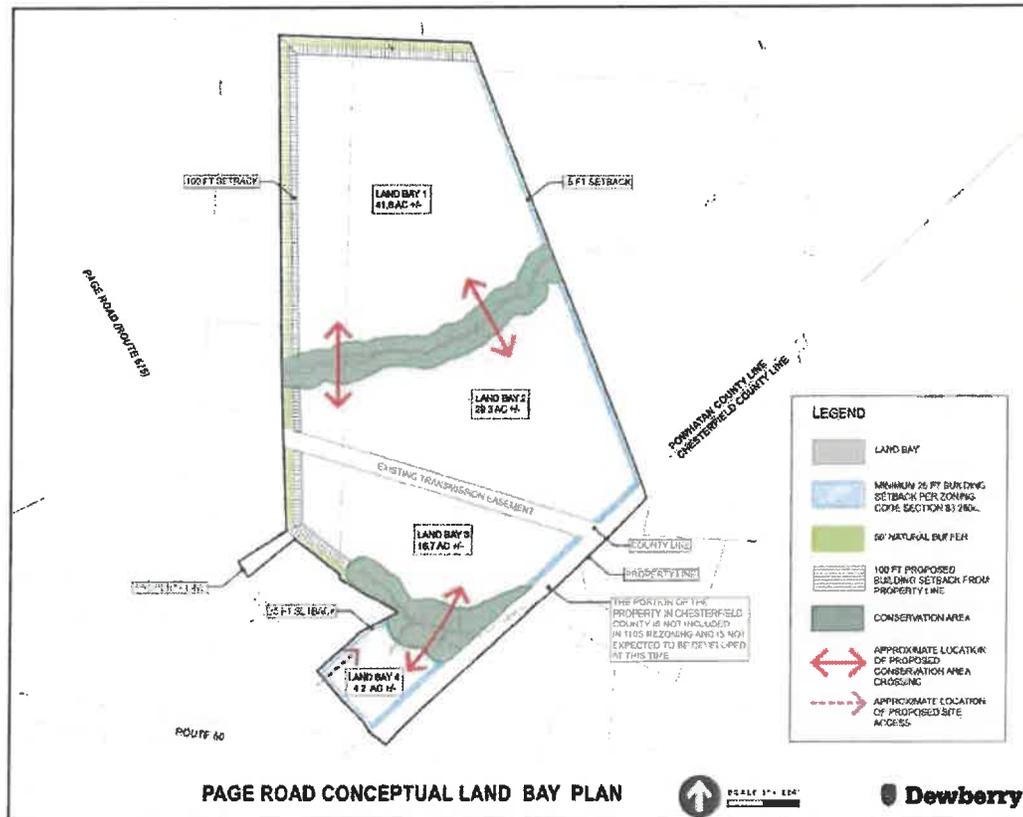


Figure 2. Conceptual Plan

Access to the site is expected to be provided via one (1) full-access driveway connecting to Page Road, located approximately 440 ft from the centerline of the intersection of Anderson Highway (US 60) and Page Road/County Line Road.

A mixed-use development named the “Ellis Farm Property” was originally planned for the site, and a Traffic Impact Analysis (TIA) was prepared for the development in January 2019, revised in June 2019, and later approved by Powhatan County and VDOT.

In July 2022, the proposed Ellis Farm Property development program was reduced to the following uses, excluding the northern 26.3 acres from the zoning case: 180 single-family dwelling units, 300,000 S.F. of general industrial, and a 6,000 S.F. restaurant building. To evaluate this reduced program, a Traffic Statement was submitted on July 29th, 2022, as an update to the previous Ellis Farm Property submittals. The Traffic Statement was approved by Powhatan County and VDOT.

The previous Ellis Farm Property submittals are included in **Attachment B**.

In response to the Ellis Farm Property Traffic Statement, VDOT recommended the following improvements in a review letter dated March 10, 2023:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

Since the proposed Powhatan Data Center land development program is different than the previously approved site, a coordination meeting was held with officials from VDOT and Powhatan County on February 14th, 2024, to determine the level of traffic analysis that would be required to evaluate the proposed Data Center development.

At the meeting, it was agreed that an updated evaluation at the Anderson Highway (US 60)/Page Road/County Line Road intersection should be prepared to examine the potential impact of the proposed Data Center's site traffic on this location. It was agreed that the evaluation would utilize updated traffic counts, and that the purpose of the analysis would be to determine if the existing intersection volumes and/or the new development program's site traffic would still justify the improvements previously approved by VDOT and Powhatan County in March 2023.

Existing Roadway Network

Anderson Highway (US 60) within the identified study area is a four-lane divided roadway, listed as a Principal Arterial on VDOT's Functional Classification Map. It has an east-west alignment and a posted speed limit of 55 mph. According to published VDOT traffic data, this section of Anderson Highway (US 60) currently carries an average of 36,000 vehicles per day.

Page Road within the identified study area is a two-lane undivided roadway, listed as a Major Collector on VDOT's Functional Classification Map. It has a north-south alignment and a posted speed limit of 35 mph. According to published VDOT traffic data, this section of Page Road currently carries an average of 1,200 vehicles per day.

County Line Road within the identified study area is a two-lane undivided and unmarked roadway, listed as a Local Road on VDOT's Functional Classification Map. It has a north-south alignment and a posted speed limit of 45 mph. According to published VDOT traffic data, this section of County Line Road currently carries an average of 710 vehicles per day.

Intersection of Anderson Highway (US 60) and Page Road/County Line Road

This intersection is currently a four-legged unsignalized intersection where Anderson Highway (US 60) has an east-west alignment and Page Road/County Line Road has a north-south alignment, as shown in **Figure 3**.



Figure 3. Aerial of Anderson Highway (US 60) and Page Road/County Line Road

The eastbound approach consists of one exclusive left turn lane, one through lane and one shared through/right turn lane. The westbound approach consists of one exclusive left turn lane, two through lanes, and one exclusive right turn lane. The northbound approach is stop-controlled and consists of one shared left turn/through/right turn lane. The southbound approach is stop-controlled and consists of one shared left turn/through lane and one exclusive right turn lane.

As shown in the aerial above, the intersection has recently been improved with updated striping and signage to clearly define a two-stage crossing for the side-street turning movements.

The updated striping and signage inform side-street vehicles who wish to make a left turn or a through movement to perform these maneuvers by first entering the median of the intersection, waiting until traffic clears, and then completing the movement. Based on the size of the median and as confirmed with field observations, two (2) vehicles in each direction can be accommodated within the available median storage.

Data Collection

Turning movement counts were collected during the morning (7:00 AM – 9:00 AM) and evening (4:00 PM – 6:00 PM) peak periods on Wednesday, February 21, 2024. Copies of the turning movement counts are included in **Attachment C**.

Study Parameters

The study parameters (growth rate factor, trip distribution, etc.) included in the original Ellis Farm Property submittals were utilized as the basis for the analysis contained in this assessment.

As noted above, it was agreed with VDOT and Powhatan County that this evaluation would examine the potential impact of the proposed Data Center’s site traffic at the following intersection:

- Anderson Highway (US 60) and Page Road/County Line Road

It is anticipated that the proposed development will be constructed and fully operational by the year 2027. Therefore, the following scenarios were evaluated as part of this assessment:

- Existing Conditions (2024)
- Future Conditions (2027) without the proposed development (No Build)
- Future Conditions (2027) with the proposed development (Build)

Proposed Development Trip Generation

Bowman has prepared and developed a Data Center Trip Generation Assessment in coordination with the Virginia Department of Transportation’s (VDOT) Fredericksburg District and Central Office, to determine the average weekday and peak hour trip generation rates for data center facilities based on historical data from fully operational sites located in the Commonwealth of Virginia.

As of March 2023, the assessment has been approved by both entities and is now the preferred trip generation data source for Data Center developments in the Commonwealth of Virginia. The Data Center Trip Generation Assessment is included in **Attachment D**.

The Data Center Trip Generation Methodology prepared by Bowman was used to determine the anticipated number of trips generated by the proposed land use. **Table 1** outlines the projected morning peak hour, evening peak hour, and daily trip generation for the proposed development.

Table 1. Site Trip Generation

Development ⁽¹⁾	Size	Units	Weekday AM Peak Hour			Weekday PM Peak Hour			Average Weekday		
			In	Out	Total	In	Out	Total	In	Out	Total
Data Center	1,525,000	SF	75	62	137	14	32	46	572	572	1,144

(1) Trips based on the 2023 Data Center Trip Generation Assessment prepared by Bowman

As shown in **Table 1**, the proposed development is expected to generate 137 total trips (75 in and 62 out) during the morning peak hour, 46 total trips (14 in and 32 out) during the evening peak hour, and 1,144 trips (572 in and 572 out) during an average weekday.

As noted above, the latest Traffic Statement for the previously planned Ellis Farm Property development was prepared to evaluate the anticipated impact associated with the development program of 180 single family dwelling units, 300,000 S.F. of general industrial, and a 6,000 S.F. restaurant building.

The proposed Powhatan Data Center development is expected to generate significantly fewer site trips than the Ellis Farm Property development, and **Table 2** below contains a trip generation comparison demonstrating the anticipated reduction.

Table 2. Trip Generation Comparison – Powhatan Data Center vs. Ellis Farm Property

Development	Weekday AM Peak Hour			Weekday PM Peak Hour			Average Weekday		
	In	Out	Total	In	Out	Total	In	Out	Total
Ellis Farm Property ⁽¹⁾	154	138	292	159	156	315	1,827	1,827	3,654
Powhatan County Data Center ⁽²⁾	75	62	137	14	32	46	572	572	1,144
Net Decrease	-79	-76	-155	-145	-124	-269	-1,255	-1,255	-2,510

(1) Trips extracted from the Ellis Farm Property Traffic Statement, dated July 29, 2022.

(2) Trips based on the 2023 Data Center Trip Generation Assessment prepared by Bowman

As shown in **Table 2**, the proposed Powhatan County Data Center development is projected to generate 155 fewer trips during the morning peak hour, 269 fewer trips during the evening peak hour, and 2,510 fewer trips during an average weekday. These figures equate to approximately 53% fewer trips during the morning peak hour, 85% fewer trips during the evening peak hour, and 69% fewer trips during an average weekday.

Traffic Forecast and Background Traffic

The 2024 Existing Peak Hour Traffic Volumes are depicted on **Exhibit 1 in Attachment E**.

The background growth rate factor of 2.0% per year extracted from the previous Ellis Farm Property submittals was applied to project the 2024 traffic volumes three (3) years to develop the 2027 No Build Peak Hour Traffic Volumes, which are depicted on **Exhibit 2 in Attachment E**.

The expected trip distribution for the proposed site was also extracted from the previous Ellis Farm Property submittals and is depicted on **Exhibit 3 in Attachment E**. The projected site trips for the proposed Data Center were then applied to this distribution and are depicted on **Exhibit 4 in Attachment E**.

Finally, the projected site trips were added to the 2027 No Build Traffic Volumes to develop the 2027 Build Peak Hour Traffic Volumes, which are depicted on **Exhibit 5 in Attachment E**.

Auxiliary Turn Lane Warrant Analysis

The forecasted 2027 Build Conditions right turn volumes into the Proposed Site Driveway on Page Road were evaluated to determine the need for the installation of an exclusive turn lane to access the site.

The Virginia Department of Transportation's 2020 Road Design Manual, Appendix F was utilized as the basis of the auxiliary turn lane warrant evaluation.

Page Road and Proposed Site Driveway

The calculated Build Conditions volumes shown on **Exhibit 5** in **Attachment E** were evaluated to determine the need for a northbound right turn lane along Page Road into the Proposed Site Driveway.

Figure 4 has been extracted from the 2020 VDOT Road Design Manual, Appendix F (Figure 3-26). This figure outlines the traffic volumes required to satisfy a right turn lane warrant at an intersection on a two-lane roadway.

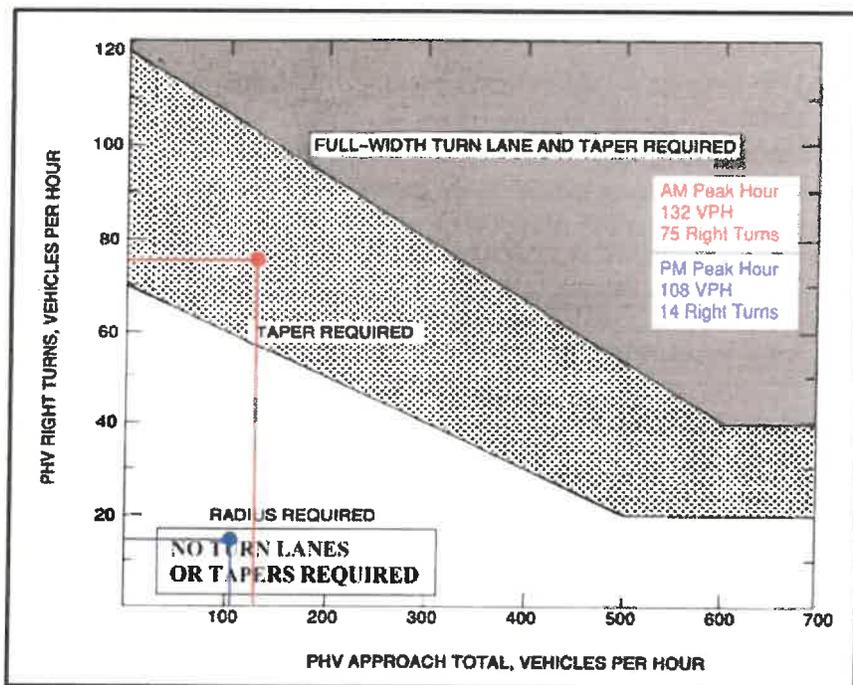


Figure 4. Northbound Right Turn Lane Warrant at Page Road and Proposed Site Driveway

As shown on **Figure 4**, the installation of only a northbound right turn taper is warranted at this location during the morning peak hour. Per VDOT's Road Design Manual, this right turn taper should have a length of 100 feet.

Capacity Analysis of 2024 Existing Conditions

A capacity analysis under the 2024 Existing Conditions was conducted for the intersection of Anderson Highway (US 60) and Page Road/County Line Road. The capacity analysis results are included in **Attachment F**.

Anderson Highway (US 60) and Page Road/County Line Road

Based on the results of the capacity analysis under existing conditions, there are existing capacity constraints at the intersection of Anderson Highway (US 60) and Page Road/County Line Road during both the morning and evening peak hours.

During the morning peak hour, the westbound left turn movement currently operates at a LOS E, while the northbound approach, southbound left turn/through movement, and southbound approach currently operate at a LOS F.

During the evening peak hour, the eastbound left turn movement, southbound left turn/through movement, and southbound approach also currently operate at a LOS F.

The queue results from SimTraffic do not appear to exceed the available storage for the auxiliary lanes. The capacity analysis results are summarized in **Table 4**.

Table 4. 2024 Existing Conditions Capacity Analysis - Anderson Highway (US 60) and Page Road/County Line Road

INTERSECTION				AM Peak Hour			PM Peak Hour		
				Conditions			Conditions		
Approach	Movement	Storage (ft)	DELAY (S)	LOS	Maximum Queue (ft)*	DELAY (S)	LOS	Maximum Queue (ft)*	
Intersection #1: Anderson Highway (US 60) and Page Road/County Line Road (2024 Existing Conditions)	EB	L	150	18.8	C	84	80.8	F	105
	WB	L	150	38.8	E	32	13.3	B	37
	NB	Approach	+1,000	93.8	F	39	24.5	C	140
	SB	LT	+1,000	88.9	F	126	1283.8	F	451
		R	170	12.5	B	70	23.3	C	157
		Approach	--	74.5	F	--	1100.8	F	--

*Extracted from SimTraffic simulation software

Capacity Analysis Comparison – Future 2027 No Build vs. Build Conditions

Capacity analyses were then conducted at the intersection of Anderson Highway (US 60) and Page Road/County Line Road for both the Future 2027 No Build and Build Conditions. The capacity analysis results are included in **Attachment G**.

Anderson Highway (US 60) and Page Road/County Line Road

Morning Peak Hour

Based on the results of the capacity analysis during the morning peak hour, the intersection of Anderson Highway (US 60) and Page Road/County Line Road is projected to experience capacity constraints under both Future 2027 No Build and Build Conditions.

There are no projected changes to levels of service from Future 2027 No Build to Build Conditions.

The westbound left turn movement is projected to operate at a LOS E, while the northbound approach, southbound left turn/through movement, and southbound approach are projected to operate at a LOS F under both Future 2027 No Build and Build Conditions.

The projected delay for the southbound left turn/through movement is projected to increase by 236.2 seconds under Future 2027 Build Conditions, and the projected queue for this movement is projected to increase by 365 feet. The capacity analysis results are summarized in **Table 5**.

Table 5. 2027 AM Peak Hour Capacity Analysis - Anderson Highway (US 60) and Page Road/County Line Road

INTERSECTION				AM Peak (No Build)			AM Peak (Build)					
				Conditions			Conditions					
				DELAY (S)	LOS	Maximum Queue (ft)*	DELAY (S)	LOS	Maximum Queue (ft)*			
Intersection #1: Anderson Highway (US 60) and Page Road/County Line Road (2027 No Build Conditions vs. 2027 Build Conditions)				Approach	Movement	Storage (ft)						
				EB	L	150	21.0	C	59	20.9	C	108
				WB	L	150	45.6	E	17	45.6	E	18
				NB	Approach	+1,000	128.3	F	38	156.6	F	47
				SB	LT	+1,000	138.9	F	208	373.1	F	573
					R	170	12.9	B	83	12.9	B	170
	Approach	--	113.1	F	--	295.7	F	--				

*Extracted from SimTraffic simulation software

Evening Peak Hour

Based on the results of the capacity analysis during the evening peak hour, the intersection of Anderson Highway (US 60) and Page Road/County Line Road is projected to experience capacity constraints under both Future 2027 No Build and Build Conditions.

There are no projected changes to levels of service from Future 2027 No Build to Build Conditions.

The eastbound left turn movement, northbound approach, southbound left turn/through movement, and southbound approach are projected to operate at a LOS F under both Future 2027 No Build and Build Conditions.

The projected delay for the southbound left turn/through movement is projected to increase by 1,089.6 seconds under Future 2027 Build Conditions, and the projected queue for this movement is projected to increase by 418 feet. The capacity analysis results are summarized in **Table 6**.

Table 6. 2027 PM Peak Hour Capacity Analysis - Anderson Highway (US 60) and Page Road/ County Line Road

INTERSECTION				PM Peak (No Build)			PM Peak (Build)		
				Conditions			Conditions		
				DELAY (S)	LOS	Maximum Queue (ft)*	DELAY (S)	LOS	Maximum Queue (ft)*
Approach	Movement	Storage (ft)							
Intersection #1: Anderson Highway (US 60) and Page Road/County Line Road (2027 No Build Conditions vs. 2027 Build Conditions)	EB	L	150	116.9	F	112	123.4	F	128
	WB	L	150	14.0	B	25	14.0	B	28
	NB	Approach	+1,000	77.3	F	145	90.6	F	149
	SB	LT	+1,000	2457.9	F	586	3547.5	F	1,004
		R	170	25.5	D	170	25.8	D	170
		Approach	--	2127.8	F	--	2856.4	F	--

*Extracted from SimTraffic simulation software

Capacity Analysis Comparison Summary

The results of the capacity analysis above indicate that the intersection of Anderson Highway (US 60) and Page Road/County Line Road is projected to experience capacity constraints under both Future 2027 No Build and Build Conditions. Specifically, the northbound and southbound approaches are projected to operate under high levels of delay both with and without the proposed development.

The proposed Powhatan Data Center development is not expected to significantly impact this intersection, however, as the projected levels of service for all turning movements and approaches are not expected to change from Future 2027 No Build to Build Conditions.

The projected capacity constraints for the side-street approaches align with the results included in the previous Ellis Farm Property Traffic Statement. In response to these anticipated constraints, VDOT recommended the installation of the following two (2) improvements referenced earlier in this assessment:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

Since the capacity analysis results included in this assessment indicate improved operations for the side-street approaches when compared to the results included in the previous Ellis Farm Property Traffic Statement, the recommendations previously approved by VDOT appear to remain sufficient to address the existing intersection deficiencies.

Summary and Conclusions

- The proposed Powhatan Data Center development consists of three (3) buildable areas with a cumulative size of up to 1,525,000 S.F. Access to the site is expected to be provided via one (1) full-access driveway connecting to Page Road.
- A mixed-use development named the “Ellis Farm Property” was originally planned for the site, and a TIA was prepared for the development in January 2019 and revised in June 2019.
- In July 2022, the proposed Ellis Farm Property development program was reduced to the following uses, excluding the northern 26.3 acres from the zoning case: 180 single-family dwelling units, 300,000 S.F. of general industrial, and a 6,000 S.F. restaurant building. A Traffic Statement was submitted on July 29th, 2022 to evaluate this reduced program, and was approved by Powhatan County and VDOT.
- In response to the Ellis Farm Property Traffic Statement, VDOT recommended the following improvements in a review letter dated March 10, 2023:
 - a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
 - b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.
- To determine the anticipated impact of the less-intense Powhatan Data Center development on the Anderson Highway (US 60)/Page Road/County Line Road intersection, a capacity analysis evaluation was performed at the intersection utilizing current traffic counts.
- The results of this evaluation align with those reported in the previous Ellis Farm Property submittals, as the updated capacity analysis results indicate that the intersection of Anderson Highway (US 60) and Page Road/County Line Road is projected to experience capacity constraints under Existing Conditions as well as Future 2027 No Build and Build Conditions.
- These constraints indicate that the March 2023 approved recommendations by VDOT and Powhatan County remain appropriate.

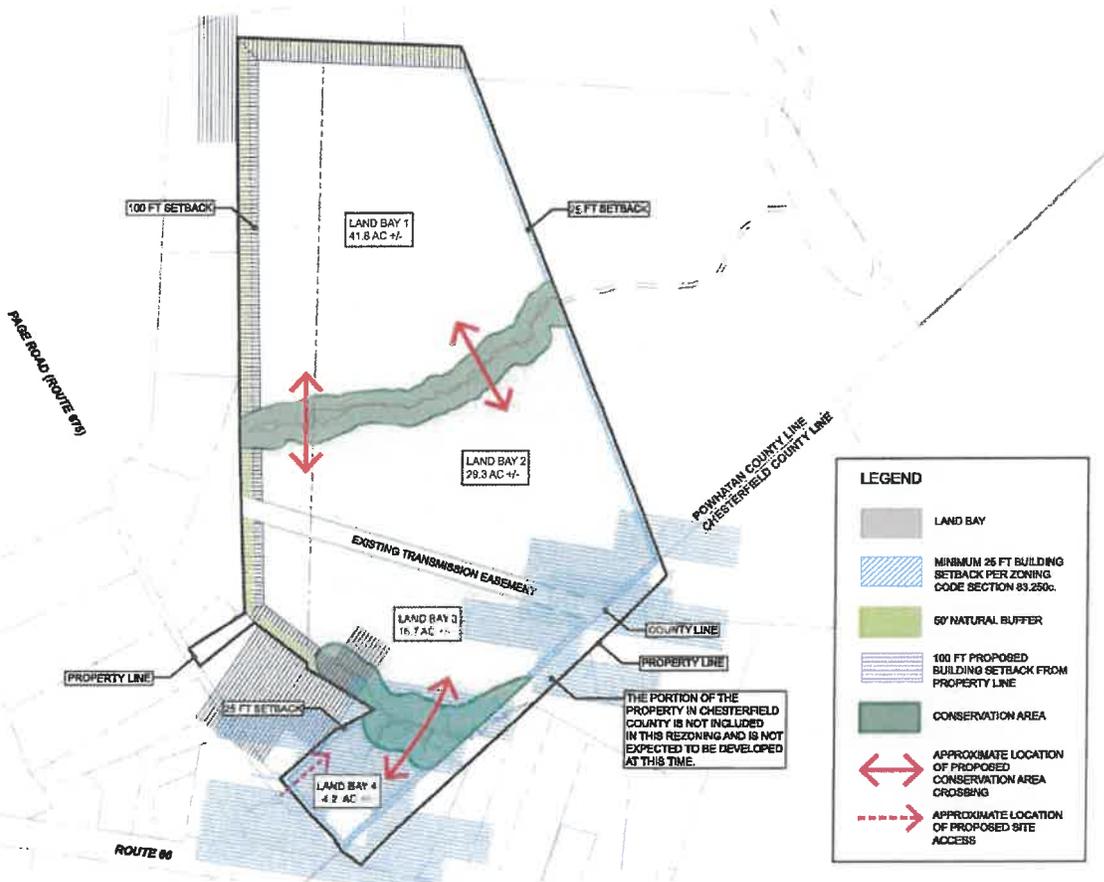
March 15, 2024

- The trip generation evaluation included in this assessment also indicates that the Powhatan Data Center development is expected to generate significantly fewer site trips (approximately 53% fewer during the AM peak hour, 85% fewer during the PM peak hour, and 69% fewer during an average weekday) than the Ellis Farm Property development program previously evaluated in the July 2022 Traffic Statement.
- Based on the capacity analysis results, the Powhatan Data Center development is not expected to significantly impact the operations of the adjacent Anderson Highway (US 60)/Page Road/County Line Road intersection, as the projected levels of service at the intersection are not expected to change from Future 2027 No Build to Build Conditions.
- Although the proposed Powhatan Data Center is projected to generate significantly fewer site trips than the Ellis Farm Property, and the capacity analysis results contained in this assessment do not indicate any projected changes to levels of service from Future 2027 No Build to Build Conditions, it is Bowman's professional opinion that the identified improvements included in VDOT's March 2023 review letter remain appropriate and would provide an overall benefit to the study area.
- To assist the County and VDOT with the existing deficiencies at the Anderson Highway (US 60)/Page Road/County Line Road intersection, it is recommended that the Applicant offer a "fair share" contribution towards the installation of the improvements identified earlier in this assessment. A proposed fair share calculation is included in **Attachment H**.
- Finally, it is also recommended that the Applicant install a 100-foot long northbound right turn taper at the Proposed Site Driveway on Page Road per the criteria included in VDOT's Road Design Manual.

Bowman

ATTACHMENT A:
Conceptual Plan

bowman.com



LEGEND	
	LAND BAY
	MINIMUM 25 FT BUILDING SETBACK PER ZONING CODE SECTION 83.250c.
	60' NATURAL BUFFER
	100 FT PROPOSED BUILDING SETBACK FROM PROPERTY LINE
	CONSERVATION AREA
	APPROXIMATE LOCATION OF PROPOSED CONSERVATION AREA CROSSING
	APPROXIMATE LOCATION OF PROPOSED SITE ACCESS



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

April 10, 2024

Mr. Ligon Webb
Planning Director, Powhatan County
3834 Old Buckingham Road, Suite E
Powhatan, VA 23139

REFERENCE: **Tax Map #043-61, #043-64 & #043-64E**
1380 Page Road- Located on the north side of State Route 675 (Page Road) near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the Chesterfield County line
Anderson Hwy. - Rt. 60 -Rural Principal Arterial, AADT - 31,000, Posted Speed - 55 MPH
Page Road - Rt. 675 - Rural Major Collector, AADT - 1,100 Posted Speed – 35 MPH
Date VDOT Received: 3/18/24

Dear Mr. Webb:

The Virginia Department of Transportation has reviewed the amended traffic study for parcels at TM #43-61, #43-64 and #43-64E to facilitate 1,525,000 SF of Data Center and accessory uses. The subject property is a combination of three parcels located on Page Road (Route 675), north of Anderson Highway (US Route 60), along the Powhatan/Chesterfield County line. The total acreage for development is approximately 92 acres with three land bays.

The applicant intends to develop the property for a master planned development consisting of three land bays for data centers, totaling 1,525,000 SF of Data Center use with associated uses such as offices. The 2021 Comprehensive Plan designates the subject properties as Economic Opportunity on the Countywide Land Use Map. Included was a preliminary concept plan for development, updated traffic counts, and traffic generation.

The conceptual plan includes one proposed street connections to Page Road. Proposed use provides less traffic generation and lower peak trips, once operational, than the previously approved zoning case. The level of service impacts from the proposed use are within the same service level when compared to the no build conditions; however, the build condition does

provide longer delays. It should be noted that both have level service of F, which is the lowest level of service.

VDOT offers the following notes and comments based on the review of the provided Traffic Study Amendment and conceptual plan:

1. The Concept Plan includes one street connection to Page Road (Route 675). The proposed access appears to be located across from the existing commercial entrance for the existing gas and convenience store. This would create an unsignalized full crossover entrance (type 2). Since Page Road is a Major Collector Posted at 35 MPH, this would require 440' of separation from the adjacent entrance. At the scale provided, it is difficult to tell if the required spacing is obtained. If required spacing is not provided, the access would need to be changed to partial access or an Approved AM-E would be required to permit a full access entrance.
2. Internal Roads were not presented with this plan. Any interior roads were assumed to be private and are not reviewed with this traffic study.
3. Verify the buildout year. From discussions with developer and county, it is the Residency's understanding this development will take longer than the three years reported in this amendment for full buildout.
4. Please evaluate construction traffic and phasing to determine if there will be traffic impacts due to the construction and duration of construction for this project.
5. Left turn lane warrants for Page Road into the site were not provided; however, traffic from the north is expected to be low in comparison to right turn traffic from Route 60.
6. A Traffic Impact Analysis (TIA) report and a Signal Justification Report (SJR) was submitted with the previous rezoning request for the subject property in 2019 and in 2022, with both reports being accepted by VDOT. The approved SJR determined the ultimate intersection control at the intersection of Anderson Highway with Page Road / County Line Road will be a signalized Restricted Crossing U-turn (RCUT) intersection. The traffic study for the current amendment references the approved RCUT. Proposed site desires to pay into a fair share fund for the improvements.
7. While the no-build and build options for 2027 show the same level of service of F. The PM peak in the build option has nearly 60-minute queues for southbound left turns (from Page onto Route 60). This is nearly 50% greater than the no build option with queues almost double in length (586 ft to 1.004 ft). Please provide analysis of potential options to mitigate this impact such as providing the median u-turn along route 60. This could allow traffic to make a right-out and then make a u-turn to go east.

A Site Plan is required to be submitted by the developer and approved by Powhatan County for the subject development. VDOT recommends that a phasing plan be developed and submitted for review if the proposed development will be constructed in two or more phases. Additional comments for the development will be provided at time of site plan submission. Proposed

Route 60/Page Road Local Traffic Study (2024 Amendment)

April 10, 2024

Page 3 of 3

development is subject to all applicable VDOT regulations and standards. A VDOT Land Use Permit will be required for any work within the Right of Way and any proposed streets to be state maintained.

Sincerely,

Dustin Dunnagan, PE
Area Land Use Engineer
VDOT Richmond District – Chesterfield Residency

CC (Via E-mail)

Bret Schardein
Roxanne Salerno
Rebecca Worley
Jason Zhang
Michael Young

Powhatan County Administrator
Powhatan Economic Development Manager
VDOT Chesterfield Resident Engineer
VDOT Richmond District Traffic Engineering
Bowman



May 14, 2024

Mr. Ligon Webb
Planning Director
Powhatan County
3834 Old Buckingham Road
Suite E
Powhatan, VA 23139

RE: Tax Map #043-61, #043-64 & #043-64E
1380 Page Road- Located on the north side of State Route 675 (Page Road) near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the Chesterfield County line Anderson Hwy. – Rt. 60 – Rural Principal Arterial, AADT – 31,000, Posted Speed – 55 MPH
Page Road – Rt. 675 – Rural Major Collector, AADT – 1,100, Posted Speed – 35 MPH
Date VDOT Received: 3/18/24

Dear Mr. Webb:

Bowman is in receipt of the Virginia Department of Transportation’s review comment letter (dated April 10, 2024) for the proposed Powhatan County Data Center Supplemental Assessment in Powhatan County, VA. In order to facilitate the review, the Department’s comments are in italic text and our responses are in normal text.

Comment 1: The Concept Plan includes one street connection to Page Road (Route 675). The proposed access appears to be located across from the existing commercial entrance for the existing gas and convenience store. This would create an unsignalized full crossover entrance (type 2). Since Page Road is a Major Collector Posted at 35 MPH, this would require 440’ of separation from the adjacent entrance. At the scale provided, it is difficult to tell if the required spacing is obtained. If required spacing is not provided, the access would need to be changed to partial access or an Approved AM-E would be required to permit a full access entrance.

Response: The site access is proposed to be located across from the existing convenience store/gas station entrance, and as such, this location would be classified as a Type 2 entrance. There is currently **450’** of separation from the centerline of the proposed site access to the centerline of the Anderson Highway (US 60)/Page Road/County Line Road intersection, exceeding the 440’ requirement.

Comment 2: Internal Roads were not presented with this plan. Any interior roads were assumed to be private and are not reviewed with this traffic study.

Response: Comment acknowledged, it is the Applicant’s intent that the interior roads to the site will be paved and private.

Comment 3: Verify the buildout year. From discussions with developer and county, it is the Residency's understanding this development will take longer than the three years reported in this amendment for full buildout.

Response: The development of the proposed site may take longer than three (3) years, and the proposed development may not be fully operational by year 2027.

However, please note that any change in the buildout year is not expected to materially impact the results and/or conclusions included in the supplemental assessment. The intersection of Anderson Highway (US 60) and Page Road/County Line Road currently fails under existing conditions, and is expected to continue to fail under both future No Build and Build Conditions.

Since these existing failures were observed in both the year 2024 and year 2027 analyses included in the supplemental assessment, material changes to the projected operations are not anticipated with the inclusion of additional background traffic growth.

Comment 4: Please evaluate construction traffic and phasing to determine if there will be traffic impacts due to the construction and duration of construction for this project.

Response: The Applicant provided the following narrative to Bowman, which describes the anticipated construction traffic operations throughout the development of the proposed site:

"The phased construction of the project (from site work through build-out of the last building) is anticipated to take approximately 60 months and there will be construction-related workforce traffic, and equipment and material deliveries. Traffic-generating construction activities related to the project will consist of the daily arrival and departure of construction workers to the site, and trucks hauling equipment and materials to the work site. The earthwork will balance so there are no soils imports or exports to and from the site.

During the construction of the buildings, we estimate that there will be up to 60 delivery / haul truck trips per day and up to 275 construction workers. Many of the construction worker trips will be expected to occur prior to the AM and PM peak hours, in accordance with typical construction schedules. To the extent feasible, it is anticipated that deliveries will occur throughout the day and will be scheduled for off-peak hours."

The building construction portion of the project is expected to consist of 275 workers and 60 deliveries per day, for a total of **670 anticipated daily trips** (275 entering workers + 275 exiting workers + 60 entering deliveries + 60 exiting deliveries).

The full buildout of the Powhatan Data Center that was evaluated in the supplemental assessment is projected to generate 1,144 daily trips. Since the maximum anticipated daily construction trips represent approx. 59% of the daily trips at full buildout, no additional impacts are expected as a result of the construction site traffic.

Furthermore, as noted in the construction traffic narrative, deliveries to and from the site are expected to occur throughout the day and will be scheduled for off-peak hours to the extent feasible.

Comment 5: Left turn lane warrants for Page Road into the site were not provided; however, traffic from the north is expected to be low in comparison to right turn traffic from Route 60.

Response: Due to the existing geometry and connectivity of the surrounding roadway network, it is anticipated that the majority, if not all, of trips to the site will originate from Anderson Highway (US 60). A left turn lane warrant analysis was not provided at this location since it is not expected that this movement will be heavily utilized, if at all.

Comment 6: A Traffic Impact Analysis (TIA) and a Signal Justification Report (SJR) was submitted with the previous rezoning request for the subject property in 2019 and in 2022, with both reports being accepted by VDOT. The approved SJR determined the ultimate intersection control at the intersection of Anderson Highway with Page Road / County Line Road will be a signalized Restricted Crossing U-turn (RCUT) intersection. The traffic study for the current amendment references the approved RCUT. Proposed site desires to pay into a fair share fund for the improvements.

Response: Correct, the traffic volume projections included in the Supplemental Assessment indicate that a fair share contribution of 38% should be provided by the Applicant towards the installation of the following improvements that were approved by VDOT as part of the previous rezoning request (Ellis Farm Property), even though the previous development program was projected to generate substantially more trips than the current application:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

Comment 7: While the no-build and build options for 2027 show the same level of service F. The PM peak in the build option has nearly 60-minute queues for southbound left turns (from Page onto Route 60). This is nearly 50% greater than the no build option with queues almost double in length (586 ft to 1,004 ft). Please provide analysis of potential options to mitigate this impact such as providing the median u-turn along route 60. This could allow traffic to make a right-out and then make a u-turn to go east.

Response: The southbound left turn/through movement and the southbound approach currently operate at a LOS F under Existing Conditions, and are expected to continue to

operate at a LOS F under both No Build and Build Conditions. To explore potential options to mitigate these existing deficiencies, a Signal Justification Report (SJR) was prepared for the intersection, which recommended the installation of a signalized Restricted Crossing U-Turn (RCUT).

Based on the analysis provided for the previous Ellis Farm Property submittal, VDOT recommended the following road improvements to mitigate the impact of the Ellis Farm Property's site traffic:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

As shown in the list above, the referenced median crossover which would facilitate U-turns along Anderson Highway (US 60) was included in VDOT's recommendations for the Ellis Farm Property. VDOT also noted that these improvements would serve as an initial step towards the ultimate signalized RCUT intersection control.

The proposed Powhatan Data Center development is expected to generate significantly fewer site trips (approx. 69% fewer daily trips) than the Ellis Farm Property development program that was previously evaluated at the time of the recommended VDOT improvements. Therefore, it is Bowman's professional opinion that the identified Ellis Farm Property improvements would also accommodate the proposed Powhatan Data Center's site traffic, while improving the side-street levels of service and queues at the Anderson Highway (US 60) and Page Road/County Line Road intersection.

As noted in Response #6 above, a fair share contribution of 38% should be provided by the Applicant towards the installation of the identified improvements.

Please let us know if you have any questions or require additional information. You can contact me at 804.616.3240.

Thank you very much for your assistance and support with this project.

Sincerely,

BOWMAN CONSULTING GROUP, LTD.



Michael J. Young, P.E.
Project Manager

24-02-REZ LC West LLC
May 24, 2024
Page 1 of 4



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

May 24, 2024

Ms. Charity Gold
Planner II
Planning & Commercial Development
3837 Old Buckingham Road
Powhatan, Virginia 23139

REFERENCE: **24-02-REZ LC West LLC**
(District #1: Subletts/Manakin/Flatrock)
Tax Map #043-61, #043-64 & #043-64E
1318 Page Road- Located on the north side of State Route 675 (Page Road)
near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the
Chesterfield County line
Anderson Hwy. – Rt. 60 –Rural Principal Arterial, AADT =34,593; 55 MPH
Page Road – Rt. 675 – Rural Major Collector, 35 MPH - AADT 1,207
County Line Road – Rt. 671 – Local, 45 MPH – 714 AADT
Date VDOT Received: 05/08/24

Dear Ms. Charity Gold,

The Virginia Department of Transportation has reviewed the requests the rezoning of the parcels submitted by the applicant, LC West LLC, requesting to rezone three contiguous parcels totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1) to develop three data center buildings and supporting structures. In the I-1 district a data center is a permitted use. The proposed plan includes a total floor area of 1,525,000 square feet across the data center buildings, with approximately 24 acres of the site designated as undeveloped space. Submitted proffers include, but are not limited to, road improvements buffering, screening, lighting, building standards, and signage. The parcels are identified on Powhatan Couty's Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 contains an existing dwelling addressed as 1318 Page Road. The 2021 Comprehensive Plan designates the subject properties as Gateway Business and Economic Opportunity.

WE KEEP VIRGINIA MOVING

24-02-REZ LC West LLC

May 24, 2024

Page 2 of 4

The proposed total number of data center structures would be three (3) detached structures containing a combined floor area of 1,525,000 (1.525 million) square feet. The site would also contain additional supporting structures interior to the site.

The rezoning is for the property to transition from Agricultural-10 (A-10) to Light Industrial (I-1). The Minimum Spacing Standards for Commercial Entrances indicate the following for VDOT is 440 feet Centerline to Centerline for full access (Type II). It is unclear on the provided concept plan if this is met. If the required spacing cannot be met, then an access management exception per regulation is required. This is a separate process coordinated through the residency requiring district approval. Submission of an access management exception is not a guarantee of approval.

A Traffic and Access Supplemental Assessment was completed by Bowman Engineering on 3/15/2024. Bowman Engineering prepared and developed a Data Center Trip Generation on Assessment in coordination with the Virginia Department of Transportation's (VDOT) Fredericksburg District and Central Office, to determine the average weekday and peak hour trip generation on rates for data center facilities based on historical data from fully operational sites located in the Commonwealth of Virginia. As of May 2024, the assessment has been revised based on VDOT comments from April 2024 and is currently under review by VDOT.

The proposed development based upon Bowman's assessment is expected to generate 137 total trips (75 in and 62 out) during the morning peak hour, 46 total trips (14 in and 32 out) during the evening peak hour, and 1,144 trips (572 in and 572 out) during an average weekday.

VDOT has reviewed the "Page Road Conceptual Land Bay Plan" prepared by Dewberry, dated March 26, 2024 ("Conceptual Plan") and has the following comments:

- 1) Only One Access Point is shown on the conceptual Plan onto Page Road.
- 2) A Site Plan and Phasing Plan is required for review by VDOT and a Land Use Permit is required for any work within the ROW.
- 3) Turn Lane warrants are required and may result in a Full Turn Lane from Rt. 60 on Page Rd. (Include Traffic from the I-1 area parcels).
- 4) Access Management Exceptions may be required for the proposed entrances along Page Road.
- 5) Any work within Chesterfield County shall be reviewed and approved by Chesterfield County.
- 6) Proffer No. 10 Road Improvements.
 - a) Prior to the issuance of the first certificate of occupancy, the owner (or others) shall either:
 - (i) Pay to the County a dollar sum equal to the 38% fair share proportion of the cost of the improvements outlined in (ii) below and based on the VDOT approved March 2024 Bowman Supplemental Traffic Assessment Memo, which payment may be used for transportation improvements (as determined by the County), or

- (ii) make the following improvements at the intersection of Anderson Highway at Page Road:
- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
 - b. Install a directional median crossover on Anderson Highway approximately 700 - 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and a 200 foot long taper. *The median break to be reviewed and approved by the State Location and Design Engineer with consultation with District Traffic Engineering.*
- b) With construction of the commercial entrance onto Page Road, construct a 100 foot long taper, along north bound Page Road, into the Project entrance. *This shall be evaluated at time of site plan submission.*
- c) Dedication to the County or VDOT, as applicable, free and unrestricted, of any additional right-of-way easements required for construction of the Page Road taper into the property identified above. In the event the applicant (or others) elects to make the Anderson Road improvements and is unable to acquire, at a reasonable price, any "off-site" right-of-way that is necessary for the road improvements described in Section a. and b. above, the applicant may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be approved and borne by the applicant. In the event the County chooses not to assist the applicant in acquisition of the "off-site" right-of-way, the applicant shall be relieved of the obligation to acquire the "off-site" right-of-way or construct the Anderson Road improvements and instead make the required payment outlined in Section a(i) above.

Please note that VDOT has not approved the assessment from Bowman on March 2024 and revisions were received from Bowman by VDOT. Revisions are currently under review. VDOT expressed concern on the queues for Page Road and potential impacts along Route 60. In addition, VDOT asked for more information on construction phasing as interim phases during site development and operations can, at times generate greater traffic impacts than at full buildout.

- 7) Proffer No. 11 – Signage: All freestanding signs installed at the entrance onto Page Road, excluding directional signs, will be designed by the applicant thereof as monument signs with a masonry base. *Signs shall be outside of the Right-of-Way and meet clear zone requirements of Appendix B(1) of the VDOT Road Design Manual.*

Minimum Standards / Requirements:

24VA30-73 – Access Management Regulations

- All proposed commercial entrances and street intersections shall comply with the Virginia Access Management Regulations
- Applicant shall verify that all proposed access points meet the minimum spacing criteria as defined in Appendix F of the VDOT Road Design Manual.
- Applicant shall identify any proposed access points that do not comply with the

minimum spacing criteria. Any access point that does not comply with the minimum spacing criteria shall not be permitted by VDOT, unless VDOT grants an exception to the minimum spacing criteria. Note that commercial entrances are not permitted within the functional area of an intersection.

24VAC30-151 – Land Use Permit Regulations

- All proposed work within the right-of-way will require a Land Use Permit from VDOT prior to the commencement of work.

Recommendations / Policies:

Geometric Design Criteria - VDOT Road Design Manual

- All improvements to state-maintained roadways shall be in accordance with the applicable geometric criteria for the road classification and design speed, per VDOT Road Design Manual.

Bicycle and Pedestrian Accommodations – VDOT Road Design Manual

- All proposed bicycle and pedestrian accommodations within VDOT right-of-way shall be in accordance with the VDOT Complete Streets: Bicycle and Pedestrian Guidelines, per Appendix A(1) and Subdivision Street Design Guide Appendix B(1).

Commercial Entrance Design – VDOT Road Design Manual

- All commercial entrances shall be designed in accordance with the Commercial Entrance design criteria, per Appendix F.

Turn Lane Warrants – VDOT Road Design Manual

- Turn lane warrants shall be provided with the first site plan submittal for all proposed commercial entrances and street intersections, per Appendix F. The applicant will provide turn lanes for each turn lane that is warranted.

A Site Plan and Phasing Plan is required for review by VDOT and a Land Use Permit is required for any work within the ROW.

The Virginia Department of Transportation takes no exception to this request for the identified proposed use of this property.

Please contact me, at (804) 674-2906, or Dustin Dunnagan at (804) 674-2384, should you have any questions or concerns regarding this project.

Sincerely,



Paul G. Bodie, P.E..
Trans. Engr./Chesterfield Residency Land Use
Virginia Department of Transportation
804-674-2906
Paul.Bodie@VDOT.Virginia.gov

Cc: Bret Schardein Powhatan Co. Administrator
Ligon Webb Powhatan Co. Dir. of Planning
Sean Clendening Powhatan Co. Planner I
Jeffrey P. Geiger Hischler law



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

May 24, 2024

Ms. Charity Gold
Planner II
Planning & Commercial Development
3837 Old Buckingham Road
Powhatan, Virginia 23139

**REFERENCE: 24-03-CUP LC West LLC
(District #1: Subletts/Manakin/Flatrock)
Tax Map #043-61, #043-64 & #043-64E
1318 Page Road- Located on the north side of State Route 675 (Page Road)
near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the
Chesterfield County line
Anderson Hwy. – Rt. 60 –Rural Principal Arterial, AADT =34,593; 55 MPH
Page Road – Rt. 675 – Rural Major Collector, 35 MPH - AADT 1,207
County Line Road – Rt. 671 – Local, 45 MPH – 714 AADT
Date VDOT Received: 05/08/24**

Dear Ms. Charity Gold,

The Virginia Department of Transportation Chesterfield Residency Land Use has reviewed the request submitted by LC West LLC for a conditional use permit (CUP) to exceed the 45-foot height limitation for principal data center structures. The proposed CUP would permit a height of 75 feet for these structures. The parcels are identified on Powhatan County's Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 contains an existing dwelling addressed as 1318 Page Road. The 2021 Comprehensive Plan designates the subject properties as Gateway Business and Economic Opportunity.

The Conditional Use request appears to have minimal impact on VDOT maintained Rights-of-way. VDOT takes no exception to the request of LC West LLC for a conditional use permit.

Please contact me, at (804) 674-2906, or Dustin Dunnagan at (804) 674-2384, should you have any questions or concerns regarding this project.

WE KEEP VIRGINIA MOVING

24-03-CUP LC West LLC

May 24, 2024

Page 2 of 2

Sincerely,



Paul G. Bodie, P.E..

Trans. Engr. I/Chesterfield Residency Land Use

Virginia Department of Transportation

804-674-2906

Paul.Bodie@VDOT.Virginia.gov

Cc: Bret Schardein Powhatan County Administrator
Ligon Webb Powhatan County Director of Planning
Sean Clendening Powhatan County Planner I/Code Enforcement
Jeffrey P. Geiger Hischler law



June 17, 2024

Mr. Ligon Webb
Planning Director
Powhatan County
3834 Old Buckingham Road
Suite E
Powhatan, VA 23139

RE: Tax Map #043-61, #043-64 & #043-64E
1318 Page Road- Located on the north side of State Route 675 (Page Road) near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the Chesterfield County line Anderson Hwy. – Rt. 60 – Rural Principal Arterial, AADT – 31,000, Posted Speed – 55 MPH
Page Road – Rt. 675 – Rural Major Collector, AADT – 1,100, Posted Speed – 35 MPH
Date VDOT Received: 05/14/24

Dear Mr. Webb:

Bowman is in receipt of the Virginia Department of Transportation’s (VDOT’s) review comment letter (dated June 7, 2024) for the proposed Powhatan County Data Center Supplemental Assessment in Powhatan County, VA. As discussed during the 06/14/2024 coordination meeting with the County and VDOT, we are formally submitting our responses to document the agreed-upon approach for each outstanding comment.

In order to facilitate the review, the Department’s comments are in italic text and our responses are in normal text.

General Notes/Summary

These comments were discussed thoroughly at a coordination meeting held on 06/14/2024 with representatives from VDOT, Powhatan County, Bowman, and the Applicant team. During that meeting, it was noted that the Applicant, in good faith, has agreed to fully install the following off-site improvements along Anderson Highway (US 60) that were previously identified and proposed as part of the “Ellis Farm Property” development.

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

The current Data Center proposal is expected to generate significantly fewer site trips than the previous Ellis Farm Property development program, and therefore, it was agreed that the previously identified improvements remain appropriate.

To secure the installation of these improvements prior to the proposed Data Center being active, the Applicant has agreed to commence this work prior to the time of issuance of a building permit for vertical construction.

947 Myers Street, Suite B, Richmond, Virginia 23230
P: 804.616.3240 | F: 804.270.2008
bowman.com

Previous/Outstanding Comments

Comment 1: 04/10/24 VDOT Comment: *The Concept Plan includes one street connection to Page Road (Route 675). The proposed access appears to be located across from the existing commercial entrance for the existing gas and convenience store. This would create an unsignalized full crossover entrance (type 2). Since Page Road is a Major Collector Posted at 35 MPH, this would require 440' of separation from the adjacent entrance. At the scale provided, it is difficult to tell if the required spacing is obtained. If required spacing is not provided, the access would need to be changed to partial access or an Approved AM-E would be required to permit a full access entrance.*

05/14/24 Bowman Response: The site access is proposed to be located across from the existing convenience store/gas station entrance, and as such, this location would be classified as a Type 2 entrance. There is currently **450'** of separation from the centerline of the proposed site access to the centerline of the Anderson Highway (US 60)/Page Road/County Line Road intersection, exceeding the 440' requirement.

06/07/24 Follow-Up VDOT Response: *450' would exceed the minimum and be acceptable. Please demonstrate on the site/construction plan when submitting to the county. In addition, please ensure the proposed entrance is outside of the functional area of the intersection per access management regulations.*

Response: Understood, the intersection spacing and functional area evaluation will be indicated as part of the site plan submittal.

Comment 2: 04/10/24 VDOT Comment: *Internal Roads were not presented with this plan. Any interior roads were assumed to be private and are not reviewed with this traffic study.*

05/14/24 Bowman Response: Comment acknowledged, it is the Applicant's intent that the interior roads to the site will be paved and private.

06/07/24 Follow-Up VDOT Response: *Understood.*

Response: Comment acknowledged.

Comment 3: 04/10/24 VDOT Comment: *Verify the buildout year. From discussions with developer and county, it is the Residency's understanding this development will take longer than the three years reported in this amendment for full buildout.*

05/14/24 Bowman Response: The development of the proposed site may take longer than three (3) years, and the proposed development may not be fully operational by year 2027.

However, please note that any change in the buildout year is not expected to materially impact the results and/or conclusions included in the supplemental assessment. The intersection of Anderson Highway (US 60) and Page Road/County Line Road currently fails under existing conditions, and is expected to continue to fail under both future No Build and Build Conditions.

Since these existing failures were observed in both the year 2024 and year 2027 analyses included in the supplemental assessment, material changes to the projected operations are not anticipated with the inclusion of additional background traffic growth.

06/07/24 Follow-Up VDOT Response: While it may still fail, the extent of the failure may worsen under the actual buildout conditions. The analysis should be updated to reflect anticipated buildout years as accurately as feasible. In addition, based on the below, this will take roughly 5 years with this currently going through zoning, a buildout year of 2030 may be more appropriate.

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

During that meeting, it was agreed that the previous Ellis Farm Property off-site improvements identified for Anderson Highway (US 60) remain appropriate, and VDOT/the County were also informed that the Applicant has agreed to fully install these improvements.

Since the current Data Center proposal is expected to generate significantly fewer site trips than the previous Ellis Farm Property development program (which previously evaluated these improvements), and the Applicant has agreed to commence the construction of the improvements prior to the time of issuance of a building permit for vertical construction, it was agreed that the additional analysis requested in Comment 3 is no longer required.

Comment 4: 04/10/24 VDOT Comment: Please evaluate construction traffic and phasing to determine if there will be traffic impacts due to the construction and duration of construction for this project.

05/14/24 Bowman Response: The Applicant provided the following narrative to Bowman, which describes the anticipated construction traffic operations throughout the development of the proposed site:

“The phased construction of the project (from site work through build-out of the last building) is anticipated to take approximately 60 months and there will be construction-related workforce traffic, and equipment and material deliveries. Traffic-generating construction activities related to the project will consist of the daily arrival and departure of construction workers to the site, and trucks hauling equipment and materials to the work site. The earthwork will balance so there are no soils imports or exports to and from the site.

During the construction of the buildings, we estimate that there will be up to 60 delivery / haul truck trips per day and up to 275 construction workers. Many of the construction worker trips will be expected to occur prior to the AM and PM peak hours, in accordance with typical construction schedules. To the extent feasible, it is anticipated that deliveries will occur throughout the day and will be scheduled for off-peak hours.”

The building construction portion of the project is expected to consist of 275 workers and 60 deliveries per day, for a total of **670 anticipated daily trips** (275 entering workers + 275 exiting workers + 60 entering deliveries + 60 exiting deliveries).

The full buildout of the Powhatan Data Center that was evaluated in the supplemental assessment is projected to generate 1,144 daily trips. Since the maximum anticipated daily construction trips represent approx. 59% of the daily trips at full buildout, no additional impacts are expected as a result of the construction site traffic.

Furthermore, as noted in the construction traffic narrative, deliveries to and from the site are expected to occur throughout the day and will be scheduled for off-peak hours to the extent feasible.

06/07/24 Follow-Up VDOT Response: Please clarify if the estimated workers and deliveries provided are purely for building construction or if there is additional traffic generated by concurrent site work while the building is being constructed. In addition, clarify if the provided number is what is needed per building. Clarify if two buildings are completed and operational and the third being constructed, would the peak trips at that point be higher and how that would impact roadways.

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

The Applicant had originally committed to installing the previously discussed Anderson Highway (US 60) improvements prior to the issuance of the first certificate of occupancy for the site.

To address the Department's concerns regarding construction traffic, the Applicant agreed during the meeting to instead commence the installation of these improvements prior to the time of issuance of a building permit for vertical construction.

Comment 5: 04/10/24 VDOT Comment: Left turn lane warrants for Page Road into the site were not provided; however, traffic from the north is expected to be low in comparison to right turn traffic from Route 60.

05/14/24 Bowman Response: Due to the existing geometry and connectivity of the surrounding roadway network, it is anticipated that the majority, if not all, of trips to the site will originate from Anderson Highway (US 60). A left turn lane warrant analysis was not provided at this location since it is not expected that this movement will be heavily utilized, if at all.

06/07/24 Follow-Up VDOT Response: Understood, turn lane warrants will be required as part of plan submission.

Response: Comment acknowledged. Please note that it is not anticipated that a southbound left turn lane into the site will be warranted.

Comment 6: 04/10/24 VDOT Comment: *A Traffic Impact Analysis (TIA) and a Signal Justification Report (SJR) was submitted with the previous rezoning request for the subject property in 2019 and in 2022, with both reports being accepted by VDOT. The approved SJR determined the ultimate intersection control at the intersection of Anderson Highway with Page Road / County Line Road will be a signalized Restricted Crossing U-turn (RCUT) intersection. The traffic study for the current amendment references the approved RCUT. Proposed site desires to pay into a fair share fund for the improvements.*

05/14/24 Bowman Response: Correct, the traffic volume projections included in the Supplemental Assessment indicate that a fair share contribution of 38% should be provided by the Applicant towards the installation of the following improvements that were approved by VDOT as part of the previous rezoning request (Ellis Farm Property), even though the previous development program was projected to generate substantially more trips than the current application:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

06/07/24 Follow-Up VDOT Response: *The original supplemental assessment stated that "It was agreed that the evaluation would utilize updated traffic counts, and that the purpose of the analysis would be to determine if the existing intersection volumes and/or the new development program's site traffic would still justify the improvements previously approved by VDOT and Powhatan County in March 2023." It is still unclear which, if any, of the previously improved improvements are justified by the Data Center development.*

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

During that meeting, it was agreed that the previous Ellis Farm Property off-site improvements identified for Anderson Highway (US 60) remain appropriate, and VDOT/the County were also informed that the Applicant has agreed to fully install these improvements.

Comment 7: 04/10/24 VDOT Comment: *While the no-build and build options for 2027 show the same level of service F. The PM peak in the build option has nearly 60-minute queues for southbound left turns (from Page onto Route 60). This is nearly 50% greater than the no build option with queues almost double in length (586 ft to 1,004 ft). Please provide analysis of potential options to mitigate this impact such as providing the median u-turn along route 60. This could allow traffic to make a right-out and then make a u-turn to go east.*

05/14/24 Bowman Response: The southbound left turn/through movement and the southbound approach currently operate at a LOS F under Existing Conditions, and are

expected to continue to operate at a LOS F under both No Build and Build Conditions. To explore potential options to mitigate these existing deficiencies, a Signal Justification Report (SJR) was prepared for the intersection, which recommended the installation of a signalized Restricted Crossing U-Turn (RCUT).

Based on the analysis provided for the previous Ellis Farm Property submittal, VDOT recommended the following road improvements to mitigate the impact of the Ellis Farm Property's site traffic:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

As shown in the list above, the referenced median crossover which would facilitate U-turns along Anderson Highway (US 60) was included in VDOT's recommendations for the Ellis Farm Property. VDOT also noted that these improvements would serve as an initial step towards the ultimate signalized RCUT intersection control.

The proposed Powhatan Data Center development is expected to generate significantly fewer site trips (approx. 69% fewer daily trips) than the Ellis Farm Property development program that was previously evaluated at the time of the recommended VDOT improvements. Therefore, it is Bowman's professional opinion that the identified Ellis Farm Property improvements would also accommodate the proposed Powhatan Data Center's site traffic, while improving the side-street levels of service and queues at the Anderson Highway (US 60) and Page Road/County Line Road intersection.

As noted in Response #6 above, a fair share contribution of 38% should be provided by the Applicant towards the installation of the identified improvements.

06/07/24 Follow-Up VDOT Response: It is unclear when these improvements will be designed, constructed, and installed and if they would be operational before site completion. This could lead to the site being either partially or fully operational for some time without the improvements to better the intersection. Please provide an analysis detailing when the improvements need to be implemented to help mitigate traffic issues along the corridor as part of the plan of development.

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

To address the Department's concerns regarding construction traffic, the Applicant agreed during the meeting that the commencement of construction of the previously discussed

Anderson Highway (US 60) improvements would occur prior to the time of issuance of a building permit for vertical construction.

This new approach will ensure that the improvements are in place prior to the site being open, and therefore, it was agreed that the additional analysis requested in Comment 7 is no longer required.

New Comments

Comment 1: Clarify if the SJR was updated or evaluated based on the new traffic numbers and if a sensitivity analysis was performed to evaluate at which stage the improvements would be needed.

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

During the meeting, it was agreed that an update to the Signal Justification Report (SJR) would not be required, as there is no traffic signal proposed by this Application at the intersection of Anderson Highway (US 60) and Page Road/County Line Road.

Please let us know if you have any questions or require additional information. You can contact me at 804.616.3240.

Thank you very much for your assistance and support with this project.

Sincerely,

BOWMAN CONSULTING GROUP, LTD.

A handwritten signature in black ink, appearing to read "M. Young", with a long horizontal flourish extending to the right.

Michael J. Young, P.E.
Project Manager



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
RICHMOND DISTRICT
2430 Pine Forest Drive
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Stephen C. Brich, P.E.
COMMISSIONER

June 25, 2024

Mr. Ligon Webb
Planning Director, Powhatan County
3834 Old Buckingham Road, Suite E
Powhatan, VA 23139

REFERENCE: **Tax Map #043-61, #043-64 & #043-64E**
1380 Page Road- Located on the north side of State Route 675 (Page Road) near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the Chesterfield County line.
Anderson Hwy. - Rt. 60 -Rural Principal Arterial, AADT - 31,000, Posted Speed - 55 MPH
Page Road - Rt. 675 - Rural Major Collector, AADT - 1,100 Posted Speed – 35 MPH
Date VDOT Received: 06/17/2024

Dear Mr. Webb:

The Virginia Department of Transportation has reviewed the amended traffic study for parcels at TM #43-61, #43-64 and #43-64E to facilitate 1,525,000 SF of Data Center and accessory uses. The subject property is a combination of three parcels located on Page Road (Route 675), north of Anderson Highway (US Route 60), along the Powhatan/Chesterfield County line. The total acreage for development is approximately 92 acres with three land bays.

The applicant intends to develop the property for a master planned development consisting of three land bays for data centers, totaling 1,525,000 SF of Data Center use with associated uses such as offices. The 2021 Comprehensive Plan designates the subject properties as Economic Opportunity on the Countywide Land Use Map. Included was a preliminary concept plan for development, updated traffic counts, and traffic generation.

Since the original zoning on the property from previous proposed developments by others, the proposed development no longer generates more than 5,000 trips a day formally required for a Chapter 527 review. This current traffic study has been reviewed as a local traffic study in support of an active zoning case on the subject property.

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The Department has completed the review of the updated report and finds that the report generally conforms to the requirements for a local traffic study regarding the accuracy of the methodologies, assumptions, and conclusions presented in the study. Summarized below are key findings.

Proposed development:

The conceptual plan includes one proposed street connection to Page Road. Proposed use provided includes 1.5 million square feet of data center and associated structures. The proposed use generates fewer trips and lower peak trips, once operational, than the previously approved zoning case. The level of service impacts from the proposed use are within the same service level when compared to the no build conditions; however, the build condition does provide longer delays. It should be noted that both have level service of F, which is the lowest level of service.

Data Center – 1,525,000 SF – Weekday AM Peak Hour – 137 trips per day
Weekday PM Peak Hour – 46 trips per day
Average weekday – 1,144 trips per day

Study Area:

The analysis focused on the Anderson Highway (US 60) and Page Road/County Line Road intersection. This is consistent with previous studies for this intersection and parcels for development.

VDOT offers the following notes and comments based on the review of the provided Traffic Study Amendment and conceptual plan:

Traffic Analysis Categories:

The report expects a buildout date of 2027; however, discussions with developer indicates this may extend to 2029. With the significant amount of traffic on Route 60, the overall level of service is not expected to change between the two potential buildout years and should have no significant impact on the study. The overall impact is still lower than previously approved study for the property.

The buildout year was factored with a background 2% growth rate to determine future traffic along the corridor. This is consistent with previous studies.

Operational Analysis:

The analysis evaluated the performance of the intersection under existing 2024, no-build 2027, and build 2027 conditions and assigned a level of service (LOS) to each. The results of the operational analysis are summarized as follows:

Year	Approach	LOS AM Peak	LOS PM Peak
2024 Existing	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	B	C
2027 No Build	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	F	D
2027 Build	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	F	D

The results of the analysis indicate that Route 60 will experience significant traffic constraints in the both the build and no build conditions. The proposed data center is not expected to impact the overall performance of the intersection in terms of level of service; however, there is potential for longer delays and queues under the build condition.

Recommendations:

The report recommends that the following improvements be made as part of the development in order to help facilitate the construction of a full signalized restricted crossing u-turn (RCUT) in the future.

- Design and improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200-foot-long taper and 200-foot-long storage.
- Design and construct install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200-foot-long taper and 200-foot-long storage.

The applicant has offered for these improvements to occur prior to building permit for vertical construction to help address concerns with construction traffic creating a temporarily higher trip generation than the completed site. The Department supports this approach and the proposed improvements.

Since Route 60 is on the Arterial Preservation Network, any future signalization of the RCUT, when desired must be approved by VDOT Central Office.

A Site Plan is required to be submitted by the developer and approved by Powhatan County for the subject development. VDOT recommends that a phasing plan be developed and submitted

for review if the proposed development will be constructed in two or more phases. Additional comments for the development will be provided at time of site plan submission. Proposed development is subject to all applicable VDOT regulations and standards. A VDOT Land Use Permit will be required for any work within the Right of Way and any proposed streets to be state maintained.

The purpose of the traffic study and the summary findings is to assist the Planning Director, Planning Commission, and/or the Board of Supervisors in their decision-making process regarding the proposed development. The residency is available at your convenience to meet and discuss the traffic impact analysis report and the findings.

Sincerely,

Dustin Dunnagan, PE
Area Land Use Engineer
VDOT Richmond District – Chesterfield Residency

CC (Via E-mail)	Bret Schardein	Powhatan County Administrator
	Roxanne Salerno	Powhatan Economic Development Manager
	Rebecca Worley	VDOT Chesterfield Resident Engineer
	Jason Zhang	VDOT Richmond District Traffic Engineering
	Michael Young	Bowman

Attachment 4

~~Attachment 4~~ Prohibited and Allowable Uses

Per the submitted proffers, below is a list of allowable permitted/by-right uses and prohibited permitted/by-right uses if the subject site is rezoned to Light Industrial.

Permitted Uses

1. Data Center
2. Greenhouse, nursery, and floriculture production
3. Vocational or trade school
4. Government maintenance, storage, or distribution facility
5. Medical or dental clinic
6. Medical or dental lab
7. Park or greenway
8. Utility use, major
9. Utility use, minor
10. Animal grooming
11. Veterinary clinic
12. Conference or training center
13. Brewpub
14. Restaurant without drive-through service
15. Specialty eating or drinking establishment
16. Contractor's office
17. Professional offices
18. Recreation facility, commercial indoor
19. Recreation facility, commercial outdoor
20. Recreation facility, nonprofit
21. Recreation facility, public
22. Convenience store
23. Lawn care, pool, or pest control service
24. Self-service storage facility
25. Automotive repair and servicing
26. Gas station
27. Tire sales and mounting
28. Commercial landscape operation

29. Educational, scientific, or industrial research and development
30. Commercial industrial services
31. General industrial services
32. Heavy equipment repair and servicing
33. Metal-working, welding, pipe fitting, or woodworking
34. Moving and storage establishment
35. Printing or other similar reproduction facility
36. Woodworking
37. Bottling plant
38. Brewery or distillery
39. Manufacturing, assembly, or fabrication, light
40. Artisan food and beverage production
41. Micro-brewery or micro-distillery
42. Winery
43. Warehouse or storage*
44. Wholesale trade establishment
45. Contractor's storage yard

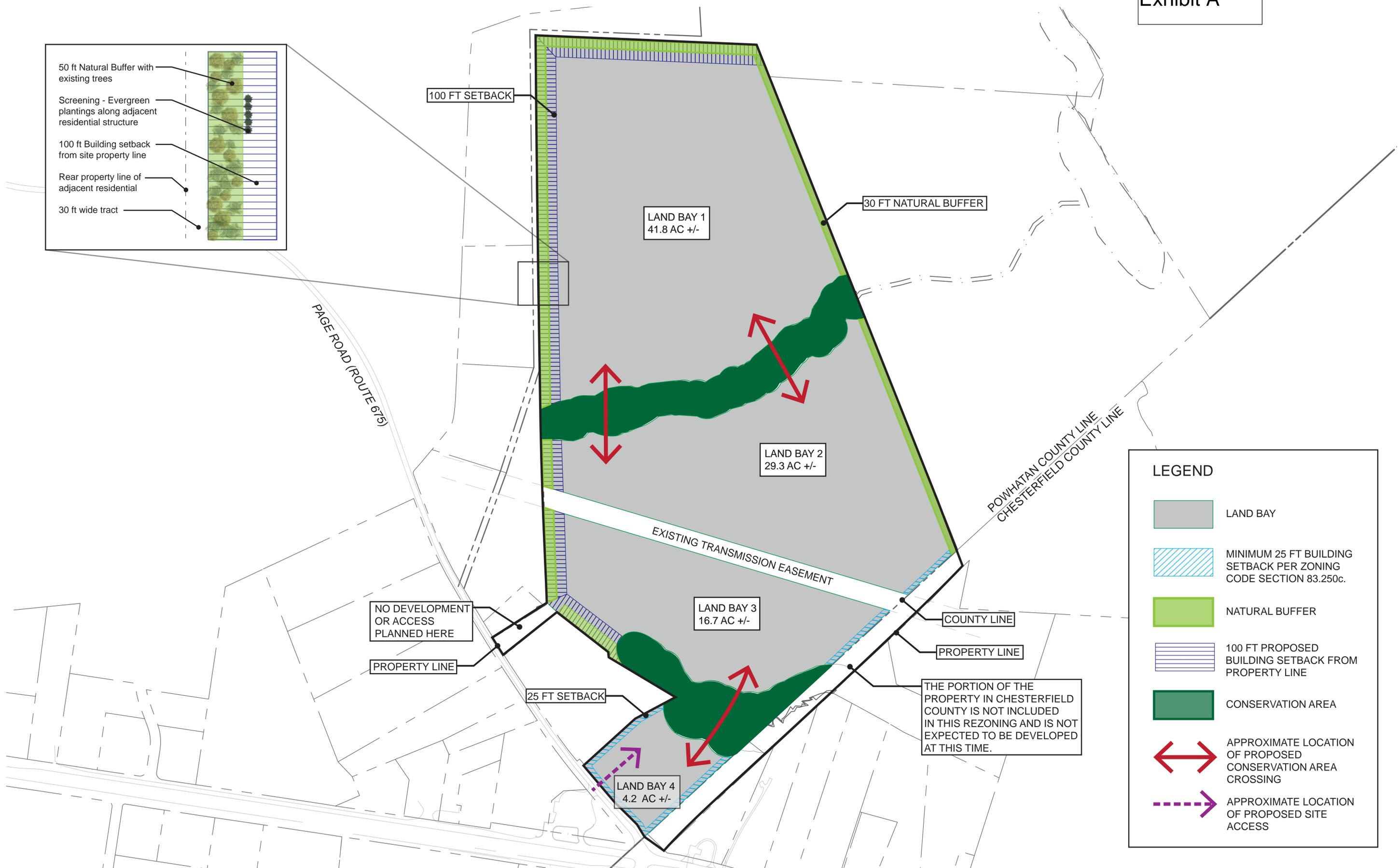
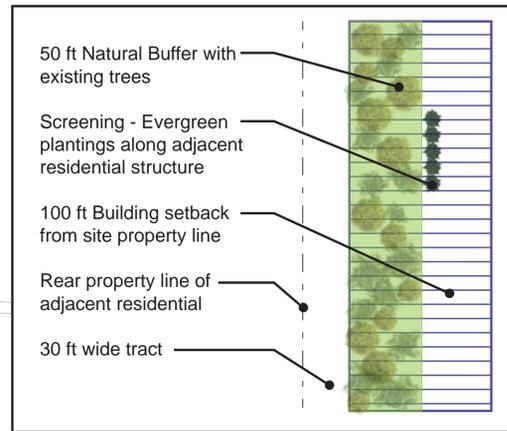
Prohibited Uses. The following uses shall be prohibited on the Property:

- a. Forestry and logging
- b. Newspaper or magazine publishing
- c. Radio or television broadcast studio
- d. Telecommunications facility, collocated
- e. Fire or EMS station
- f. Fire training facility
- g. Law enforcement facility
- h. Massage clinic
- i. Helicopter landing facility
- j. Surface transportation passenger station/terminal
- k. Marina, commercial
- l. Auction facility
- m. Automotive painting or body shop
- n. Automotive wrecker service
- o. Parking lot or parking structure (as a principal use)
- p. Taxi or limousine service facility
- q. Heavy equipment sales, rental, or storage

- r. Outdoor storage (as a principal use)
- s. Truck or freight terminal
- t. Distribution (with high truck traffic as principal use)*
- u. Convenience center, county
- v. Recycling drop-off center
- w. Shed sales, outdoors
- x. Wood and stump recycling business

* Please note the highlighted lines as this is a single zoning code permitted use that has been split into two by prohibiting just the distribution with high traffic portion of the use as proffered.

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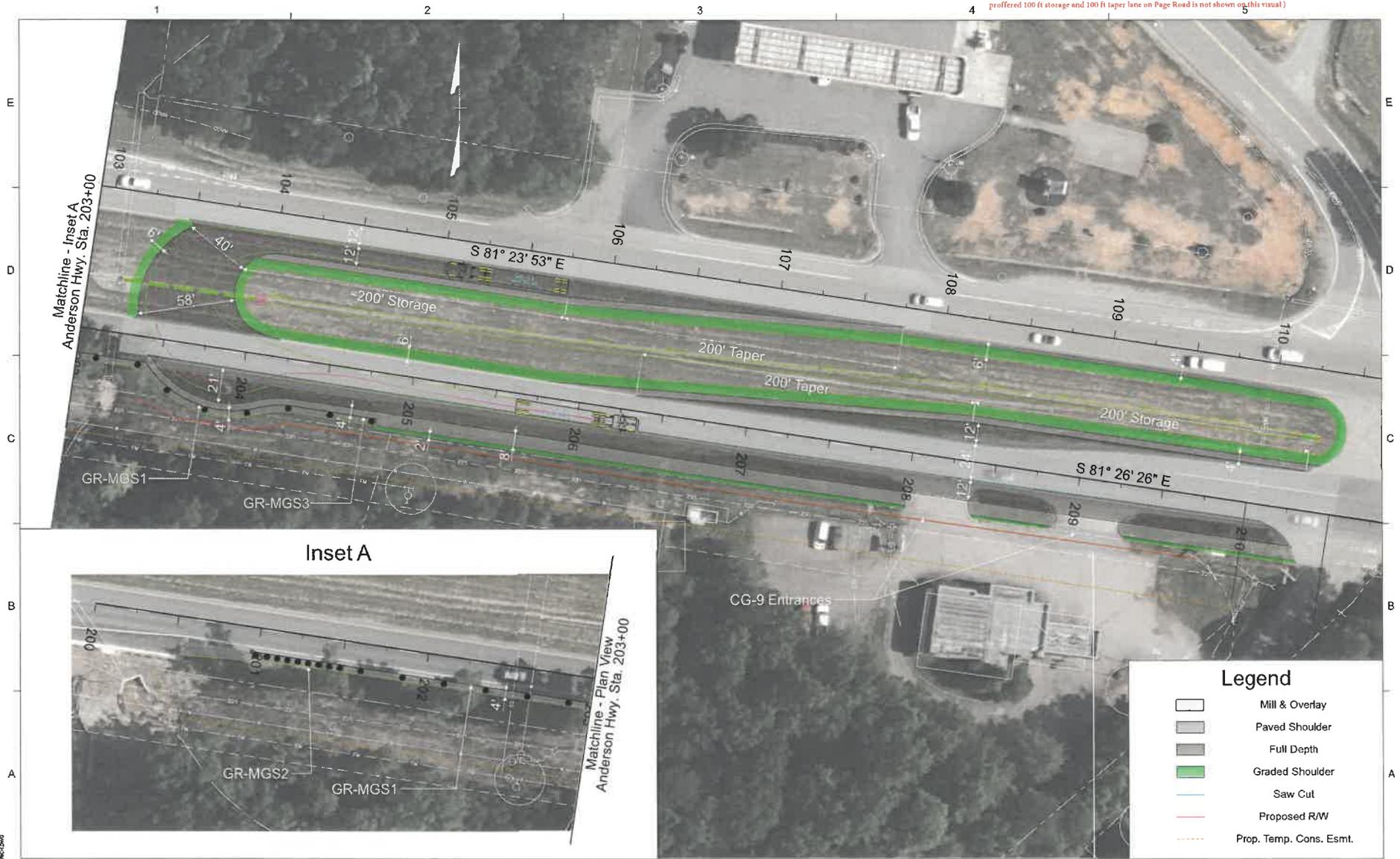


LEGEND

- LAND BAY
- MINIMUM 25 FT BUILDING SETBACK PER ZONING CODE SECTION 83.250c.
- NATURAL BUFFER
- 100 FT PROPOSED BUILDING SETBACK FROM PROPERTY LINE
- CONSERVATION AREA
- APPROXIMATE LOCATION OF PROPOSED CONSERVATION AREA CROSSING
- APPROXIMATE LOCATION OF PROPOSED SITE ACCESS

Attachment 6: Road Improvement Visual

Attachment 6 - Road Improvement Visual (1/2 R-Cut Plan, note the proffered 100 ft storage and 100 ft taper lane on Page Road is not shown on this visual)

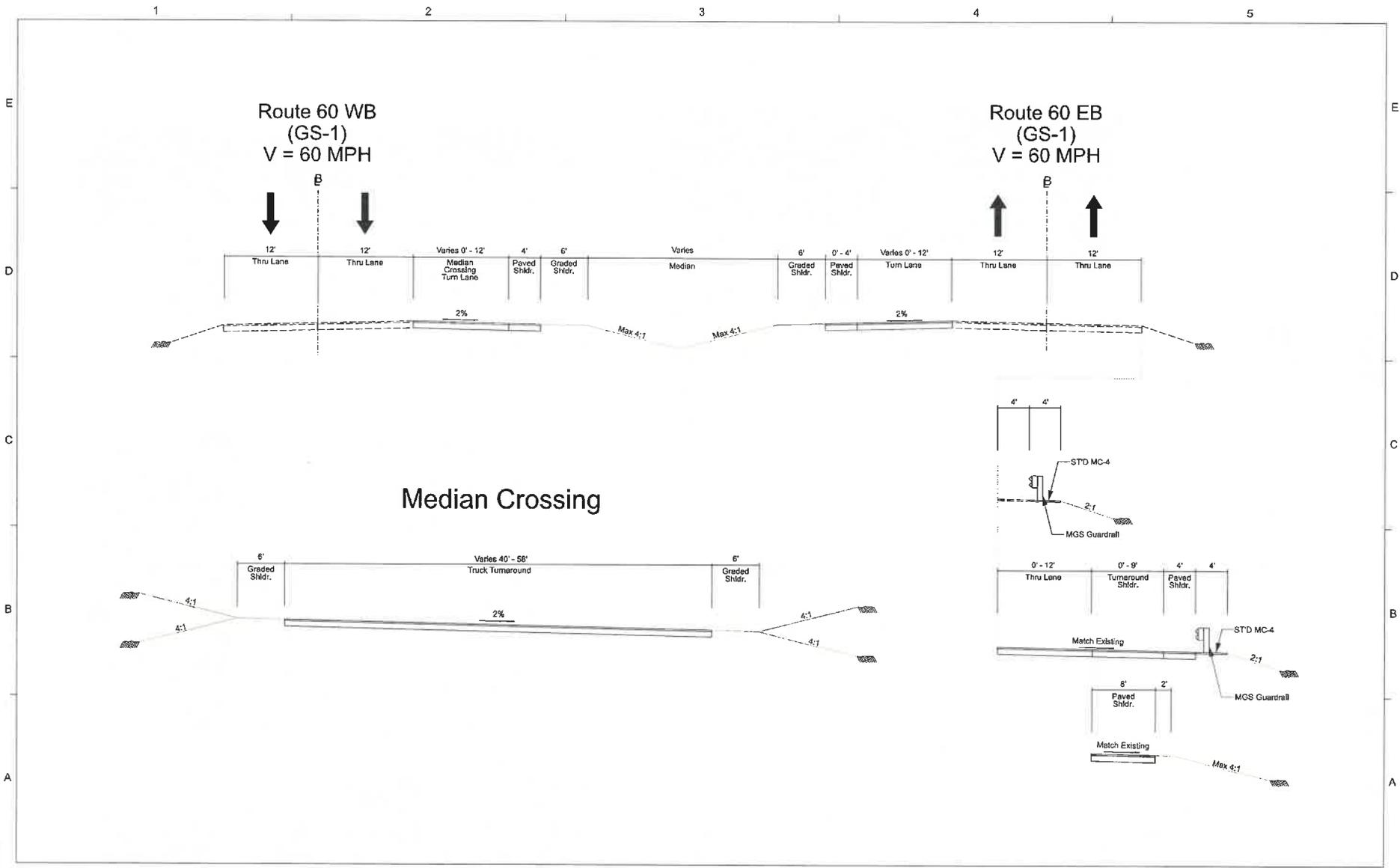


Page Rd. - Anderson Hwy.
Plan (WB-67)



**PROVINCE
GROUP**





Typical Sections

NOT TO SCALE

PROVINCE
GROUP

Attachment 7 - Community Meeting Summary

Summary of Neighborhood Meeting
1318 Page Road Rezoning
Meeting Date: April 18, 2024

A Neighborhood Meeting for the I-1 Rezoning request for 1318 Page Rd was held at 1355 Anderson Highway on April 18, 2024, from 6-7:30 PM. The meeting was conducted as an “Open House” and applicant provided information related to the application and proposed uses, and the community could ask questions.

Questions included:

1. The Page Road / Anderson Highway intersection is awful. What is going to be done to fix it?
2. When will the roadway improvements be made?
3. Why does VDOT want an R-CUT instead of a signal?
4. Did you do new traffic counts or just rely on the prior studies?
5. How much traffic will the new project create?
6. Will trucks go the other way on Page Road toward Walmart?
7. How will construction traffic be handled?
8. Will the buildings be leased?
9. How many companies will be created to serve the new data center?
10. How many buildings are proposed?
11. How large will the facility be?
12. Will it be visible from Anderson Highway?
13. What about noise?
14. Will the employees be there 24/7? In shifts?
15. How many employees will there be?
16. When will construction start?
17. How long will it take to build the project?
18. How much water will it use?
19. Where is the water coming from?
20. Can you extend sewer to my parcels in Chesterfield County adjacent to your property?
21. Where is the connection to the County’s sewer system?
22. Where are you in the process?
23. What will take place on Land Bay 4?
24. What will be the prohibited land uses?
25. Why was “data center” chosen as the preferred use?
26. How do we know that you will plant the evergreen screening?
27. Wow – is that right about the property tax revenues?

Attachment 8:

LC West, LLC

~~Attachment 8:~~ Letter

August 1, 2024

Honorable Planning Commissioner Hatcher II
Powhatan County
3834 Old Buckingham Road
Powhatan, VA 23139

RE: Case No. #24-02-REZ
1318 Page Road - Powhatan

Dear Commissioner Hatcher II:

The above zoning case will be before you on the evening of August 6th and we'd like to take this opportunity to share some important project characteristics with you. As you know from our Planning Commission Workshop session with you, we are proposing a data center campus on approximately 120 acres.

As you may know, the subject property is designated as Economic Opportunity in the Powhatan County Comprehensive Plan. This Economic Opportunity land use designation has been in place for several years now. The County's Comprehensive Plan specifically references data centers as a desired use for land with the Economic Opportunity designation such as the subject site. We are proposing a zoning category (I-1) that is entirely consistent with the Comprehensive Plan. I-1 zoning is proposed (with no proposed residential at the property whatsoever), and a data center is a permitted use under the I-1 zoning. This proposed project clearly implements the County's Comprehensive Plan and vision for the site.

Additionally, I'd like to highlight a few other project attributes:

- The project is an economic powerhouse for the County and Mangum Economics projects in excess of \$17 million annually in property taxes paid to the County upon build out.
- The project has very limited impacts (schools, police, fire, parks, etc.).
- The project will diversify the County tax base away from the current 92%/8% residential vs. commercial property tax income split.
- A data center generates far less traffic than almost every other allowable use for the site, and far less than residential uses.
- The site is surrounded by existing dense mature trees.
- The location is set back from Anderson Highway on the eastern edge of the County near the border with Chesterfield County.
- The application complies with all I-1 development standards with a CUP for the height.
- Despite that our project generates only 38% of the trips at the Page Road / Anderson Highway intersection, we will be responsible for all of the improvements directed by VDOT at this intersection.

LC West, LLC

In addition to the above positive attributes, we have included a number of proffers for: road improvements, open space, prohibited uses, building materials and standards, lighting, noise reduction, construction access and hours, third-party inspections and more. In total, this zone change request for a project that is consistent with the Comprehensive Plan and zoning category includes 31 proffers. We believe that we have sufficiently proffered this project to ensure that it is a high-quality development which minimizes impacts to the neighborhood, while providing tremendous economic benefits to the entire County.

While our neighbors have not complained about the proposed buffers and setbacks, please allow us to address them: the proposed buffers and setbacks significantly exceed the County's requirements. Our proposed 50' natural buffer is far superior to the required 30' Type C buffer because the existing trees are far more dense than the 4 trees per 100' required by the Type C buffer and the existing trees are mature, ranging from about 60' to 90' in height so you'll never see over them. There is also a 30' strip of land along our western property line owned by a third party that is heavily wooded and acts as an additional buffer. There are no neighbors to the east so no need to provide significant setbacks or buffers there. Similarly, there is no need to provide additional screening or setbacks on the southern property line (Chesterfield County side) as there is a ±100' wide strip that we own in Chesterfield that will not be developed. Of the 6 homes near the west side of our property, the closest is 255' away from our building setback line and the others are 300' to 390' feet away. We only have one neighbor to the north and their home is approximately 330' from our building setback line. So all but one neighbor is located about a football field away from the building setback line. A proffer we provided for additional screening will further alleviate concerns about views through the trees.

We have worked hard to bring a high-quality project to the County and given the above considerations, especially the fact that, with the height CUP, the application meets or exceeds every I-1 development standard, we hope that you will find this application worthy of your support.

If you have any questions, please do not hesitate to call me at (949) 874-1459.

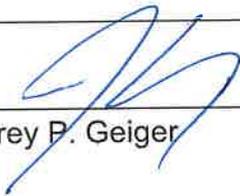
Sincerely,

LC West, LLC



Timothy Ramm

cc: Ligon Webb, Director of Planning ✓
cc: Bret Schardein, County Administrator

Proffer Statement	
<p>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.</p> <p>(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.)</p>	
Proffer #1	See Proffers dated August 29, 2024
Proffer #2	
Proffer #3	
Proffer #4	
Signature of Applicant	
Name of Applicant (Printed)	Jeffrey P. Geiger
<p>Commonwealth of Virginia County of <u>City of Richmond</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Jeffrey P. Geiger</u>, whose name is signed to the above, on this <u>29th</u> day of <u>August</u> 20<u>24</u>.</p>	
Notary Public	<u>Susan S. Smith</u>
Commission Expires	<u>9.30.2026</u>
Notary Number	<u>143796</u>
Seal 	

ORDINANCE # O-2024-14

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 23, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance approving Case #24-02-REZ to rezone 119.9 acres from Agricultural 10 (A-10) to Light Industrial (I-1), with proffered conditions, for a data center development at 1318 Page Road on Tax Map Nos. 43-61, 43-64, and 43-64E

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable the Powhatan County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, LC West LLC, filed an application requesting to rezone 119.9 acres from Agricultural 10 (A-10) to Light Industrial (I-1), with proffered conditions, for Tax Map Nos. 43-61, 43-64, and 43-64E located at 1318 Page Road in Election District 1; and

WHEREAS, applicant plans to develop a data center development; and

WHEREAS, applicant has proffered 21 Conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the County Zoning Ordinance; and

WHEREAS, this request is being heard in conjunction with applicant's request for a Conditional Use Permit to exceed the 45-foot height limitation for principal structures in the Light Industrial (I-1) zoning district; and

WHEREAS, the County's Comprehensive Plan recommends this area for Economic Opportunity and Gateway Business; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on August 6, 2024, and voted 4-1 on September 3, 2024 to recommend denial of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this application on September 23, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 23rd day of September 2024, the Powhatan County Board of Supervisors hereby grants the zoning classification change to Light Industrial (I-1) for 119.9 acres identified as Tax Map Nos. 43-61, 43-64, and 43-64E located at 1318 Page Road in

Election District 1, subject to the following proffered conditions:

1. Conceptual Plan. The Property shall be developed in general conformance with the “Page Road Conceptual Land Bay Plan” prepared by Dewberry, dated August 5, 2024 (“Conceptual Plan”) attached as **Exhibit A**, subject to the requirements and adjustments permitted in the Proffered Conditions. The Conceptual Plan is conceptual in nature and may vary based on the final Site Plan depending on the final grading and soil studies, Resource Protection Area lines, entrance location(s), road design, building area dimensions, substation and switchyard area dimensions, parking area design and location, perimeter security fencing, guard and gate locations, division line locations for new parcels within the project, utility locations (including substations), VDOT requirements, BMP design and location, easements, approval requirements for state and federal agencies, and other design or engineering reasons. Any substantive changes that do not relate to the prior sentence shall be reviewed during the final Site Plan submission and substantive changes may be approved as presented, approved with modifications, or denied by the Director of Planning. If modified or denied, within seven (7) calendar days of the notice of modification or denial, the Director of Planning shall provide a letter, sent via e-mail or in writing, detailing specific reasons for final Site Plan modification or denial and outlining the necessary steps to be taken by the owner(s) necessary to gain approval and any modification or denial may be appealed to the Planning Commission. The Property may be subdivided into individual parcels in accordance with the Zoning Ordinance and the County’s subdivision ordinance. In the event of any conflict between information shown on the Conceptual Plan and these Proffered Conditions, these Proffered Conditions shall control.

2. Conservation Areas. The conservation areas shown on the Conceptual Plan are generally consistent with the Natural Conservation Land Use designation shown on the 2021 County Future Land Use Plan and as identified by the Powhatan County GIS Map Layer “Streams USGS NHD Intermittent and Perennial.” The required riparian buffers (as outlined in Section 83.471 of the County Zoning Ordinance) for these two streams and the wetlands contiguous to these streams will be based on field locations and shown on the plans during final Site Plan review. Development within the conservation areas and associated riparian buffers will be limited to those listed in Sec 83-471 (5) “Allowable development within riparian buffers.” Development impacts to other wetlands and streams that fall under the jurisdiction of the State of Virginia or the USACOE shall be permitted through the appropriate agencies prior to commencement of construction that includes the impacts.

3. Open Space. The owner will keep a minimum of twenty percent (20%) of the site in open space which shall include, but not be limited to, conservation areas, natural buffers and existing easements.

4. Plantings. Plants selected for the initial landscape plan submitted with the final Site Plan shall be native plants and, where possible, pollinating plants will be incorporated in the landscape plan where they meet landscape requirements.

5. Prohibited Uses. The following uses shall be prohibited on the Property:
 - a. Forestry and logging
 - b. Newspaper or magazine publishing
 - c. Radio or television broadcast studio
 - d. Telecommunications facility collocated
 - e. Fire or EMS station
 - f. Fire training facility
 - g. Law enforcement facility
 - h. Massage Clinic
 - i. Helicopter landing facility
 - j. Surface transportation passenger station/terminal
 - k. Marina commercial
 - l. Auction facility
 - m. Automotive paint and body shop
 - n. Automotive wrecker service
 - o. Parking lot or parking structure(as a principal use)
 - p. Taxi or limousine service facility
 - q. Heavy equipment sales, rental or storage
 - r. Outdoor storage(as a principal use)
 - s. Truck or freight terminal
 - t. Distribution(with high truck traffic as a principal use)
 - u. Convenience center, county
 - v. Recycling drop of center
 - w. Shed sales, outdoors
 - x. Wood and stump recycling business

6. Permitted Supporting Uses. For clarity, the following supporting uses are permitted on the Property: (i) buildings for support offices and security, (ii) buildings for maintenance and maintenance offices, (iii) all electric generation, distribution, switchyard, transmission and substation facilities (including solar facilities designed to serve the electricity or thermal needs of the data center buildings), (iv) energy, battery and fuel storage facilities, (v) office, general office and storage, (vi) logistics and maintenance facilities, (vii) water and sewer facilities, (viii) water treatment facilities, (ix) water storage and cooling facilities and associated water pumps and equipment, (x) communication, broadband, fiber

optic utilities (xi) air handlers, cooling equipment and heat pumps, etc., and (xii) other private utilities, emergency generators, all utilities, and other uses that relate to the primary use(s) constructed on the Property.

7. Buffers.

- a. Natural Buffer. In lieu of a Type C buffer, a natural buffer as follows (collectively, the “Natural Buffer”): (a) fifty feet (50’) in width, shall be provided generally along the Property’s northern and western boundary, in the location illustrated on the Conceptual Plan, to provide screening for the following off-site parcels of land identified by their Tax Map Number as of the date hereof: 043-2-1, 043-42A, 043-42B, 043-41, 043-63 (collectively, the “Adjacent Parcels”); and (b) thirty feet (30’) in width along the Property’s easterly boundary to provide screening for off-site parcel 043-62. The Natural Buffer shall be included within any required building setback along the perimeter of the Property. The owner, to the extent reasonably possible for purposes of developing the Property, will preserve existing trees within the Natural Buffer. Dead or diseased trees may be removed. In the event the owner clears existing trees within the Natural Buffer, the owner agrees to install new planting materials (outside of any easement areas), consisting of one hundred percent (100%) evergreen plantings spaced in a manner required for successful plant growth as determined by the owner’s landscape consultant and approved by the Planning Director. New plantings that fail to grow and/or die (brown in color) shall be replaced in accordance with Section 83-461(h)(i)(2)g. In the event the removal of dead or diseased trees creates a gap in the Natural Buffer, the gap shall be replanted in accordance with the plantings and spacing required by Type C Opaque Buffer, unless different plantings and spacing are required for successful plant growth as determined by the owner’s landscape consultant and approved by the Planning Director.
- b. No landscape buffer of any type and no Natural Buffer is required on the southern boundary of Parcels 043-61 and 043-64E as long as the ownership of those parcels is the same ownership as the adjacent land in Chesterfield County identified on Chesterfield’s tax map as GPINs 705709910700000 and 707609486100000.

8. Screening. The owner shall plant a row of evergreen (or similar) trees (minimum height of 5’ at time of planting), or install an alternative screening technique (such as fencing), as approved by the Planning Director, where needed to enhance the screening between an existing residence on an Adjacent Parcel and a building, substation, switchyard and/or battery storage system constructed adjacent to such Adjacent Parcel as mutually agreed by the owner and the Planning Director; provided, however, that the foregoing shall not limit the ability of the owner to install utilities, fencing and other items within the area to be planted with

evergreen trees and/or shrubs or install alternative screening. In the event screening trees are removed due to death or disease, owner shall replace such dead or diseased trees with evergreens a minimum of 5' in height at time of planting.

9. Lighting. All exterior lighting fixtures, including pole-mounted exterior lighting and building-mounted exterior lighting, shall be shielded to reduce light pollution. Lighting that is exempt from these requirements includes, entrance signage, temporary lighting and lighting provided for emergency or safety and security purposes as required by: the Building Code, Electrical Code, or otherwise within the State and County Code. The uplighting of buildings is prohibited. This condition is intended to enhance, not diminish, the County's "dark sky" ordinance requirements in Section 83-469. In the event of any conflict, the requirements in Section 83-469 shall control.
10. Building Setback. Buildings shall be setback from the property lines as shown on **Exhibit A**.
11. Building Standards.
 - a. In all instances, the data center buildings, and any energy storage standalone structures, on the Property will be constructed in compliance with applicable codes, including the applicable provisions of the Virginia Uniform Statewide Building Code in effect at the time of building permit application.
 - b. Acceptable siding materials for buildings include brick, brick veneer, stone, stone veneer, stucco, concrete, E.I.F.S., cultured stone, other masonry materials, fiber cement siding (such as HardiPlank, HardieShingle, and HardieTrim), or engineered wood siding (such as LP SmartSide) and other masonry materials or a combination of the foregoing materials. Dutch lap, plywood, vinyl and metal siding are not permitted. Other materials may be used for parapets, roof or equipment screening (including but not limited to metal louvers), cornices, surrounds, trim, awnings, architectural decorations, and design elements. Roofing material for a sloped roof shall be standing seam metal, dimensional architectural shingles or similar, unless a different material is approved by the Planning Director at the time of plan review (however, flat roofs are exempt from this requirement). This subsection shall only apply to the data center buildings and not other supporting uses.
 - c. Pedestrian walkways at least five feet in width will be provided through parking areas to provide connections from parking lots to the primary building entrance, with such walkways separated from parking spaces and drive aisles by curbing and/or landscaping.
 - d. Any secondary building entrance(s), if required, shall be connected by a pedestrian walkway to building parking.

- e. Buildings shall use one or more neutral colors (such as taupe, tan, brown, beige, ivory, cream, white, black, grey or similar) with accent colors to complement the dominant building color.
- f. Above-ground mechanical equipment will be screened from view from adjacent public streets and residential dwellings where feasible with landscaping as determined in the landscape plan submitted by the owner with the final Site Plan unless an alternative screening method is approved by the Planning Director at the time of final Site Plan review.
- g. Any mechanical units placed on the rooftops of buildings shall, to the extent feasible, be screened from view from adjacent public streets and residential dwellings by architectural features which are compatible with building architecture.
- h. In lieu of the Light Industrial (I-1) parking requirements, a data center campus shall be parked as follows: one parking space for each employee working on the shift with the largest number of employees. Additionally, one loading space and two ADA accessible spaces shall be required at each data center building.
- i. The maximum lot coverage for the Property will not exceed fifty percent (50%), but individual development sites or phases may exceed fifty percent (50%).

12. Road Improvements. The following road improvements shall be completed (or paid for) by the owner or by others:

- a. Prior to the commencement of vertical construction, the owner (or others) shall:
 - i. Complete construction of the following “offsite” improvements near the intersection of Anderson Highway at Page Road:
 - 1. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
 - 2. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and a 200 foot long taper.
- b. Prior to the commencement of vertical construction, complete construction of a 100 ft long turn lane and a 100 foot long taper, along north bound Page Road on the Property’s frontage, into the project entrance.

Any significant modification to the alignment, design and length specified above for the road improvements shall be approved by VDOT. If any of the road improvements identified above are completed by others, then the specific road improvement or related payment shall no longer be required of the owner. The timing for the construction of road improvements or payments may be adjusted by a phasing plan proposed by the owner and approved by the Planning Director at the time of site plan review.

Owner will attempt to acquire any “off-site” right-of-way (including any temporary construction easements) that is necessary for the road improvements described above (the “Required ROW”). If owner notifies the County that such attempts were unsuccessful, then the owner shall request, in writing, that the County or VDOT acquire the Required ROW as a road project. In the event the County or VDOT chooses not to acquire the Required ROW or is unable to acquire the Required ROW by the issuance of the site work disturbance permit, the owner shall be relieved of the obligations under section 12.a.i. above and shall instead pay to the County the sum of Two Million Dollars (\$2,000,000) concurrent with the issuance of the first building permit for vertical construction.

13. Construction Clean Up. The owner shall require (i) the placement of heavy equipment wash stations at the exit of the site and (ii) the removal of mud and debris tracked onto the internal roads during facility construction.

14. Noise. Noise levels at the Property’s property line during normal operations will not exceed an average noise level (Leq) of 70 decibels (dBA) between the hours of 7 AM to 10 PM weekdays and between 9 AM to 10 PM on weekends and legal holidays and will not exceed an average noise level (Leq) of 65 decibels (dBA) at the Property’s property line between the hours of 10 PM to 7 AM weekdays, weekends and legal holidays. Measurements for compliance with these requirements shall be conducted 5’ above the property line for a period of 20 minutes with a Class 1 Sound Level Meter per ANSI S1.4:2014. Emergency operations and the testing of emergency equipment shall not be subject to the foregoing limitations and the term “emergency” shall mean any situation arising from sudden or reasonably unforeseen events beyond the control of the facility, which situation requires the use of emergency generators.

At completion of construction, applicant shall retain an acoustic engineer to take field measurements to verify compliance with the sound level proffer. If the measurements exceed the sound levels, sound attenuation measures shall be promptly performed, and the sound levels shall again be field measured to verify compliance with this proffer #14.

15. Signage. All freestanding signs installed at the entrance onto Page Road, excluding directional signs, will be designed by the owner thereof as monument signs with a masonry base and shall comply with the sign requirements in the Zoning Ordinance.
16. Noise Reduction. Each external emergency generator shall only be tested during the hours of 8 AM to 5 PM, Monday through Friday for no longer than thirty (30) minutes each, unless a longer time requirement is required by any federal, state, local or manufacturer's requirements for testing of emergency generators.
17. Construction Access. The owner shall require all contractors to direct their heavy-duty construction trucks (such as dump trucks) to access the Property via the Anderson Highway and Page Road intersection so that these trucks do not enter the site from eastbound Page Road and do not leave the site using westbound Page Road. This requirement shall be placed in all construction contracts.
18. Construction Hours. The hours of exterior construction on the Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours, or utility connections. No exterior construction shall occur on Sunday. All clearing, grading and construction contracts will contain these provisions.
19. Alternate Uses. Prior to the commencement of any use on the Property for other than a data center campus, and provided that such alternate use generates traffic trips in excess of the projected traffic set forth in the March 15, 2024 Supplemental Traffic Assessment, the owner shall submit an updated traffic study completed in accordance with VDOT requirements at the time of site plan submission or site plan amendment submission. The approved site plan or approved site plan amendment shall include the road improvements recommended in such updated traffic study and approved by VDOT.
20. Internal Roads. Internal roads shall be hard surfaces (e.g. asphalt) and privately owned and maintained.
21. Height. In lieu of the height requirements applicable to the Light Industrial (L-1) district, the exceptions to the maximum structure height shall be as set forth in CUP 24-03-CUP: LC West, LLC.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

William Donati, Jr. (District 1) _____

Steve McClung, (District 2) _____

Robert Powers (District 3) _____

Mark Kinney (District 4) _____

Denise Morrissette (District 5) _____

ORDINANCE # O-2024-15

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 23, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting conditional use permit 24-03-CUP to allow data center buildings and substation components to be constructed up to 75 feet in height, with an overall maximum height of 90' including accessory rooftop equipment, on 119.9 acres on Page Road, Tax Map Nos. 43-61, 43-64, and 43-64E

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Powhatan County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, LC West LLC, filed an application requesting a Conditional Use Permit (CUP) to exceed the 45-foot height limitation for structures in the Light Industrial (I-1) zoning district on 119.9 acres on Page Road, Tax Map Nos. 43-61, 43-64, and 43-64E in Election District 1; and

WHEREAS, applicant requests to construct data center buildings and substation components up to 75 feet in height, with an overall maximum height of 90' including accessory rooftop equipment; and

WHEREAS, the 119.9-acre property is currently zoned Agricultural 10 (A-10); however, this CUP request is being heard concurrent with applicant's request to rezone the property to Light Industrial (I-1), with proffered conditions, in Case #24-02-REZ; and

WHEREAS, the maximum structure height in the Light Industrial (I-1) zoning district is 45 feet, but Zoning Ordinance Sec. 83-250.C. allows structures to exceed 45 feet in height with approval of a conditional use permit; and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the County's Comprehensive Plan recommends this area for Economic Opportunity and Gateway Business; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on August 6, 2024, and voted 4-1 on September 3, 2024 to recommend denial of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this application on September 23, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors is empowered to grant this application pursuant to Zoning Ordinance Section 83-123(f), has considered each of the applicable standards in Zoning Ordinance Section 83-123(f)(4), and hereby finds the granting of this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 23rd day of September 2024, the Powhatan County Board of Supervisors does hereby grant conditional use permit 24-03-CUP to allow data center buildings and substation components to exceed the 45 foot structure height limitation on 119.9 acres on Page Road, Tax Map Nos. 43-61, 43-64, and 43-64E in Election District 1, subject to the following imposed conditions:

- 1) Data center buildings and substation components not exceeding 75 feet in height may be constructed on the Property (Tax Map Parcels 43-64E, 43-61, and 43-64) within the areas of the Property labeled Land Bay 1, Land Bay 2, and Land Bay 3 as such land bays are generally depicted on the Conceptual Plan entitled “Page Road Conceptual Land Bay Plan” prepared by Dewberry, dated August 5, 2024, which Conceptual Plan is attached and incorporated into these CUP conditions as **Exhibit A**.

- 2) Properly screened rooftop mounted equipment including but not limited to HVAC equipment may be placed on top of data center buildings provided the screening and equipment does not cause the overall height of the buildings and equipment to exceed 90 feet (except for antennas).

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

William Donati, Jr. (District 1) _____
Steve McClung, (District 2) _____
Robert Powers (District 3) _____
Mark Kinney (District 4) _____
Denise Morrissette (District 5) _____



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: Case 24-05-REZ: EWN Investments LLC (District #1 Subletts/Manakin/Flat Rock) has applied to rezone a roughly 6.9-acre parcel from Agricultural-10 (A10) to Commerce Center (CC), with proffered conditions. The subject undeveloped parcel is located on the north side of Anderson Highway approximately 350 feet west of Dorset Road and is identified on Powhatan County’s Tax Maps as 41-12B. The 2021 Comprehensive Plan designates the subject property as Gateway Business on the Countywide Future Land Use Map.

Summary of Item: This application seeks to rezone 6.9 acres from Agricultural-10 (A-10) to Commerce Center (CC) for potential retail or restaurant use, including drive-throughs, which are permitted by-right in the CC district. The applicant has submitted proffers and a conceptual plan that outlines inter-parcel connections to adjacent properties, internal access road locations, and development areas for buildings and parking. The property will primarily access through the neighboring Sheetz entrance, and all buildings must comply with the County’s Pattern Book, subject to Planning Commission review. Since no specific end user has been identified, the conceptual plan may vary from the submission of a Site Plan. The owner also owns the adjacent parcels to the east (TM 41-9 & TM 41-10).

Draft Motions: **Approve:** Move to approve rezoning 24-05-REZ for 6.9 acres on Anderson Highway, Tax Map # 41-12B, from Agriculture-10 to Commerce Center, with proffered conditions, as presented.

Deny: Based on the information in the staff report and from the public hearing, I move the Board deny rezoning 24-05-REZ for 6.9 acres on Anderson Highway, Tax Map Number 41-12B, from Agriculture-10 to Commerce Center, with proffered conditions, on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, or good zoning practice, and _____.

Dates Previously Considered by Board: None

Staff: X Approve _____ Deny _____ See Comments

Planning Commission: X Approve _____ Deny _____ See Comments

Attachments: Ordinance
 Staff Report with Attachments

Staff/Contact: Ligon Webb, Planning Director
 (804) 598-5621 x 2006
 Lwebb@powhatanva.gov



Case #24-05-REZ: EWN Development Co. Inc.

Staff Report Prepared for the Board of Supervisors

Submitted by Sean Clendening, Planner II

Staff Report Prepared on September 16, 2024

I. PUBLIC HEARINGS

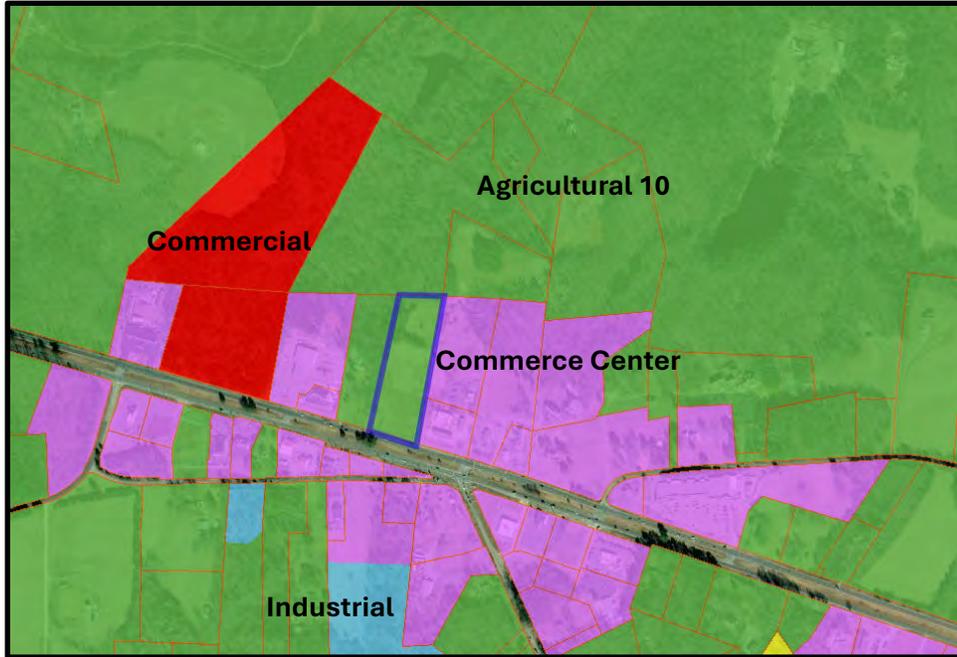
Planning Commission: September 3, 2024
Board of Supervisors: September 23, 2024

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Request	Rezone from Agricultural 10 (A-10) to Commerce Center (CC)
Existing Zoning	Agricultural 10 (A-10)
Parcel Size	6.9 +/- acres
Parcel Tax Map	41-12B
Open Space/Lot Coverage	The maximum lot coverage for all principal and accessory buildings is 60%
Applicant	EWN Development Co. LLC
Owner	Edward W. Nunnally, Jr.
Location of Property	TBD Anderson Highway
Electoral District	District 1
2021 Future Land Use Plan	Gateway Business
Adjacent Zoning	North: Agricultural 10 (A-10) South: Commerce Center (CC)

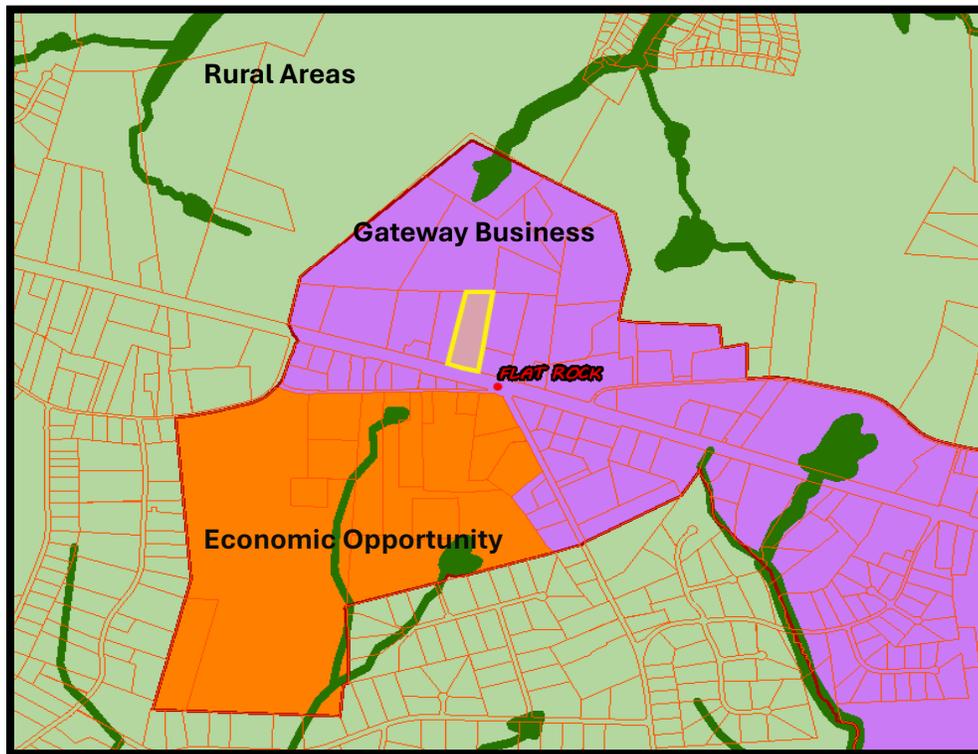
East: Commerce Center (CC)

West: CC



Future Land Use Plan

Gateway Business with Economic Opportunity across US 60 to the south



III. EXECUTIVE SUMMARY

This application seeks to rezone approximately 6.9 acres from Agricultural-10 (A-10) to Commerce Center (CC) for potential retail and/or restaurant use. Retail stores and restaurants, including those with drive-throughs, are permitted by-right within the Commerce Center zoning district.

The applicant has submitted proffers and a conceptual plan of the property (see **Attachment 2**) that includes provisions for inter-parcel connections to the adjacent properties to the east and west, the locations of internal access roads, and development areas for building(s) and parking. Additionally, the property’s principal access will be limited to the existing commercial entrance on the neighboring “Sheetz” property. Before receiving approval for a Site Plan to develop the property, all proposed buildings must comply with the County’s “Pattern Book” (Countywide Development Guidebook), which will be reviewed and approved by the Planning Commission.

However, since no specific commercial “end user” has been identified for the property, this conceptual plan may be subject to change once a Site Plan is submitted to the County. It is also important to note that the owner of the subject property also owns the two adjacent parcels to the east (TM 41-9 & TM 41-10).

IV. PROPERTY DESCRIPTION

The subject property is located directly off Anderson Highway, next to the existing Sheetz, and approximately 450 feet west of the intersection of Dorset and US 60. This area is known as Tax Map 41-12B and shall be referred to as “the property.”



V. EXISTING CONDITIONS

The property is an undeveloped field that extends approximately 850 feet north of Anderson Highway. There are no streams on the property, but roughly half of the property contains moderate shrink-swell soils. The property is accessed via a shared road between the property and Sheetz.

Visuals



Surrounding Land Use

West: To the west of the property, there is a property with a house. This property was rezoned Commerce Center last year and should be expected to develop into a commercial site.

North: Wooded land that is zoned Agricultural-10.

East: The Sheetz property and Bruster's property, both zoned Commerce Center.

South: Across US 60 are commercial properties where the James River Pools is located.

Transportation/Roads/Access

Anderson Highway (US 60) within the identified study area is a four-lane divided roadway, listed as a Principal Arterial on VDOT's Functional Classification Map. It has an east-west alignment and a posted speed limit of 55 mph. According to published VDOT traffic data,

in 2022 this section of Anderson Highway (US 60) currently carries an average of 25,000 vehicles per day with the “peak hour” (i.e., highest one hour of vehicle trips) of 2,275 vehicle trips.

Traffic Accidents

In 2023, the section of Anderson Highway, shown below, is approximately 1.78 miles, and experienced 11 vehicle accidents, none of which resulted in serious injuries. In 2022, the same segment of Anderson Highway saw 10 vehicle accidents, one of which involved a serious injury.



Summary

The property is located along US 60, next to other Commerce Center lots, excluding the northern section that is forested. The surrounding land uses include a gas station, a pool company, a future automotive repair site, and an ice cream shop.

VI. LAND USE ANALYSIS

Requested Rezoning

Commerce Center (CC) from Agricultural-10 (A-10) with conditions.

Site Plan Requirements

If this rezoning is approved, the following items would be subject to administrative review as part of an official Site Plan submittal:

- Access and circulation (Section 83-451)
- Off-Street Parking (Section 83-455)
- Tree Protection (Section 83-460)
- Landscaping and Buffering (Section 83-461)

Screening (Section 83-465)
Fences and Walls (Section 83-466)
Exterior Lighting (Section 83-469)
Open Space (Section 83-470)
Environmental Protections/Riparian Buffers (Section 83-470)

Intensity and Dimensional Standards in Commerce Center (CC) Zoning (Section 83-240, C.)

Minimum Lot Area	10,000 sf
Minimum Lot Width	60 ft
Maximum Density	N/A
Maximum Lot Coverage	60 percent
Maximum Structure Height	35 feet
Maximum Front Yard Depth	75 feet (fronting US 60)
Side and Rear Yard Depth	N/A, 10 ft (to be shown on Site Plan)

VII. PUBLIC SERVICE ANALYSIS (Review by County Departments and State Agencies)

Building Official

1. Addressing will need to be agreed upon by Zoning, Fire, and Building departments for each building and suite.
2. The buildings will need to meet the applicable requirements of the adopted code based on when permits are applied for.
3. The future access connector on the western side is recommended to be taken to the property line at the time of construction so there is no confusion later as to who will be responsible for installing the connector.
4. The back eastern entrance is recommended to be connected to a road leading to US 60. Campers and RVs are very large in nature and the proposed plan, with retail and restaurant traffic, provides no clear access for such large vehicles. The additional road for access will also be critical for fire apparatus vehicles should an emergency take place. The gate for the self-storage and RV/camper storage area is marked as only an emergency gate, therefore no access exists for that area. Emergency vehicles may have a difficult time navigating around the front building areas with the curbs and landscaping shown when needing to access the rear area.

Public Safety Communications

No comment.

Department of Public Works

The Department of Public Works has reviewed 24-05-REZ, EWN. The property, 41-12B, is located within the Water and Wastewater Service District. The proposed buildings will be required to connect to the county's water and sewer systems. The department has no further review comments.

VDOT

VDOT recommendations and conditions regarding the requested rezoning are as follows (see **Attachment 3**):

1. A Site Plan is required to be submitted and approved. A VDOT Land Use Permit is required for any work within the Right of Way.
2. Trip generation was not provided with the rezoning application, the proposed land uses appear to exceed the 5,000 vehicle per day threshold to require a Traffic Impact Analysis (TIA) report.
3. In support of a prior rezoning case application for the proposed Cajo's Place site along the north site of Anderson Highway (US 60), adjacent to the Sheetz Gas and Convenience Store at the signalized intersection of Dorset Road (Route 622), Powhatan County directed the applicant to submit a traffic study to analyze the impact of the proposed site to the surrounding road network. The applicant provided a traffic impact analysis, prepared by Ramey Kemp Associates (C. Hultgren), dated February 20, 2020, and revised April 14, 2020. VDOT recommends and Updated Traffic Study be submitted. (Staff note: see **Attachment 4** for Cajo's Place TIA)
4. Based on the prior evaluation of the existing commercial entrance and the proposed modifications at the time to accommodate the proposed site traffic, VDOT concluded that the existing entrance was originally constructed to facilitate shared access between these two commercial sites. The addition of commercial traffic to the west side of the entrance will be mitigated by requiring exiting site traffic to stop and promoting free-flow traffic entering both sites from US 60.

The Virginia Department of Transportation takes no exception to this rezoning request for the identified proposed use of this property.

Staff Comments – Once an “end user” for the property is identified, a formal Traffic Impact Analysis (TIA) and/or a turn lane warrant may be required during the Site Plan submittal and review process. This determination will be based on the vehicle trips generated by the proposed use(s) according to the ITE Trip Generation Manual, 11th Edition. If a TIA is required, it, along with the Site Plan, will be submitted to VDOT for review

and comment. Depending on the trip generation of the proposed use, a turn lane into the shared commercial entrance may also be necessary.

VDH

No comment.

Fire Department

No comment.

Sheriff

No comment.

VIII. PROFFER ANALYSIS

The proffers listed in the application would require the applicant to connect to public water and sewer, provide inter-parcel connections between adjoining lots, and limit the type of signage that can be used on the property. The proffers also include a conceptual plan which shows the development area(s) for building and parking, locations of inter-parcel connections, and approximate locations of internal access roads.

The proffer regarding connecting to water and sewer will help the county maintain an adequate amount of water usage along US 60 and would be required regardless of the proffer.

The proffers Inter-parcel connections between the east and west lots will help improve traffic flow between those parcels and reduce the amount of traffic entering US 60.

The signage proffer will help minimize the amount of signage on US 60 and ensure that the incoming signage is of higher quality.

IX. COMPREHENSIVE PLAN ANALYSIS

The 2021 Countywide Future Land Use map lists the property as Gateway Business.

Powhatan County's Comprehensive Plan (p. 97) describes Gateway Business as "Areas designated *Gateway Business* are intended to accommodate employment-generating commercial and light industrial uses that support local economic development goals."

The proposed rezoning fits with the intended zoning and uses as described in the 2021 Comprehensive Plan.

X. STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning request to rezoned 6.9-acres from A-10 to CC (with conditions). The proposed rezoning of parcel 41-12B is not expected to adversely affect the County’s goals of promoting the health, safety, and general welfare of Powhatan County. If the subject lot is rezoned to Commercial Center, it would be consistent with existing nearby Commercial Center zoned lots and would conform to the 2021 Comprehensive Countywide Future Land Use Map. Staff also believes the submitted proffers requiring inter parcel access, limiting the entrance to the existing/adjoining commercial entrance to the east, and limiting signage to a monument style sign would be beneficial.

Staff has no objections to the proposed rezoning and recommends approval of the request.

XI. PLANNING COMMISSION VOTE

At its September 3, 2024, meeting, the Commission held a public hearing and voted 5-0 to recommend approval of this rezoning request.

ATTACHMENTS

1. Application
2. Proffers with Conceptual Plan (Proffers updated on September 12, 2024)
3. VDOT Correspondence dated on July 9, 2024
4. Cajo’s Place TIA (For Informational Purposes Only)

END OF DOCUMENT



REZONING

For Office Use Only	
Case Number	646-2024

Applicant Information	
Name of Applicant	EWN Development Co. Inc
Mailing Address	PO Box 899 Powhatan, VA 23139
Phone Number	804-839-9913
Email Address	N/A

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	Edward W. Nunnally Jr
Mailing Address	1651 Mt. Herman Road Midlothian, VA 23112
Phone Number	804-839-9913
Email Address	N/A

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	Daniel G. Jones
Mailing Address	10142 West Broad Street Glen Allen, VA 23060
Phone Number	804-432-3806
Email Address	djones@taylorlongproperties.com

Parcel Information	
Tax Map Number	41-12B
Physical Address	TBD Anderson Highway
General Description of Property Location	6.9-acre undeveloped parcel
Election District	One
Total Acreage	6.9-acres
Current Zoning	A-10 (Agricultural 10)
Requested Zoning	CC (Commercial Center)
Acreage to Be Rezoned	6.9-acres
Countywide Future Land Use: Land Use Designation	Gateway Business

Proposed Use	
Describe Proposed Use	See attached conceptual plan (will likely be a retail and/or restaurant as allowed in CC zoning district)
Amount of Dedicated Open Space (Acreage + % of Site)	N/A
If this request is approved, will new lots be created?	No
If this request is approved, will new structures be constructed?	Yes, at this juncture the size and exact location(s) still to be determined; will be finalized at Site Plan submittal.
Are there existing structures on the subject property?	No
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.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
41-12C	MKWON LLC	1990 Solaridge CT Reston, VA 20191
41-6	B & Q Properties LLC	2701 Pinderidge Ln Powhatan, VA 23139
41-10	Otterdale Venture LLC	PO Box 899 Powhatan, VA 23139
41-19E	Flat Rock Crossing LLC	3867-B Old Buckingham Rd Powhatan, VA 23139
41-23	EWN Flat Rock LLC	PO Box 899 Powhatan, VA 23139

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

Proffer Statement	
<p>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.</p> <p>(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.)</p>	
Proffer #1	<p>SEE ATTACHED PROFFER STATEMENT DATED ON AUGUST 20,2024</p> <p>Staff Note: Attached proffers updated on September 12, 2024</p>
Proffer #2	
Proffer #3	
Proffer #4	
Signature of Applicant	<i>Edward W. Nunnally</i>
Name of Applicant (Printed)	EDWARD W. NUNNALLY
<p>Commonwealth of Virginia County of <u>Henrico</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Edward W. Nunnally</u> whose name is signed to the above, on this <u>23rd</u> day of <u>August</u> 20<u>24</u>.</p>	
Notary Public	<i>Deborah Ann Aho</i>
Commission Expires	12/31/2027
Notary Number	7680984
<p>Seal</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p>DEBORAH ANN AHO NOTARY PUBLIC REGISTRATION # 7680984 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES 12/31/2027</p> </div>	

Statement of Validity of Information

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

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.

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.

Signature of Applicant *Edward W. Nunnally*

Name of Applicant (Printed) EDWARD W. NUNNALLY

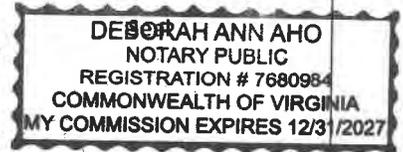
Commonwealth of Virginia
County of Henrico, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Edward W. Nunnally, whose name is signed to the above, on this 23rd day of August 2024.

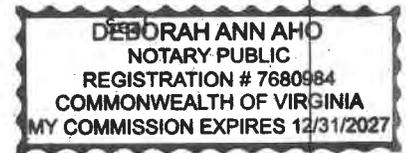
Notary Public *Deborah Ann Aho*

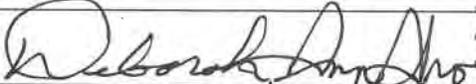
Commission Expires 12/31/2027

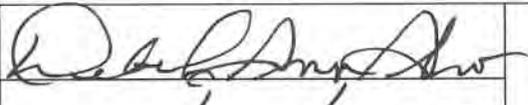
Notary Number 7680984

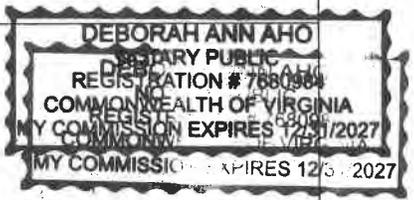


Ownership Disclosure	
<p>List below the names and addresses of <u>all</u> owners or parties in interest of the land subject to this request.</p> <p>If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.</p>	
Name	Address
Edward W. Nunnally Jr	1651 Mt. Herman Road, Midlothian, VA 23112
<p>I, _____, 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 _____.</p> <p>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.</p>	
✓ Signature of Applicant	<i>[Handwritten Signature]</i>
Name of Applicant (Printed)	EDWARD W NUNNALLY
<p>Commonwealth of Virginia County of <u>Henrico</u> to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Edward W. Nunnally</u>, whose name is signed to the above, on this <u>23rd</u> day of <u>August</u> 20<u>24</u>.</p>	
Notary Public	<i>[Handwritten Signature]</i>
Commission Expires	12/31/2027
Notary Number	7680984



Consent of Owner(s) to Rezoning Request	
<p>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</p>	
<p>I, <u>Edward Nunnally Jr.</u>, am the owner of the property subject to this rezoning request and consent to the request submitted by <u>EWN Development Co. Inc (Dan Jones)</u> (Applicant) to rezone Tax Map <u>41-12B</u> from <u>A10</u> (Current Zoning District) to <u>CC</u> (Requested Zoning District).</p>	
Signature of Owner	
Name of Owner (Printed)	<u>EDWARD W. NUNNALLY</u>
<p>Commonwealth of Virginia County of <u>Henrico</u>, to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Edward W. Nunnally</u>, whose name is signed to the above, on this <u>23rd</u> day of <u>August</u> 20<u>24</u>.</p>	
Notary Public	
Commission Expires	<u>12/31/2027</u>
Notary Number	<u>7680984</u>
<div style="border: 1px solid black; padding: 5px; text-align: center;"> DEBORAH ANN AHO NOTARY PUBLIC REGISTRATION # 7680984 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES 12/31/2027 </div>	

Applicant's Permission for Inspection of Property	
I, <u>Edward Nunnally Jr.</u> , hereby grant access to the Director of Community Development, 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.	
Signature of Applicant	
Name of Applicant (Printed)	<u>EDWARD W. NUNNALLY JR.</u>
Commonwealth of Virginia County of <u>Henrico</u> , to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Edward W. Nunnally Jr.</u> , whose name is signed to the above, on this <u>23rd</u> day of <u>August</u> 20 <u>24</u> .	
Notary Public	
Commission Expires	<u>12/31/2027</u>
Notary Number	<u>7680984</u>



Review Checklist (For Office Use Only)	
This form will be completed by the Department of Community Development as the application is reviewed.	
Action	Date of Action
Application Submitted	June 25, 2024
Application Deemed Complete	July 8, 2024
Application Routed to Reviewing Agencies	June 28, 2024
Comments Received from Reviewing Agencies	Building Inspections July 10, 2024
	Environmental July 11, 2024
	Public Works July 15, 2024
	Sheriff July 9, 2024
	Fire July 2, 2024
	Health July 15, 2024
	Transportation July 9, 2024
	Other
Planning Commission: Notice in Newspaper	August 21, 26, and 28, 2024
Planning Commission: Letters Sent to Adjoining Property Owners	August 23, 2024
Planning Commission: Public Hearing	September 3, 2024
Planning Commission: Recommendation Made	5-0, to approve
Board of Supervisors: Notice in Newspaper	September 11, 16, and 18, 2024
Board of Supervisors: Letters Sent to Adjoining Property Owners	September 12, 2024
Board of Supervisors: Public Hearing	September 23, 2024
Board of Supervisors: Recommendation Made	

Taylor Long
PROPERTIES
Commercial Real Estate

Taylor Long Properties
10142 West Broad Street
Glen Allen, Virginia 23060
Office: 804.864.9788
Fax: 804.864.9789

Ligon Webb
Director of Planning and Zoning
County of Powhatan
3834 Old Buckingham Road, Suite F
Powhatan, VA 23139

This letter serves as notification that the owners of a 6.93-acre parcel on Anderson Highway (Parcel number 041-12B) consent to a rezoning request on said parcel from Agricultural (A-10) to Commerce Center (CC).

Also, Dan Jones, a commercial realtor with Taylor Long Properties, will represent and be assisting owners of said parcel in rezoning efforts. The support of you and your staff in these efforts is most appreciated. As you know, the county comprehensive land use plan envisions commercial usage of this property.

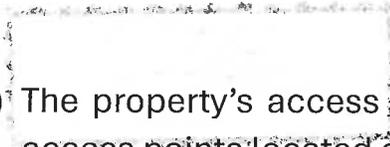
Sincerely yours,

✓ W. Scott Huff

E.W.N Development Co. Inc.



Case number 24-05-REZ: EWN Development Co. Inc.
Proffered Conditions for Tax Map 41-12B
September 12, 2024

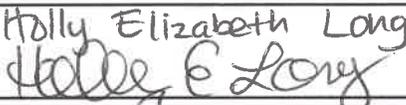
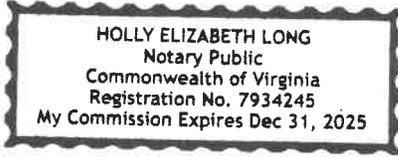
- 1) The development of the property shall be in substantial conformance with the Conceptual Plan dated September 12, 2024 (**See attached Exhibit A**).
- 2) As shown on the Conceptual Plan, the location and/or alignment of the access road on the subject property (TM 41-12B) may be adjusted/moved as necessary to accommodate the building and parking requirements of the end user(s). The access road segments on the adjoining parcels (TM 41-9 and TM 41-10) shall be constructed as shown on the Conceptual Plan, ensuring the connection of the existing unfinished segments to each parcel and providing inter-parcel access to the subject property. All access road improvements shall be completed prior to the issuance of a land disturbance permit on the property.
- 3) As shown on the Conceptual Plan, inter-parcel connections shall be provided from the property to the adjoining parcel to the west (TM 41-12C) and to the adjoining parcels to the east (TM 41-9 and TM 41-10), facilitating both vehicular and pedestrian access between all parcels. The location of the northernmost inter-parcel connection to the adjoining parcel to the east (TM 41-10) may be adjusted or relocated as necessary to accommodate the building and parking requirements of the end user(s).
- 4) As shown on the Conceptual Plan, across the property's entire frontage with US 60 (Anderson Highway) a dedicated eight (8) foot wide right-of-way and access easement located outside of VDOT's right-of-way is established for a future bike/pedestrian pathway and/or sidewalk. This pathway/sidewalk shall connect to adjacent pathways/sidewalks, and the construction of this pathway/sidewalk shall not be the responsibility of the property owner.
- 5)  The property's access to Anderson Highway (US 60) shall be provided via existing access points located on the adjoining parcels to the east (TM 41-9 and 41-10)).
- 6) Signage for the property shall be limited to a single monument style sign (directory or otherwise) not to exceed 10 feet in height, measured from the ground level, that shall

not be internally illuminated. Individual businesses may also utilize building mounted signage.

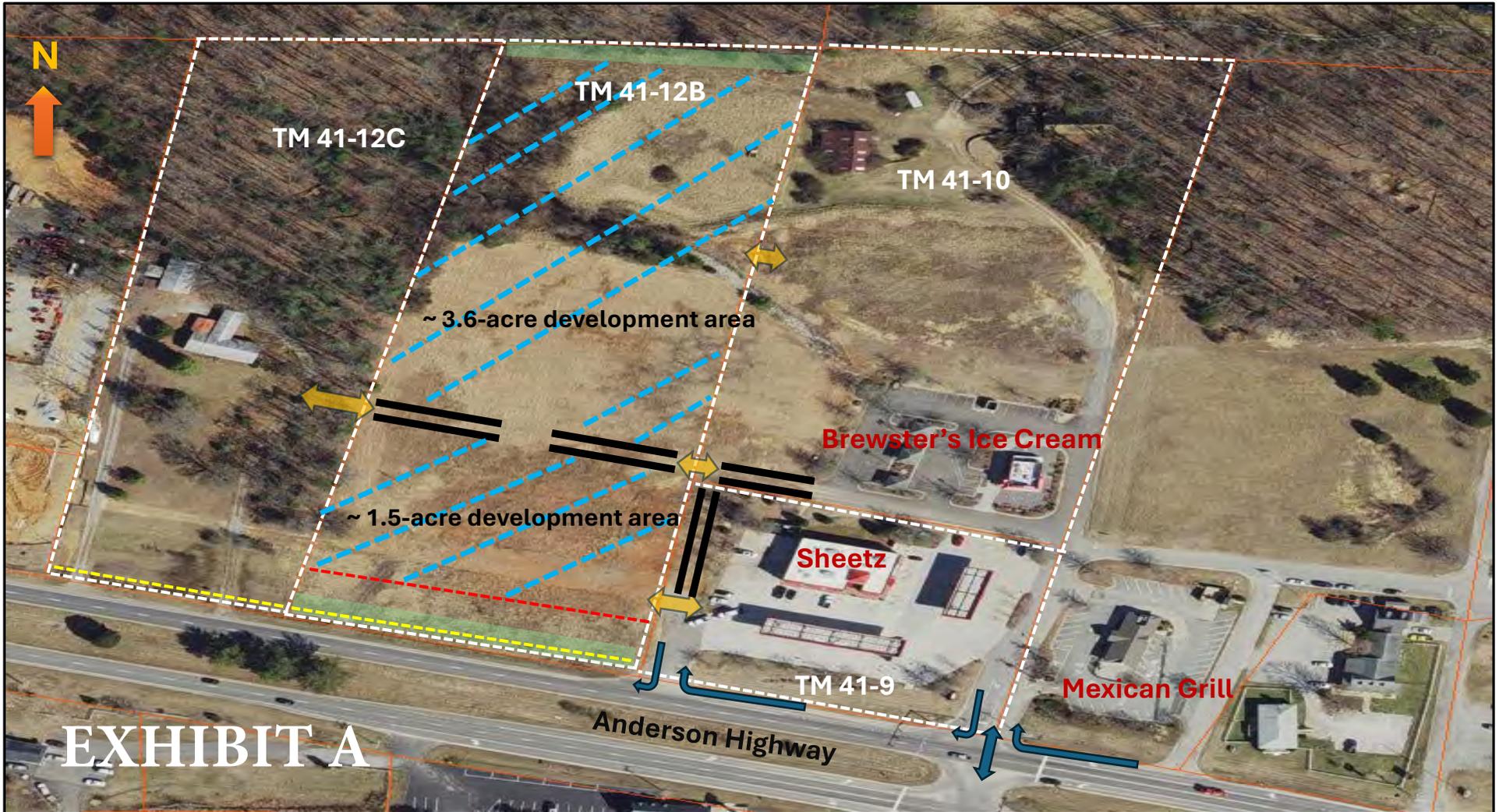
- 7) The property shall be connected to public water and sewer.
- 8) Prior to the approval of a Site Plan for the property, all buildings must comply with County's "Countywide Development Guidebook" (aka: "Pattern Book"). The pattern book application shall be submitted to the County's Planning Commission for review and approval.
- 9) An official Site Plan, detailing the final location and alignment of the internal access roads, structures, parking, inter-parcel connections, and associated improvements as described in the above proffers, shall be submitted to and approved by the County. This Site Plan shall be reviewed by County staff to ensure compliance with all applicable regulations and consistency with the Conceptual Plan prior to the issuance of land disturbance permits on the property.

END OF PROFFERS

BY: 
Edward W. Nunnally, Jr.

Commonwealth of Virginia County of <u>Henrico</u> , to wit:		
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Holly E. Long</u> , whose name is signed to the above, on this <u>18</u> day of September <u>2024</u> . <u>September</u>		
Notary Public	Holly Elizabeth Long 	Seal 
Commission Expires	Dec. 31, 2025	
Notary Number	7934245	

24-05-REZ: EWN Development Co. Inc. - Conceptual Plan



Date: September 12, 2024



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

July 9, 2024

Mr. Sean Clendening
Planner/Code Enforcement
Planning & Zoning Department
3834 Old Buckingham Road, Suite F
Powhatan, Virginia 23139-7051

REFERENCE: **24-05-REZ: #41-12B – EWN Investments LLC**
(District #1 Subletts/Manakin/Flat Rock)
Date VDOT Received: 7/01/24
Tax Map # Tax Map 41-12B
Located on the North West Quadrant of the intersection of Anderson Highway (Rt. 60) and Dorset Road (Rt. 622)
Anderson Hwy. Rt. 60, Principal Arterial, ADT=22,000, 55 MPH

Dear Mr. Clendening:

The Virginia Department of Transportation Chesterfield Residency Land Use has reviewed the request submitted by Mr. Daniel G. Jones, is requesting to rezone a roughly 6.9-acre parcel from Agricultural-10 (A10) to Commerce Center (CC). The submitted rezoning application does not identify a specific CC use, if approved the parcel could be developed for a variety of permitted CC uses and per section 83-123 of the zoning ordinance a Site Plan would be required to be submitted. The applicant has provided a non-proffered conceptual site layout, and this layout shows inter-parcel connections to the adjoining CC zoned properties located to the west and east. The submitted proffers require inter-parcel connections to these adjoining properties. The subject undeveloped parcel is located on Anderson Highway but does not contain a postal address, the parcel is identified on Powhatan County's Tax Maps as 41-12B. The 2021 Comprehensive Plan designated the subject property as Gateway Business.

The Property shall be utilized for Two Retail/Restaurants, a gated self storage building with RV and Camper storage. A non-proffered conceptual Layout was provided.

VDOT recommendations and conditions regarding the requested rezoning are as follows:

24-05-REZ EWN Investment LLC - Anderson Hwy.

July 9, 2024

Page 2 of 2

1. A Site Plan is required to be submitted and approved. A VDOT Land Use Permit is required for any work within the Right of Way.
2. Trip generation was not provided with the rezoning application, the proposed land uses appear to exceed the 5,000 vehicle per day threshold to require a Traffic Impact Analysis (TIA) report.
3. In support of a prior rezoning case application for the proposed Cajo's Place site along the north side of Anderson Highway (US 60), adjacent to the Sheetz Gas and Convenience Store at the signalized intersection of Dorset Road (Route 622), Powhatan County directed the applicant to submit a traffic study to analyze the impact of the proposed site to the surrounding road network. The applicant provided a traffic impact analysis, prepared by Ramey Kemp Associates (C. Hultgren), dated February 20, 2020, and revised April 14, 2020. VDOT recommends an Updated Traffic Study be submitted.
4. Based on the prior evaluation of the existing commercial entrance and the proposed modifications at that time to accommodate the proposed site traffic, VDOT concluded that the existing entrance was originally constructed to facilitate shared access between these two commercial sites. The addition of commercial traffic to the west side of the entrance will be mitigated by requiring exiting site traffic to stop and promoting free-flow traffic entering both sites from US 60.

The Virginia Department of Transportation takes no exception to this rezoning request for the identified proposed use of this property.

Should you have any questions, or need any additional information, please do not hesitate to contact me by email Paul.Bodie@vdot.virginia.gov or by phone at (804) 674-2906, or Dustin Dunnagan at (804) 674-2384.

Sincerely,



Paul G. Bodie, PE
Engineer I / Land Use Engineer Supervisor
Chesterfield Residency Land Use
Virginia Department of Transportation

CC: Mr. Ligon Webb - Powhatan Co. Dir. of Planning
Mr. Jonus Eppert - Powhatan Co. Env. Coord.
Ms. Charity Gold - Powhatan Co. Planner II
Ms. Rebecca Worley - VDOT Chesterfield Resident Engineer
Mr. Dustin Dunnagan - VDOT Chesterfield Land Use Engineer

Attachment 4: Cajo's Place TIA (Informational Only)

RAMEY KEMP ASSOCIATES

Moving forward.

T 804 217 8560

4343 Cox Road
Glen Allen, VA 23060

April 14, 2020

Mr. Andrew Pompei, AICP
Powhatan County
3834 Old Buckingham Road
Suite F
Powhatan, Virginia 23139
Phone: (804) 598-5621

Reference: **Cajo's Place** – U.S. 60 at Dorset Road
Access Management Exception (AME) Request and Traffic Impact Analysis (TIA)
Powhatan County, Virginia

Dear Mr. Pompei,

Ramey Kemp & Associates, Inc. (RKA) has performed a Traffic Impact Analysis (TIA) for the above referenced project. The development plan includes one restaurant, one auto parts store, and a small self-storage facility with an RV / camper storage lot. The proposed access plan includes cross-access to the existing Sheetz and Bruster's Real Ice Cream to the east, which have full-movement access to Dorset Road, and one right-in / right-out driveway on U.S. 60 (Anderson Highway).

If approved, the proposed businesses are expected to open in 2022. Figure 1 shows the site location and study intersections, and Figure 2 shows the preliminary site plan.

Based on our TIA scoping meeting with you and VDOT on January 9, we understand the existing right-in / right-out driveway that serves Sheetz is considered to be within the functional area of the Dorset Road traffic signal, so the applicant is required to submit an AME request or obtain approval from the VDOT Residency in order to utilize that driveway.

The AME and TIA were submitted on February 20, and VDOT provided three review comments in a letter dated April 8. Following are those comments, and a response to each:

- The traffic study did not provide the source of the traffic signal timings used in calculating the capacity analysis, or provide a copy of the timings utilized for the US 60 at Dorset Road intersection. Update the report to include the existing VDOT signal timings for the existing year analysis of the intersection. Include a copy of the VDOT timing data in the appendix of the report. The report shall note any modifications to the existing timings for any of the future signal operational analysis.
 - In the original TIA, RKA assumed a cycle length of 120 seconds during the PM peak hour. RKA has obtained the existing signal timings from VDOT, which include a cycle length of 114 seconds during the

PM peak hour. RKA updated the Synchro analysis as requested, and there were no significant changes to the results.

- The traffic count data in the appendix of the report appears to be missing the count data for the right-in / right-out access west of the Sheetz convenience store. The data labeled “Sheetz Driveway Southbound” appears to be the traffic counts at the signalized intersection of Dorset Road and US 60. Confirm that traffic counts were taken at the right-in / right-out access and update the report to reflect this data.
 - The turning movement count RKA performed in January at the U.S. 60 at Dorset Road intersection has the southbound approach labeled as “Sheetz Driveway Southbound”. The existing right-in / right-out driveway west of the traffic signal was counted simultaneously with a tube counter, and the tube count data are also enclosed in the appendix.
- The traffic report references that the existing right-in / right-out access on the property subject to the proposed development does not meet current VDOT spacing standards along US 60. Since the prior zoning of the subject property permitted commercial development, the access may not be subject to VDOT Minimum Spacing for Commercial Entrances, if it can be demonstrated that the modified access with the proposed site traffic will operate in a similar manner as the existing condition, and nor create congestion that may spill back onto US 60.

The conceptual layout for the proposed access does not appear to have internal stop control for the traffic traveling to US 60 from either the existing Sheetz or the proposed development. In addition, the existing Sheetz access is very wide, and should be better channelized to support the free flow of traffic from US 60 to both commercial sites. Revise the proposed site plan and modifications to the existing entrance and provide a narrative discussion that explains how the proposed changes will improve the flow of traffic exiting and entering US 60 at this location.



The internal intersection of the proposed development has been revised to include the following features:

- A more organized and structured internal intersection within the development by relocating several parking spaces and introducing two larger traffic islands. This provides for a better channelized flow of traffic to and from U.S. Route 60, as well as between the existing and proposed uses.
- Internal stop control through the addition of stop bars and stop signs for traffic exiting the Sheetz and the proposed Cajo's Place development. This will allow for the free flow of traffic from U.S. Route 60 to either the existing Sheetz or the proposed Cajo's Place development.
- A slightly raised stone or brick median on the existing Sheetz site to allow for any tractor-trailer wheel roll-overs as these trucks enter the Sheetz complex from U.S. Route 60.
- Overall, the revised internal intersection provides for a safer condition. The revised design removes the mass amount of open and "undeclared" pavement and eliminates any confusion on right-of-way issues for travelers entering and exiting the sites.

Intersection Spacing Standards

VDOT requires at least 495 feet of separation (center to center) between traffic signals and partial access driveways on Principal Arterial roadways posted 55 mph, and the County requires 625 feet of separation (edge to edge) along U.S. 60. The existing right-in / right-out driveway on U.S. 60 is 290 feet west of Dorset Road (center to center), but the applicant is proposing to keep this driveway in the current location for the following reasons:

- Prior to April 24, 2019, the property was zoned R-C (Residential – Commercial) which allowed for commercial development on the site. It was anticipated that this future commercial development would share the access constructed for the Sheetz, which is why the access is fully on the subject property with Sheetz having an access easement agreement for their use. Figure 3 shows the County zoning map that was in place prior to April 24, 2019.
- There are currently 117 vehicle trips on the right-in / right-out driveway during the PM peak hour. Cajo's Place is projected to add 69 vehicle trips to the right-in / right-out driveway, so most of the trips on the right-in / right-out driveway will be Sheetz customers.
- Cross-access will be provided per the Cajo's Place plans in the rear of the auto parts store to stub out to the adjacent property to the west.
- The right-in / right-out driveway is very close to the property line between Cajo's Place and Sheetz, which is ideal for cross-access for both sites. Shifting the driveway to the west would force Sheetz customers to cross in front of the proposed restaurant, creating internal friction and conflict points within the parking area.

- According to VDOT, there have been a total of 34 collisions in the vicinity of the U.S. 60 at Dorset Road intersection between January 2013 and August 2019 – a period of 80 months. Only one of those collisions was on U.S. 60 westbound between Dorset Road and the Sheetz right-in / right-out driveway, so there is clearly not a collision problem at the right-in / right-out driveway.
- There is already an existing westbound right-turn lane on U.S. 60 with 240 feet of storage at the right-in / right-out driveway
- The tanker trucks that supply Sheetz generally use the signal at Dorset Road to access the site. Cajo's Place is not expected to generate a significant amount of truck traffic, but those trucks are also expected (through appropriate signage) to use the signal at Dorset Road to access the site. The traffic added to the right-in / right-out driveway is expected to be only passenger vehicles.

Existing Roadway Conditions

U.S. 60 (Anderson Highway) is a four-lane divided Principal Arterial with a current average daily traffic (ADT) volume of approximately 25,000 vehicles per day and a posted speed limit of 55 miles per hour (mph).

Dorset Road is a two-lane Major Collector with an ADT volume of approximately 6,000 vehicles per day and a posted speed limit of 55 mph.

Figure 4 shows the existing laneage at the study intersections.

The PM peak hour (4:00 to 6:00 PM) turning movement counts were conducted by Peggy Malone & Associates, Inc. at the following intersections on January 22:

- U.S. 60 at Dorset Road
- U.S. 60 at Right-in / Right-out Driveway (counted with a tube counter)
- U.S. 60 at Land & Coates Driveway / S&N Transmission Driveway

The traffic count data are enclosed, and the existing 2020 volumes are shown in Figure 5.

Background Traffic Growth

Based on discussion with you and VDOT, the 2020 peak hour traffic volumes were grown by an annual rate of 2.0% for two years to estimate the 2022 peak hour traffic volumes. Figure 6 shows the 2020 No-build PM peak hour traffic volumes.

Trip Generation

Table 1 shows the trip generation potential of the site during a typical weekday, AM peak hour, and PM peak hour based on the methodologies published by the Institute of Transportation Engineers (ITE) *Trip Generation Manual – 10th Edition*.

Table 1: ITE Trip Generation – Weekday – 10th Edition

Land Use (ITE Land Use Code)	Size	Weekday Daily Traffic (vpd)		AM Peak Hour (vph)		PM Peak Hour (vph)	
		Enter	Exit	Enter	Exit	Enter	Exit
Mini-Warehouse (151)	4,800 s.f.	4	4	1	1	1	1
Automobile Parts Sales (843)	7,225 s.f.	200	200	10	9	17	18
High-Turnover (Sit-Down) Restaurant (932)	7,050 s.f. ¹	173 ³	173 ³	2 ²	2 ²	43	26
RV and Camper Storage ⁴	60 spaces	20	20	2	2	2	2
Driveway Volumes		397	397	15	14	63	47
ITE Pass-By Trips:							
Automobile Parts Sales – 43%		-86	-86	-4	-4	-7	-7
High-Turnover Restaurant – 43%		-74	-74	-0	-0	-15	-15
Net New Primary Trips		237	237	11	10	41	25

1 – Includes the area of the outdoor patio

2 – The proposed restaurant will not serve breakfast

3 – Assumes 20% of daily trips occur during the PM peak hour

4 – ITE does not publish trip rates for this land use, so the trip potential was estimated based on engineering judgement

Restaurants and auto parts stores attract pass-by trips, which are made by drivers who are already driving by the site today. Table 1 shows the ITE pass-by trip adjustment that was applied in this TIA.

Site Trip Distribution

The following primary site trip distribution was applied based on a review of the existing traffic volumes, the adjacent roadway network, and engineering judgement:

- 50% to / from the east on U.S. 60
- 35% to / from the west on U.S. 60
- 15% to / from the south on Dorset Road

It was assumed that all pass-by trips will originate from U.S. 60, and the following directional distribution was applied:

- PM Peak – 65% westbound / 35% eastbound

Figures 7 and 8 show the primary and pass-by site trip distributions, and Figures 9 and 10 show the primary and pass-by site trip assignments. The total site trips and projected 2022 build-out peak hour traffic volumes can be found in Figures 11 and 12, respectively.

Traffic Capacity Analysis

Traffic capacity analysis for the study intersections was performed using Synchro 10, which is a comprehensive software package that allows the user to model signalized and unsignalized intersections to determine levels-of-service based on the thresholds specified in the Highway Capacity Manual (HCM) – 6th Edition.

Table 2 summarizes the capacity analysis results for the signalized intersection of U.S. 60 and Dorset Road, and the Synchro outputs are enclosed for reference.

Table 2: Level-of-Service Summary for U.S. 60 and Dorset Road

CONDITION	LANE GROUP	PM PEAK HOUR			
		Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay)
Existing (2020) Traffic Conditions	EBL	A	9.3	25	C (24.1 sec)
	EBT	B	15.5	249	
	EBR	A	1.0	12	
	WBL	A	8.2	31	
	WBT	C	20.9	535	
	WBR	A	1.7	21	
	NBL/T/R	F	95.6	336	
	SBL	D	52.4	79	
	SBT/R	D	36.9	77	
No-Build (2022) Traffic Conditions	EBL	B	11.7	27	C (24.4 sec)
	EBT	B	17.8	265	
	EBR	A	2.8	35	
	WBL	A	10.0	34	
	WBT	C	25.2	587	
	WBR	A	2.1	25	
	NBL/T/R	E	62.6	293	
	SBL	D	53.9	84	
	SBT/R	D	39.8	83	
Build (2022) Traffic Conditions	EBL	B	15.0	43	C (26.0 sec)
	EBT	B	18.1	257	
	EBR	A	2.8	34	
	WBL	A	9.7	33	
	WBT	C	26.7	588	
	WBR	A	2.3	26	
	NBL/T/R	E	67.8	318	
	SBL	E	57.6	107	
	SBT/R	D	41.6	89	

Capacity analysis indicates that the intersection currently operates at LOS C during the PM peak hour. Under no-build and build conditions, the intersection is expected to continue to operate at LOS C during the PM peak hour with all movements operating at LOS E or better.

The current VDOT traffic signal timings were input into the existing Synchro network, and the timings were optimized for the no-build and build conditions. The timing optimization includes decreasing the splits for Phases 1 and 5 (left-turn phases on U.S. 60), and increasing the splits on Phases 2 and 6 (through movements on U.S. 60), all of which can easily be implemented by VDOT. No geometric improvements are warranted or recommended at build-out of the site.

Table 3 summarizes the capacity analysis results for the unsignalized intersection of U.S. 60 at Right-in / Right-out Driveway, and the Synchro outputs are enclosed for reference.

Table 3: Level-of-Service Summary for U.S. 60 at Right- in / Right-out Driveway

CONDITION	LANE GROUP	PM PEAK HOUR			
		Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay) ²
Existing (2020) Traffic Conditions	EBT	-	-	-	N/A
	WBT	-	-	-	
	WBR	-	-	-	
	SBR ¹	C	22.6	40	
No-Build (2022) Traffic Conditions	EBT	-	-	-	N/A
	WBT	-	-	-	
	WBR	-	-	-	
	SBR ¹	C	24.5	45	
Build (2022) Traffic Conditions	EBT	-	-	-	N/A
	WBT	-	-	-	
	WBR	-	-	-	
	SBR ¹	D	27.0	60	

1. Level of service for minor approach
2. HCM methodology does not provide lane group or overall LOS, delay, and queue lengths for major street through movements or right turns at unsignalized intersections.

Capacity analysis indicates that the minor street right-turn movement currently operates with short delays (less than 25 seconds) in the PM peak hour. Under no-build conditions, the minor street right-turn movement is expected to continue to operate with short delays (less than 25 seconds) during the PM peak hour.

Under build conditions, the minor street right-turn movement is expected to operate with moderate delays (between 25 and 50 seconds) during the PM peak hour with queue lengths of three vehicles or less. No improvements are warranted or recommended at build-out of the site.

Table 4 summarizes the capacity analysis results for the unsignalized intersection of U.S. 60 at Land & Coates Driveway / S&N Transmission Driveway, and the Synchro outputs are enclosed for reference.

Table 4: Level-of-Service Summary for U.S. 60 at Land & Coates Driveway / S&N Transmission Driveway

CONDITION	LANE GROUP	PM PEAK HOUR			
		Lane LOS	Lane Delay (sec)	Queue (ft)	Overall LOS (Delay) ³
Existing (2020) Traffic Conditions	EBU/L ²	C	15.1	0	N/A
	EBT/R	-	-	-	
	WBU/L ²	B	10.2	0	
	WBR	-	-	-	
	NBL/T ¹	F	149.6	5	
	NBR ¹	B	11.9	0	
	SBL/T ¹	F	237.6	25	
SBR ¹	C	17.2	0		
No-Build (2022) Traffic Conditions	EBU/L ²	C	15.8	0	N/A
	EBT/R	-	-	-	
	WBU/L ²	B	10.4	0	
	WBR	-	-	-	
	NBL/T ¹	F	177.1	8	
	NBR ¹	B	12.1	0	
	SBL/T ¹	F	287.2	28	
SBR ¹	C	17.9	0		
Build (2022) Traffic Conditions	EBU/L ²	C	15.9	0	N/A
	EBT/R	-	-	-	
	WBU/L ²	B	11.5	0	
	WBR	-	-	-	
	NBL/T ¹	F	185.7	8	
	NBR ¹	B	12.2	0	
	SBL/T ¹	F	308.1	28	
SBR ¹	C	18.0	0		

1. Level of service for minor approach
2. Level of service for major street left-turn movement
3. HCM methodology does not provide lane group or overall LOS, delay, and queue lengths for major street through movements or right turns at unsignalized intersections.

Capacity analysis indicates that the minor street left-turn movement currently operates with long delays (greater than 50 seconds) in the PM peak hour. Under no-build and build conditions, the minor street left-turn movement is expected to continue to operate with long delays (greater than 50 seconds) during the PM peak hour with queue lengths less than two vehicles.

Long delays are common for minor street left-turn movements at intersections with major thoroughfares. The projected traffic volumes do not meet MUTCD traffic signal warrants.

No improvements are warranted or recommended at build-out of the site.

RAMEY KEMP ASSOCIATES

Moving forward.

1 804 217 8560

4343 Cox Road
Glen Allen, VA 23060

Recommendations

Based on the traffic capacity analysis, the study intersections will operate at an acceptable level-of-service at build-out of the site, and no off-site roadway improvements are warranted or recommended.

We appreciate your attention to this matter. Please contact me at (804) 217-8560 if you have any questions about this report.

Sincerely yours,
Ramey Kemp & Associates, Inc.

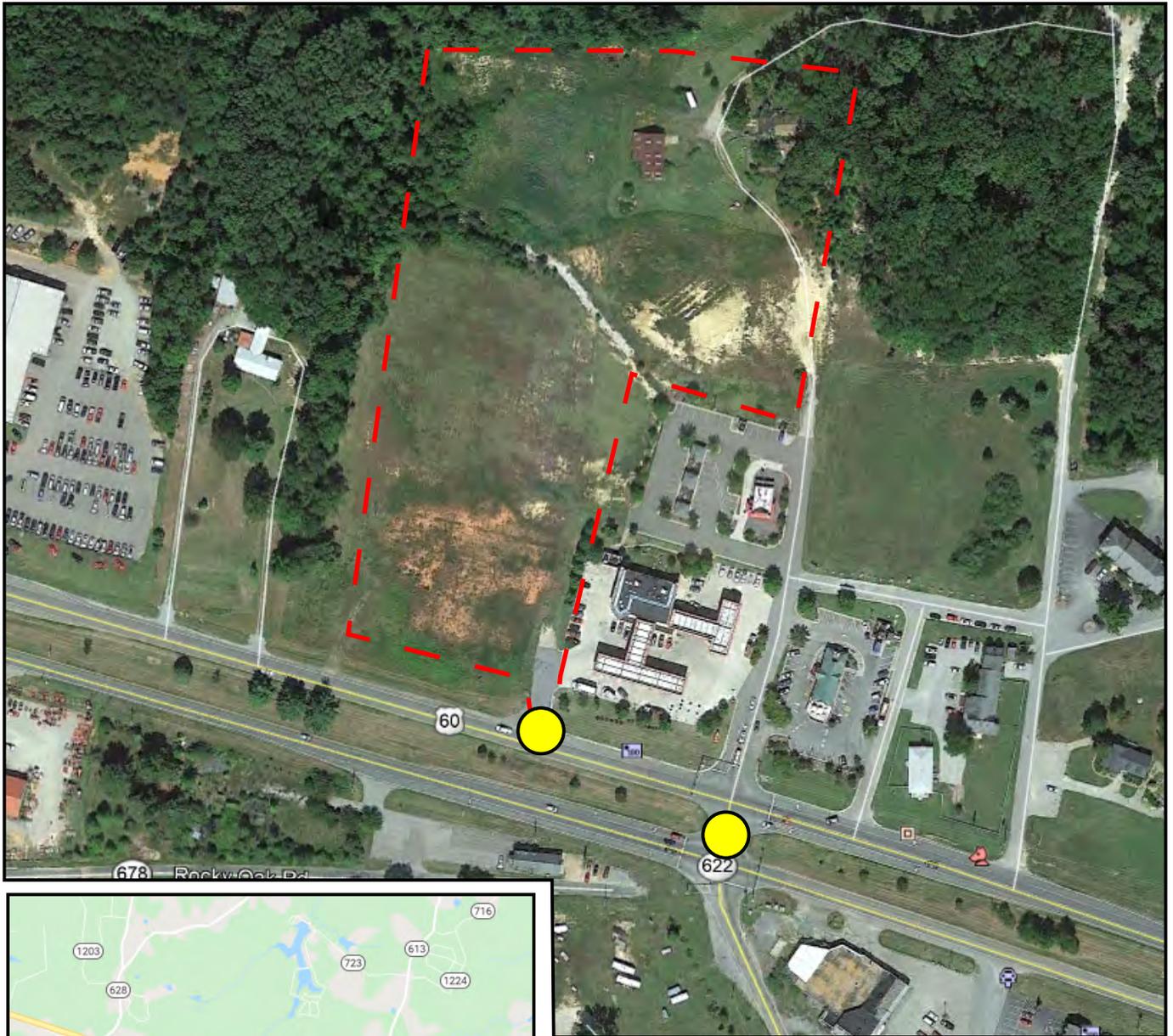


Carl Hultgren, P.E., PTOE
State Traffic Engineering Lead

Enclosures: Figures, Traffic count data, Synchro output

Copy to: Mr. Adam Wilkerson, P.E., VDOT
Mr. Stig Owens, P.E., Sekiv Solutions



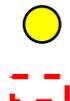


Overview

Inset



LEGEND



Study Intersection

Site Boundary

Moving forward.



RAMEY KEMP ASSOCIATES

Cajo's Place
Powhatan County, Virginia

Site Location and
Study Intersections

Scale: Not to Scale

Figure 1



APRIL 13, 2020



Moving forward.

RKA

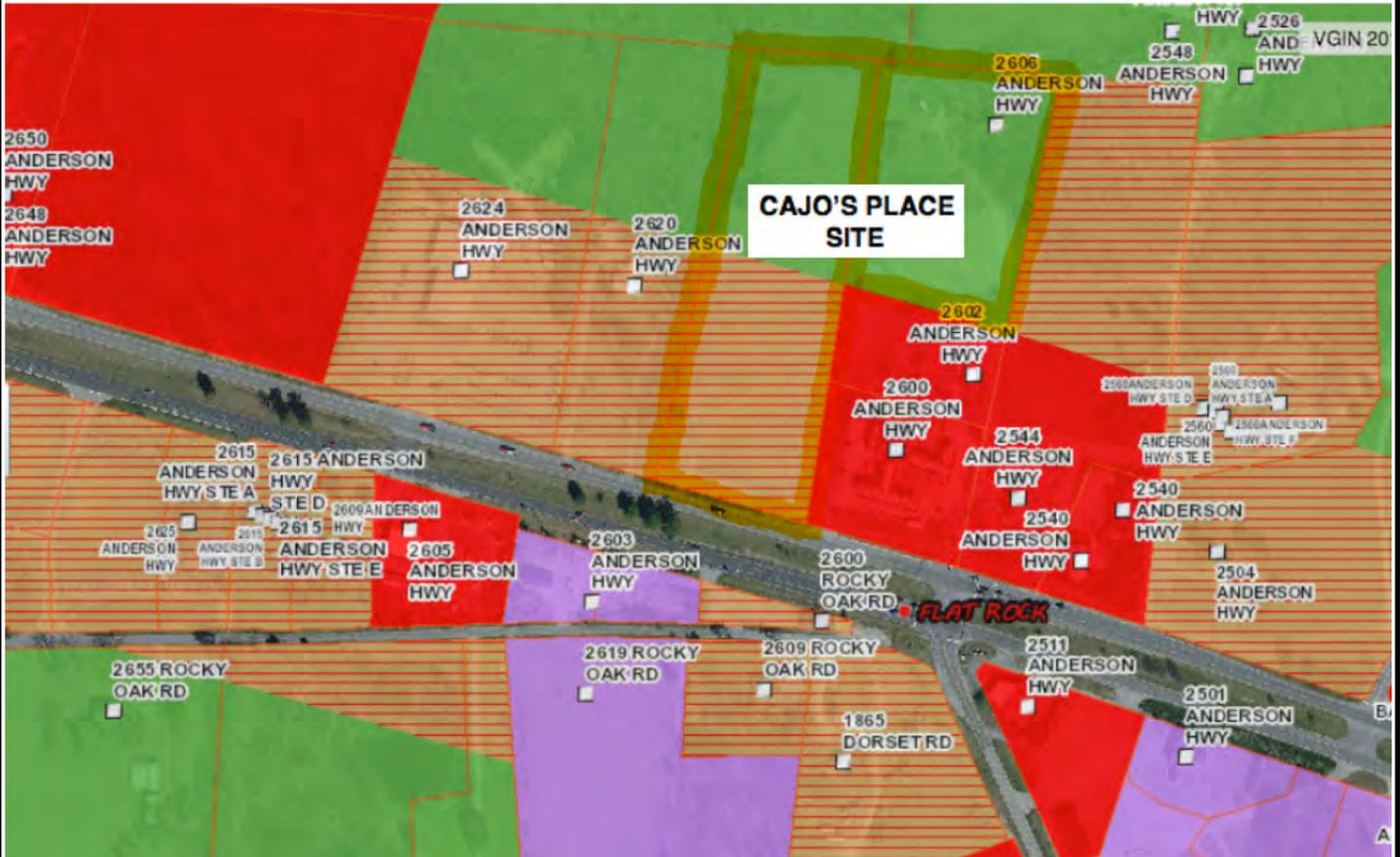
RAMEY KEMP ASSOCIATES

Cajo's Place
Powhatan County, Virginia

Preliminary Site Plan

Scale: Not to Scale Figure 2

POWHATAN COUNTY ZONING MAP PRIOR TO APRIL 24, 2019



Moving forward.



RAMEY KEMP ASSOCIATES

Cajo's Place
Powhatan County, Virginia

Powhatan County Zoning Map
Prior to April 24, 2019

Scale: Not to Scale

Figure 3

ORDINANCE #O-2024-16

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 23, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance approving Case #24-05-REZ to rezone 6.9 acres from Agricultural 10 (A-10) to Commerce Center (CC), with proffered conditions on Anderson Highway, Tax Map No. 41-12B

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable the Powhatan County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, EWN Development LLC, filed an application requesting to rezone 6.9 acres from Agricultural 10 (A-10) to Commerce Center (CC), with proffered conditions, for Tax Map No. 41-12B located on Anderson Highway in Election District 1; and

WHEREAS, applicant has proffered 9 conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the County Zoning Ordinance; and

WHEREAS, the County's Comprehensive Plan recommends this area for Gateway Business; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on September 3, 2024, and voted 5-0 to recommend approval of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this application on September 23, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice;

BE IT FURTHER ORDAINED, this 23rd day of September 2024, the Powhatan County Board of Supervisors hereby grants the zoning classification change to Commerce Center (CC) for 6.9 acres identified as Tax Map No. 41-12B located on Anderson Highway in Election District 1, subject to the following proffered conditions:

1. The development of the property shall be in substantial conformance with the Conceptual Plan dated September 12, 2024, attached as Exhibit A.

2. As shown on the Conceptual Plan, the location and/or alignment of the access road on the subject property (TM 41-12B) may be adjusted/moved as necessary to accommodate the building and parking requirements of the end user(s). The access road segments on the adjoining parcels (TM 41-9 and TM 41-10) shall be constructed as shown on the Conceptual Plan, ensuring the connection of the existing unfinished segments to each parcel and providing inter-parcel access to the subject property. All access road improvements shall be completed prior to the issuance of a land disturbance permit on the property.
3. As shown on the Conceptual Plan, inter-parcel connections shall be provided from the property to the adjoining parcel to the west (TM 41-12C) and to the adjoining parcels to the east (TM 41-9 and TM 41-10), facilitating both vehicular and pedestrian access between all parcels. The location of the northernmost inter-parcel connection to the adjoining parcel to the east (TM 41-10) may be adjusted or relocated as necessary to accommodate the building and parking requirements of the end user(s).
4. As shown on the Conceptual Plan, across the property's entire frontage with US 60 (Anderson Highway) a dedicated eight (8) foot wide right-of-way and access easement located outside of VDOT's right-of-way is established for a future bike/pedestrian pathway and/or sidewalk. This pathway/sidewalk shall connect to adjacent pathways/sidewalks, and the construction of this pathway/sidewalk shall not be the responsibility of the property owner.
5. The property's access to Anderson Highway (US 60) shall be provided via existing access points located on the adjoining parcels to the east (TM 41-9 and 41-10).
6. Signage for the property shall be limited to a single monument style sign (directory or otherwise) not to exceed 10 feet in height, measured from the ground level, that shall not be internally illuminated. Individual businesses may also utilize building mounted signage.
7. The property shall be connected to public water and sewer.
8. Prior to the approval of a Site Plan for the property, all buildings must comply with County's "Countywide Development Guidebook" (aka: "Pattern Book"). The pattern book application shall be submitted to the County's Planning Commission for review and approval.
9. An official Site Plan, detailing the final location and alignment of the internal access roads, structures, parking, inter-parcel connections, and associated improvements as described in the above proffers, shall be submitted to and approved by the County. This Site Plan shall be reviewed by County staff to ensure compliance with all applicable regulations and consistency with the Conceptual Plan prior to the issuance of land disturbance permits on the property.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

William Donati, Jr. (District 1) _____
Steve McClung, (District 2) _____
Robert Powers (District 3) _____
Mark Kinney (District 4) _____
Denise Morrissette (District 5) _____



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **Case 24-08-REZ: Foundry Golf Club Inc.** (District #3: Bethesda/Lee’s Landing) requests to rezone approximately 9.49 acres of a 232.38-acre parcel from Single-Family Residential (R-2) to Crossroads (CR), with proffered conditions, to develop overnight lodging exclusively for club members and their guests. The subject parcel is located at 3225 Lee’s Landing Road and is identified as Tax Map 18-6. The 2021 Comprehensive Plan designates the property as Rural Areas and Crossroads on the Countywide Future Land Use Map.

Summary of Item: This applicant seeks to develop three "Country Inn" structures for overnight lodging for club members and their guests. The proposal includes a principal inn structure (~5,000 sq. ft.) and two smaller structures (~2,500 sq. ft. each), with potential for two additional inns depending on demand. The signed proffers limit the development to three inn structures with no more than 20 guest rooms in total.

Draft Motions: **Approve:** Move to approve rezoning case 24-08-REZ for a 9.49-acre portion of Tax Map #18-6, from Single-Family Residential to Crossroads, with proffered conditions, as presented.

Deny: Based on the information in the staff report and from the public hearing, I move the Board deny rezoning 24-08-REZ for a 9.49-acre portion of Tax Map #18-6, from Single-Family Residential to Crossroads, with proffered conditions, on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, or good zoning practice, and _____.

Dates Previously Considered by Board: None

Staff Recommendation: Approve Deny See Comments

Planning Commission Recommendation: Approve Deny See Comments

Attachments: Ordinance
Staff Report with Attachments

Staff/Contact: Ligon Webb, Planning Director
(804) 598-5621 x 2006
Lwebb@powhatanva.gov



Case #24-08-REZ: Foundry Golf Club Inc.

Staff Report Prepared for the Board of Supervisors

Submitted by Sean Clendening, Planner II

Staff Report Prepared on September 17, 2024

I. PUBLIC HEARINGS

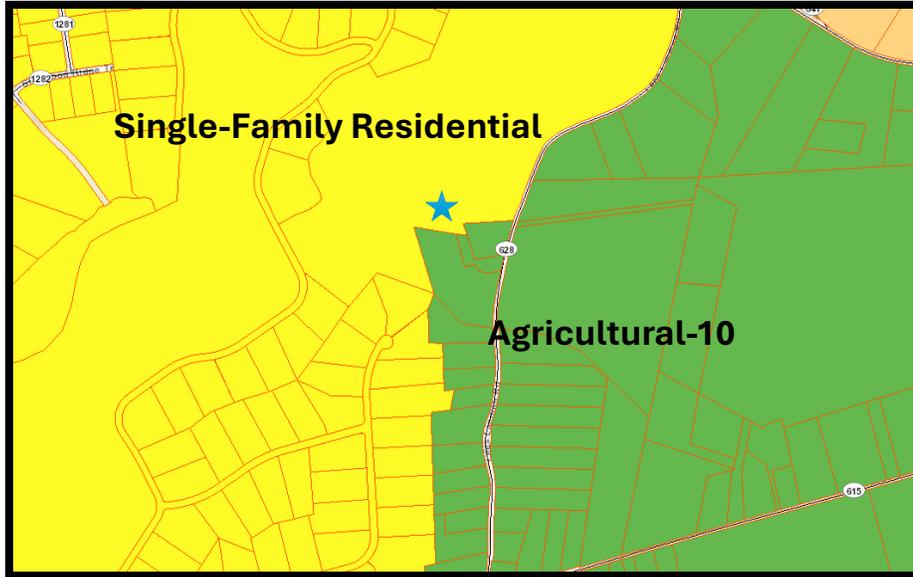
Planning Commission: September 3, 2024
Board of Supervisors: September 23, 2024

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Request	Rezone from Single-Family Residential (R-2) to Crossroads (CR)
Existing Zoning	Single-Family Residential (R-2)
Parcel Size	232.38 +/- acres (9.49 +/- acres to be rezoned to CR)
Parcel Tax Map	18-6
Open Space/Lot Coverage	N/A
Applicant	Tommy Houston
Owner	Foundry Golf Club Inc.
Location of Property	3225 Lees Landing Road
Electoral District	District 3
2021 Future Land Use Plan	Crossroads / Rural Areas
Adjacent Zoning	North: R-2 South: R-2

East: A-10

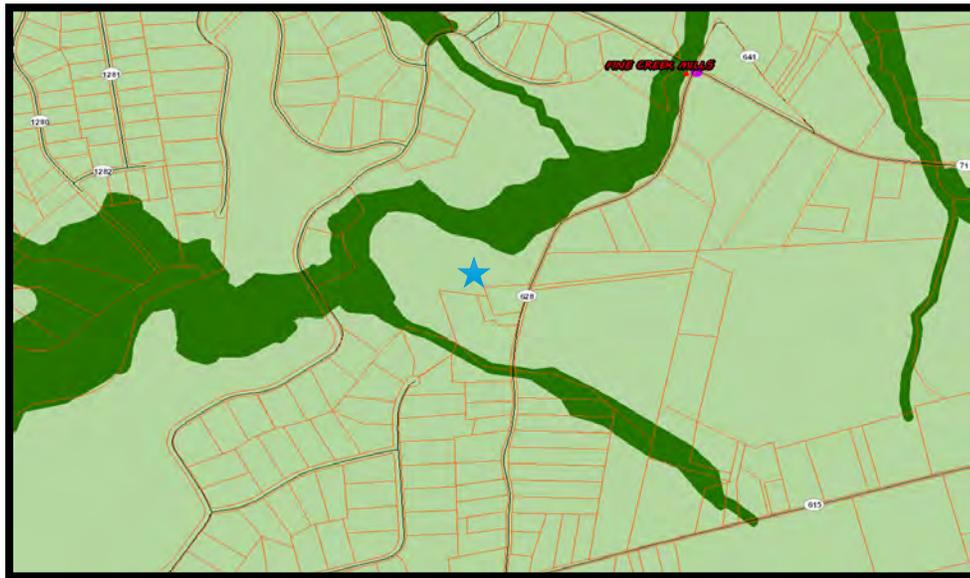
West: R-2



The blue star indicates where the proposed building would be located.

Future Land Use Plan

Rural Areas and Crossroads



The light green is Rural Areas, and the dark green is Natural Conservation areas.

III. EXECUTIVE SUMMARY

This is an application to rezone approximately 9.49+/- acres from Single-Family Residential (R-2) to Crossroads (CR) with conditions. The purpose of the rezoning request is to allow the development of three "Country Inn" structures on the property to

be utilized for overnight lodging for club members and their guests. The zoning ordinance defines a “Country Inn” as “*a business operated in one or more structures which offers overnight accommodations of up to 20 rooms and may contain a full-service restaurant providing meals to guests and the general public with seating for no more than 50 guests, meeting rooms, and banquet/event facilities; and may include related accessory uses such as an antique or gift shop, sale of baked, packaged or canned food products prepared on the premises, and recreational uses for the sole use of guests at the inn. The owner may or may not live on the premises. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this chapter.*”

The proposed Country Inn structures would consist of a principal inn structure, measuring 126’ x 38’ (~5,000 sf), and two smaller inn structures, both measuring 76’ x 32’ (~2,500 sf). Depending on the success of the initial principal inn structure, the applicant may add two additional inn structures to the property (see application, **Attachment 1**). The County ordinance and the signed proffers limit the property to three inn structures not to exceed a total of 20 guest rooms.

IV. PROPERTY DESCRIPTION

This location is known as Tax Map 18-6 and shall be referred to as “the property.” The property is located in the Foundry golf course near Lee’s Landing Road. The area where the buildings are proposed to be located is in an open field with some trees. See the attached conceptual/visual plan for specifics (see **Attachment 4**)





V. EXISTING CONDITONS

The property is approximately 232.38 acres and contains a golf course and numerous supporting structures. The area where the rezoning is proposed is currently undeveloped and near existing buildings utilized by the club. The proposed area to be rezoned is located the eastern side of the property, close to Lee’s Landing Road.

Visuals





Surrounding Land Use

West and North: The golf course is located on the western and northern side of the property. The Greywalls neighborhood is also location along the course.

East: Across Lee's Landing is an undeveloped wooded lot, and other single-family houses that are zoned A-10.

South: Directly south is the lot owned by the St. James Baptist Church.

Transportation/Roads/Access

Lee's Landing (US 628) is a two-lane roadway, listed as a Rural Collector with a north-south alignment and a posted speed limit of 35 mph. According to published VDOT traffic data, this section of Lee's Landing Road (US 628) currently carries an average of 1,100 vehicles per day.

Traffic Accidents

In 2023, VDOT did not report any accidents along Lee's Landing Road. In 2022, two accidents were reported, none of which were serious injuries.

Summary

The subject property, encompassing approximately 232.38 acres, includes a golf course and related facilities. The proposed rezoning area is undeveloped and situated near existing club buildings. Located on the eastern side of the property, near Lee's Landing Road, the rezoning site is bordered by the golf course to the west and north, a wooded lot to the east, and the St. James Baptist Church to the south. Lee's Landing Road is a two-lane rural collector road with an average daily traffic volume of 1,100 vehicles. While no serious accidents were reported on this road section in 2022 and 2023, two minor accidents occurred in 2022.

VI. LAND USE ANALYSIS

Requested Rezoning

Single-Family Residential (R-2) to Crossroads (CR) with conditions.

Site Plan Requirements

If this rezoning is approved, the following items would be subject to administrative review as part of an official Site Plan submittal:

Access and circulation (Section 83-451)

Off-Street Parking (Section 83-455)

Tree Protection (Section 83-460)

Landscaping and Buffering (Section 83-461)

Screening (Section 83-465)

Fences and Walls (Section 83-466)

Exterior Lighting (Section 83-469)

Open Space (Section 83-470)

Environmental Protections/Riparian Buffers (Section 83-470)

Staff Comments - The County's off-street parking ordinance would require one (1) parking space for each guest room. The location of parking area(s) would be determined during Site Plan submittal.

VII. PUBLIC SERVICE ANALYSIS (Review by County Departments and State Agencies)

Building Official

The following comments were noted by the Building Inspections Department:

1. The proposed lodging house would likely fall under an R1 use group.
2. An automatic sprinkler system is required for R1 use groups.
3. Depending on the construction type, the building may be limited to as little as 40 feet overall height, based on the most restrictive 5B construction type.
4. Use group R1 requires a fire alarm system and smoke alarm system.
5. Addressing will need to be agreed upon by Zoning, Fire, and Building departments for each unit.
6. The building will need to meet the applicable requirements of the adopted code based on when permits are applied for.

Public Safety Communications

No comments.

Department of Public Works

The Department of Public Works has reviewed 24-08-REZ, Foundry. The property is not located within the Water and Sewer Service Districts. The Department does not have any review comments.

VDOT

The following items require additional review at the time of Site Plan Review.

1. It appears Access management does not apply for a Local Roadway with One entrance for Club access and the Second for Foundry Delivery and maintenance.
2. A Site Plan is required to be submitted and approved. A VDOT Land Use Permit is required for any work within the Right of Way.
3. Trip generation was not provided with the rezoning application, the proposed land uses do not appear to exceed the 5,000 vehicle per day threshold to require a Traffic Impact Analysis (TIA) report.
4. Please provide the trip generation based upon the Institute of Transportation Engineers 11th Edition. The entrance classification is based upon the proposed total trip generation. Based upon the existing maintenance buildings, Club, associated parking and access to the Foundry proper plus the proposed future use, it appears that the Classification maybe moderate commercial or commercial. The entrance shall be improved and installed according to the VDOT Road Design Manual, Appendix F, Figure 4-1B, 4-8,4-9, 4-11 and 4-15 as appropriate for the trip generation.

The Virginia Department of Transportation takes no exception to this rezoning request for the identified proposed use of this property.

VDH

I have no objections with the rezoning request. Applicant should be made aware that the lodge will need an approved septic permit and approval for the water source (Office of Drinking Water) prior to building permit issuance. Additionally, if the lodge will have a food facility, additional Health Department permits may be required.

Fire Department

Needs road access. (see attachment)

Sheriff

No comment.

VIII. PROFFER ANALYSIS

The proffers listed in the application would limit the rezoned portion of the property to a “Country Inn”. The Country Inn shall be limited to a total of three (3) structures and a maximum of 20 units. In addition to limiting the number of buildings, the applicant has proffered the use of the Country Inn shall be limited to members of the club and their guests. The applicant is also proffering that the layout will be in substantial accord with the conceptual plan (see **Attachment 2**).

IX. COMPREHENSIVE PLAN ANALYSIS

The 2021 Countywide Future Land Use map lists the property as Rural Areas and Crossroads.

Powhatan County’s Comprehensive Plan (p. 87) describes Crossroads areas as having the following characteristics:

“Crossroads should be semi-rural in nature and include uses that serve the local and tourist community. Development intensity at a Crossroads should maintain a modest scale, with five (5) to ten (10) buildings that are loosely clustered at the intersection of major roadways. Each crossroads should have a clear edge and transition into the surrounding rural landscape. Any new development should also be architecturally compatible with existing buildings.”

The proposed rezoning matches the semi-rural development and the proposal helps serve the local and tourist community. From the elevations that have been shown to the community and staff, it appears that the development will be architecturally compatible with existing buildings.

X. STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning of 9.49-acres from Single-Family Residential (R-2) to Crossroad (CR). The proposed rezoning appears to meet the county’s goals of promoting the health, safety, and general welfare of Powhatan County. The proposed rezoning fits the Comprehensive Plan, and the proffers and limitations set by the applicant limit the possible uses.

XI. PLANNING COMMISSION RECOMMENDATION

At its September 3, 2024 meeting, the Commission held a public hearing and voted 5-0 to recommend approval of this rezoning request.

ATTACHMENTS

1. Application with Compiled Survey
2. Proffers
3. VDOT Comment
4. Visual showing proposed zoning boundaries and building locations
5. Building Concept Rendering

END OF DOCUMENT



REZONING

For Office Use Only	
Case Number	657-2024

Applicant Information	
Name of Applicant	Foundry Golf Club Inc.
Mailing Address	3225 Lees Landing Road Powhatan VA, 23139
Phone Number	804-598-9898
Email Address	thouston@cctownes.com

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	
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	Tommy Houston
Mailing Address	3225 Lees Landing Road Powhatan, VA 23139
Phone Number	804-598-9898
Email Address	thouston@cctownes.com

Parcel Information	
Tax Map Number	18-6
Physical Address	3225 Lees Landing Road
General Description of Property Location	Directly off of Lees Landing Road
Election District	3
Total Acreage	232.382
Current Zoning	A-10
Requested Zoning	Crossroads
Acreage to Be Rezoned	9.49
Countywide Future Land Use: Land Use Designation	Crossroads

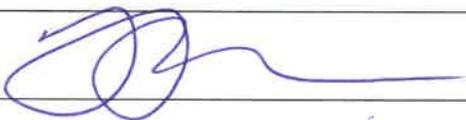
Proposed Use	
Describe Proposed Use	For member-specific onsite lodging ; a "Country Inn" as defined by zoning Ordinance
Amount of Dedicated Open Space (Acreage + % of Site)	N/A
If this request is approved, will new lots be created?	No
If this request is approved, will new structures be constructed?	Yes
Are there existing structures on the subject property?	Yes
Will the proposed use connect to public water and/or sewer?	No

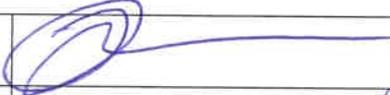
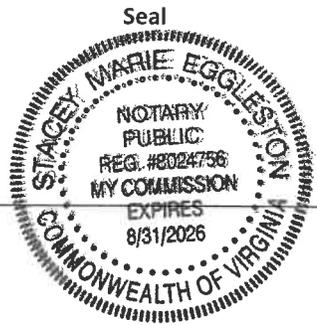
A conceptual plan that shows the general configuration of the proposed development, including land uses, general building types, density/intensity, resource protection areas, pedestrian and vehicular circulation, open space, public facilities, and phasing, should be submitted with the application.

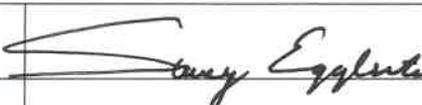
List of Adjacent Property Owners

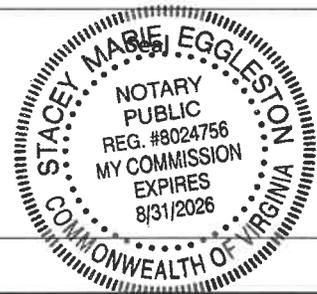
Tax Map No.	Owner Name	Mailing Address
18-11	St James Baptist Church	C/O Alzita Howell 3000 Lees Landing Road Powhatan VA 23129
18-10B	MCZ LLC	P.O. Box 446 Powhatan VA 23139
18-10A	David F & Mary M Ziletti	P.O. Box 446 Powhatan VA 23139
18-28	Richard A Pelletier	3168 Lees Landing Road Powhatan VA 23139
18-27	John B Palco & Jennifer J. Bucknam	3170 Lees Landing Road Powhatan VA 23139
18-29A	Kuldeep Kaur	2204 South Constitution Route Dillwyn VA 23936
18-25	Bruce T & Laura Hull Smith	3168A Lees Landing Road Powhatan VA 23139
18B-2-A-18	Hal Andreas & Cynthia Lou Frederickson	3108 Braehead Drive Powhatan VA 23139
18B-2-A-17	Bruce & Patty Manthe	3105 Braehead Road Powhatan VA 23139

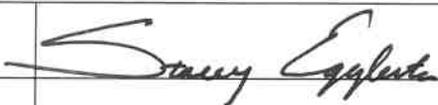
Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

Proffer Statement	
<p>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.</p> <p>(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.)</p>	
Proffer #1	The proposed rezoned area shall be exclusively utilized for a Country Inn, which shall be limited to members of the club and their guests
Proffer #2	The Country Inn shall be limited to a total of three (3) principle structures and shall not exceed a total of twenty (20) guest rooms
Proffer #3	The site layout shall substantially conform to the conceptual plan submitted as part of the rezoning application
Proffer #4	
Signature of Applicant	
Name of Applicant (Printed)	Thomas A. Houston
<p>Commonwealth of Virginia County of <u>Powhatan</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Thomas A Houston</u>, whose name is signed to the above, on this <u>28th</u> day of <u>June</u> 20<u>24</u>.</p>	
Notary Public	
Commission Expires	8-31-26
Notary Number	8024756
	

Statement of Validity of Information		
Every applicant shall sign the following document to substantiate the validity of submitted information.		
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.		
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.		
Signature of Applicant		
Name of Applicant (Printed)	Thomas A. Houston	
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>Thomas Houston</u> , whose name is signed to the above, on this <u>28th</u> day of <u>June</u> 20 <u>24</u> .		
Notary Public		
Commission Expires	8/31/26	
Notary Number	8024756	

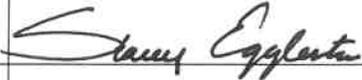
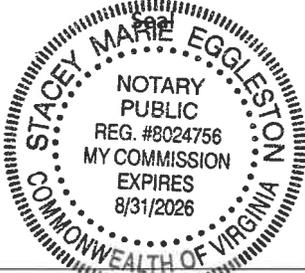
Ownership Disclosure	
<p>List below the names and addresses of <u>all</u> owners or parties in interest of the land subject to this request.</p> <p>If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.</p>	
Name	Address
Foundry Golf Club Inc.	3225 Lees Landing Road Powhatan, VA 23139
<p>I, <u>Thomas A. Houston</u>, 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 <u>18-6</u>.</p> <p>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.</p>	
Signature of Applicant	
Name of Applicant (Printed)	<u>Thomas A. Houston</u>
<p>Commonwealth of Virginia County of <u>Powhatan</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Thomas Houston</u>, whose name is signed to the above, on this <u>28th</u> day of <u>June</u> 20 <u>24</u>.</p>	
Notary Public	
Commission Expires	<u>8-31-26</u>
Notary Number	<u>8024756</u>



Applicant's Permission for Inspection of Property		
<p>I, <u>Tom Houston</u>, hereby grant access to the Director of Community Development, 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.</p>		
Signature of Applicant		
Name of Applicant (Printed)	<u>Thomas A. Houston</u>	
<p>Commonwealth of Virginia County of <u>Powhatan</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Thomas Houston</u>, whose name is signed to the above, on this <u>28th</u> day of <u>June</u> 20<u>24</u>.</p>		
Notary Public		
Commission Expires	<u>8-31-26</u>	
Notary Number	<u>8024756</u>	

Review Checklist (For Office Use Only)	
This form will be completed by the Department of Community Development as the application is reviewed.	
Action	Date of Action
Application Submitted	June 28, 2024
Application Deemed Complete	July 8, 2024
Application Routed to Reviewing Agencies	July 9, 2024
Comments Received from Reviewing Agencies	Building Inspections July 16, 2024
	Environmental July 16, 2024
	Public Works July 22, 2023
	Sheriff July 24, 2024
	Fire July 12, 2024
	Health July 19, 2024
	Transportation August 21, 2024
	Other
Planning Commission: Notice in Newspaper	August 21, 26, and 28, 2024
Planning Commission: Letters Sent to Adjoining Property Owners	August 19, 2024
Planning Commission: Public Hearing	September 3, 2024
Planning Commission: Recommendation Made	Approved, 5-0
Board of Supervisors: Notice in Newspaper	September 11, 16, and 18, 2024
Board of Supervisors: Letters Sent to Adjoining Property Owners	September 12, 2024
Board of Supervisors: Public Hearing	September 23, 2024
Board of Supervisors: Recommendation Made	

Attachment 2: Proffers

Proffer Statement	
<p>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.</p> <p>(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.)</p>	
Proffer #1	The proposed rezoned area shall be exclusively utilized for a Country Inn, which shall be limited to members of the club and their guests
Proffer #2	The Country Inn shall be limited to a total of three (3) principle structures and shall not exceed a total of twenty (20) guest rooms
Proffer #3	The site layout shall substantially conform to the conceptual plan submitted as part of the rezoning application
Proffer #4	
Signature of Applicant	
Name of Applicant (Printed)	Thomas A. Houston
<p>Commonwealth of Virginia County of <u>Powhatan</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Thomas A. Houston</u>, whose name is signed to the above, on this <u>28th</u> day of <u>June</u> 20<u>24</u>.</p>	
Notary Public	
Commission Expires	8-31-26
Notary Number	8024756
	

Attachment 3: VDOT Letter



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

August 21, 2024

Mr. Sean Clendening
Planner/Code Enforcement
Planning & Zoning Department
3834 Old Buckingham Road, Suite F
Powhatan, Virginia 23139-7051

REFERENCE: **24-08-REZ: #18-6 – Foundry Golf Club Inc.**
(District #3 Bethesda/Lees Landing)
Date VDOT Received: 8/02/24
Tax Map # Tax Map 18-6
3225 Lees Landing Road
Located on the West side of Lees Landing Road
Lees Landing Road, Rt. 628, Local, ADT = 1,100, 35 MPH

Dear Mr. Clendening:

The Virginia Department of Transportation has reviewed the request submitted by the Foundry Golf Club Inc. requesting to rezone approximately 9.49 acres of TM 18-6 (232.38 acres total) from Agricultural-10 (A10) to Crossroads. The applicant has provided a proffered conceptual site layout, and this layout shows inter-parcel connections to the adjoining Uses located to the west and north.

The proposed use for the property is a lodge with 8 rooms for overnight stay. In the future, they may want to add two additional similar lodges (as shown on the conceptual plan). Per County Ordinance, they can only have up to 20 overnight guests. These rooms would be for club members only.

The following items require additional review at the time of Site Plan Review.

1. It appears Access management does not apply for a Local Roadway with One entrance for Club access and the Second for Foundry Delivery and maintenance.
2. A Site Plan is required to be submitted and approved. A VDOT Land Use Permit is required for any work within the Right of Way.

WE KEEP VIRGINIA MOVING

24-08-REZ Foundry Golf Club Inc.

August 21, 2024

Page 2 of 2

3. Trip generation was not provided with the rezoning application, the proposed land uses do not appear to exceed the 5,000 vehicle per day threshold to require a Traffic Impact Analysis (TIA) report.

4. Please provide the trip generation based upon the Institute of Transportation Engineers 11th Edition. The entrance classification is based upon the proposed total trip generation. Based upon the existing maintenance buildings, Club, associated parking and access to the Foundry proper plus the proposed future use, it appears that the Classification maybe moderate commercial or commercial. The entrance shall be improved and installed according to the VDOT Road Design Manual, Appendix F, Figure 4-1B, 4-8, 4-9, 4-11 and 4-15 as appropriate for the trip generation.

The Virginia Department of Transportation takes no exception to this rezoning request for the identified proposed use of this property.

Should you have any questions, or need any additional information, please do not hesitate to contact me by email Paul.Bodie@vdot.virginia.gov or by phone at (804) 674-2906, or Dustin Dunnagan at (804) 674-2384.

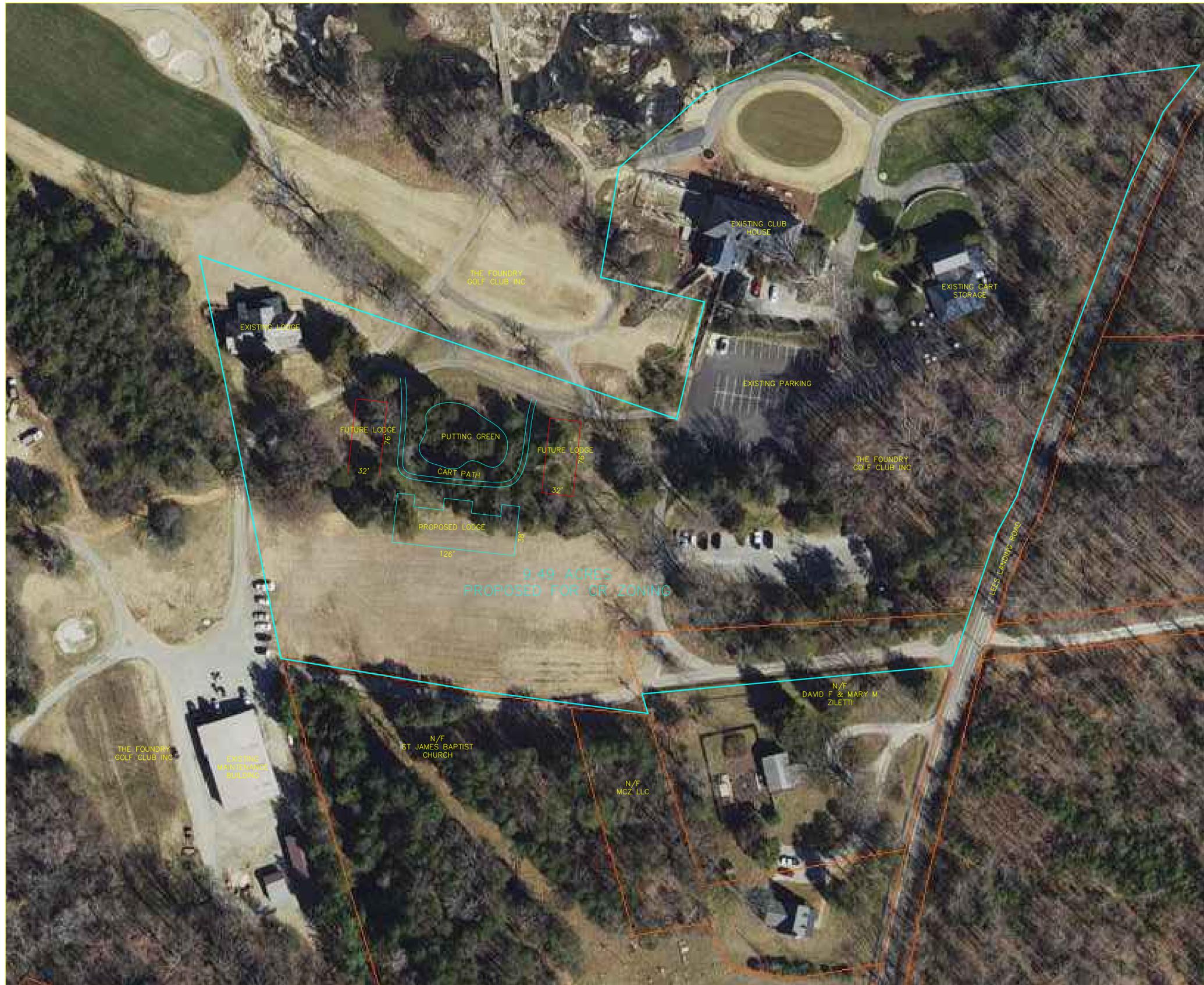
Sincerely,



Paul G. Bodie, P.E..
Trans. Engr. I/Chesterfield Residency Land Use
Virginia Department of Transportation
804-674-2906
Paul.Bodie@VDOT.Virginia.gov

CC: Bret Schardein - Powhatan County Administrator
 Ligon Webb - Powhatan Co. Dir. of Planning
 Jonus Eppert - Powhatan Co. Env. Coord.
 Charity Gold - Powhatan Co. Planner II
 Tommy Houston - Townes Site Engineers

Attachment 4: Rezoning Boundaries and Building Locations



OWNER:
THE FOUNDRY GOLF CLUB INC.
3225 LEES LANDING ROAD
PARCEL ID:
018-6
CURRENT ZONING: A10
PART OF OVERALL 230+/-
TRACT

Townes
SITE ENGINEERING

9850 Lori Road, Suite 201
Chesterfield, Virginia 23832
Phone: (804) 748-9011 Fax: (804) 748-2590



ASK US HOW

*THE FOUNDRY
PROPOSED MEMBERS LODGE*

POWHATAN COUNTY, VIRGINIA

9.49 ACRES FOR CR ZONING

REVISIONS	
DATE	ITEM

DATE
4/11/2024

SCALE
1" = 50'

PROJECT MANAGER
T.HOUSTON

CHECKED BY

PROJ.#
XXXXXXXXXXXX

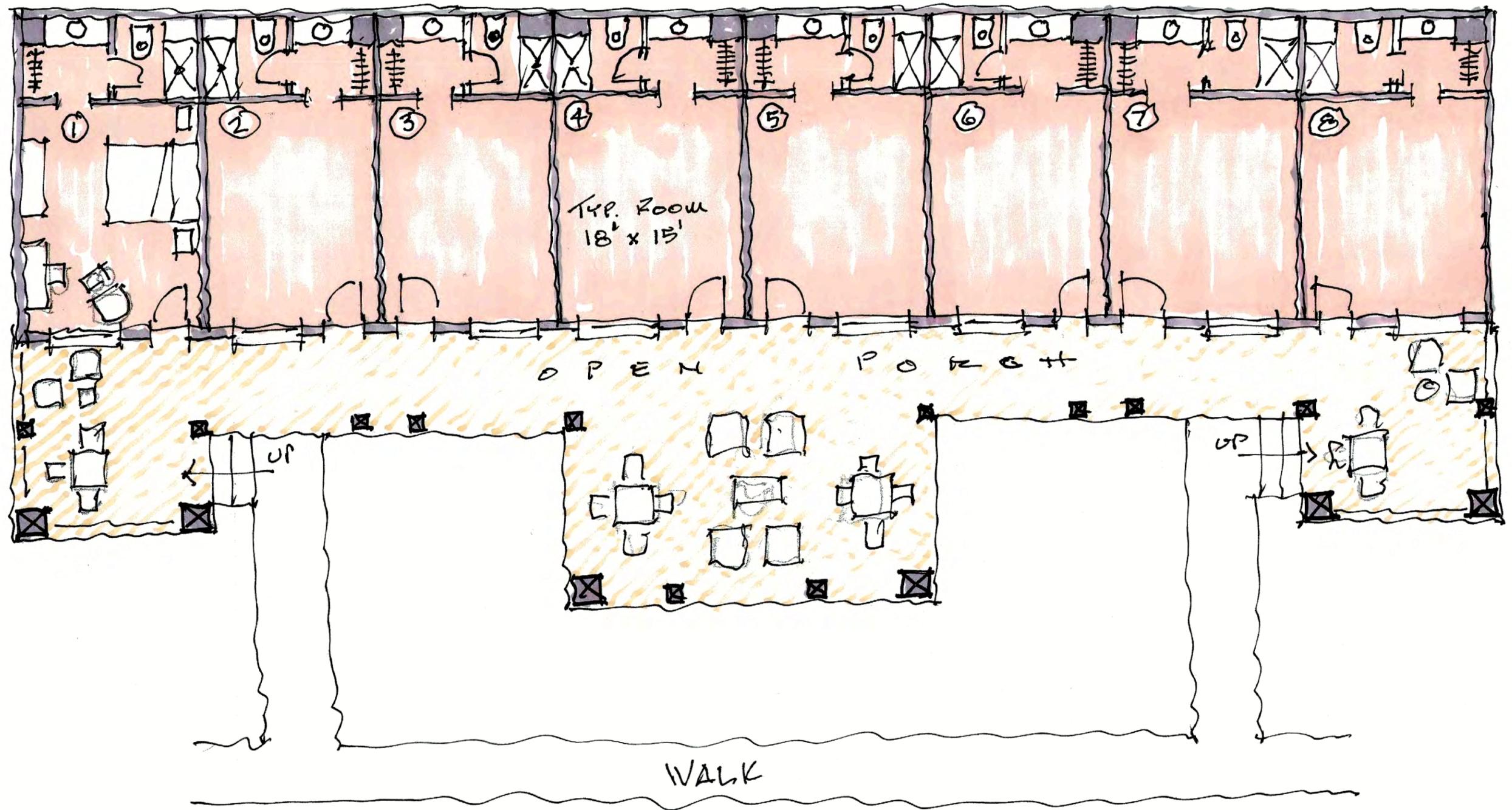
SHEET #
1

This drawing and the design shown is the property of Townes Site Engineering the reproduction, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.
© 2008
Townes Site Engineering

Attachment 5: Building Concept Renderings



FOUNDRY CLUB ROOMS. - 1/8" = 1.0"



FOUNDRY CLUB ROOMS 1/8" = 1'-0"

ORDINANCE #O-2024-18

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 23, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance approving Case #24-08-REZ to rezone a 9.49-acre portion of a 232.38-acre parcel from Single-family Residential (R-2) to Crossroads (CR), with proffered conditions, for a Country Inn at 3225 Lee’s Landing Road on Tax Map No. 18-6

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable the Powhatan County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, Foundry Golf Course Inc., filed an application requesting to rezone 9.49 acres from Single- Family Residential (R-2) to Crossroads (CR), with proffered conditions, for Tax Map No. 18-6 located at 3225 Lee’s Landing Road in Election District 3; and

WHEREAS, the boundaries of the 9.49 acres to be rezoned are shown on to-scale map provided as part of the rezoning application; and

WHEREAS, applicant plans to develop three (3) Country Inn buildings; and

WHEREAS, applicant has proffered 3 conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the County Zoning Ordinance; and

WHEREAS, the County’s Comprehensive Plan recommends this area for Rural Areas; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on September 3, 2024, and voted 5-0 to recommend approval of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this application on September 23, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 23rd day of September 2024, the Powhatan County Board of Supervisors hereby grants the zoning classification change to Crossroads (CR) for a 9.49-acre area identified on Tax Map No. 18-6 located at 3225 Lee’s Landing Road in Election District 3, subject to the following proffered conditions:

1. The rezoned area shall be exclusively utilized for a Country Inn, which shall be limited to members of the club and their guests.
2. The Country Inn shall be limited to a total of three (3) principal structures and shall be not exceed a total of twenty (20) guest rooms.
3. The site layout shall conform to the conceptual plan submitted as part of the rezoning application, attached as Exhibit A.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
SEPTEMBER 23, 2024.**

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

William Donati, Jr. (District 1) _____
 Steve McClung, (District 2) _____
 Robert Powers (District 3) _____
 Mark Kinney (District 4) _____
 Denise Morrissette (District 5) _____



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **24-09-CUP: Jinks Towing/Mr. Alexander Jinks** (District #4 Powhatan Courthouse/Mt. Zion) has applied for a conditional use permit (CUP) to operate a truck hauler business (i.e., towing and recovery) on a portion of a Commerce Center (CC) zoned parcel. The subject 2.1-acre parcel contains an existing garage structure which is addressed as 3441 Anderson Highway, Tax Map 39-85. The 2021 Comprehensive Plan designates the property as Gateway Business on the Countywide Future Land Use Map.

Summary of Item: The applicants request two separate CUPs, one to allow a truck hauler business for Jinks Motor Carriers Heavy Towing & Recovery Inc. (Jinks) and one to allow a contractor's storage yard for Schaefer's Grading, Landscaping, & Excavating (Schaefer's). Both uses will be on the same 2.1-acre parcel in the CC zone. These are two separate businesses that are each considered a primary use on the site.

On February 14, 2024, the property owner applied for a remodel permit for improvements to the existing commercial building. The user of the site was not identified at that time. Subsequently, Jinks added signage to the building and held a grand opening. During site preparation it was brought to the attention of staff that the use included heavy truck towing, which requires a CUP. On June 18, 2024, staff met with the property owner and the Jinks and Schaefer's applicants. The applicants agreed to pause work on the site until CUPs were issued. On July 17, 2024, Jinks and Schaefer's submitted CUP applications for the uses described below.

Jinks (24-09-CUP): The proposed truck hauler business consists of light, medium, and heavy-duty towing and recovery for emergency services clients including Powhatan County, Virginia State Police, and the public. Jinks will use the existing 1,650 square-foot (sf) building as an office for their three locations. An enclosed yard adjacent to the building will be used to park heavy equipment.

Draft Motions: **Approve:** Move to approve conditional use permit 24-09-CUP for a truck hauler business at 3441 Anderson Highway subject to the imposed conditions as presented.

Deny: Based on the information in the staff report and from the public hearing, I move that the Board deny conditional use permit 24-09-CUP for a truck hauler business at 3441 Anderson Highway on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, and good zoning practice; and _____.

Dates Previously

Considered by Board: None

Staff: Approve Deny See Comments

Planning Commission: Approve Deny See Comments

Attachments: Ordinance: **O-2024-19** Staff
Report with Attachments

Staff/Contact: Charity Gold, Planner II
(804) 598-5621 x 2313
cgold@powhatanva.gov



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **Schaefer's Grading, Landscaping, & Excavating and Amber Schaefer** (District #4 Powhatan Courthouse/Mt. Zion) has applied for a conditional use permit (CUP) to operate a contractor's storage yard on a Commerce Center (CC) zoned parcel. Though not associated with the subject business, the 2.1-acre parcel contains an existing garage structure which is addressed as 3441 Anderson Highway, Tax Map 39-85. The 2021 Comprehensive Plan designates the property as Gateway Business on the Countywide Future Land Use Map.

Summary of Item: The applicants request two separate CUPs, one to allow a truck hauler business for Jinks Motor Carriers Heavy Towing & Recovery Inc. (Jinks) and one to allow a contractor's storage yard for Schaefer's Grading, Landscaping, & Excavating (Schaefer's). Both uses will be on the same 2.1-acre parcel in the CC zone. These are two separate businesses that are each considered a primary use on the site.

On February 14, 2024, the property owner applied for a remodel permit for improvements to the existing commercial building. The user of the site was not identified at that time. Subsequently, Jinks added signage to the building and held a grand opening. During site preparation it was brought to the attention of staff that the use included heavy truck towing, which requires a CUP. On June 18, 2024, staff met with the property owner and the Jinks and Schaefer's applicants. The applicants agreed to pause work on the site until CUP were issued. On July 17, 2024, Jinks and Schaefer's submitted CUP applications for the uses described below.

Schaefer's (24-10-CUP): The proposed contractor's storage yard will be used by Schaefer's to store trucks, skid steer, excavators, dump truck, dump trailer, and utility trailers. The use will occur within an approximately 28,000 sf fenced-in yard that will include a 150-sf storage box and two 1,000-gallon diesel tanks. The diesel tanks will serve the business equipment and will not be available to the public. There will be no office on this site, so this storage yard is considered the primary use.

Draft Motions: **Approve:** Move to approve conditional use permit 24-10-CUP for a contractor's storage yard on Tax Map 39-85 subject to the imposed conditions as presented.

Deny: Based on the information in the staff report and from the public hearing, I move that the Board deny conditional use permit 24-10-CUP for a contractor's storage yard on Tax Map 39-85 on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, and good zoning practice; and _____.

Dates Previously
Considered by Board: None

Staff Recommendation: Approve Deny See Comments

Planning Commission
Recommendation: Approve Deny See Comments

Attachments: Ordinance: **O-2024-20** Staff
Report with Attachments

Staff/Contact: Charity Gold, Planner II
(804) 598-5621 x 2313
cgold@powhatanva.gov



Case #24-09-CUP: Jinks Towing
Case #24-10-CUP: Schaefer's Grading

Staff Report Prepared for the Board of Supervisors

Prepared by Charity Gold, Planner II

Prepared on September 10, 2024

I. PUBLIC HEARINGS

Planning Commission	September 3, 2024
Board of Supervisors	September 23, 2024

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Request	Conditional Use Permit (CUP)
Existing Zoning	Commerce Center (CC)
Parcel Size	2.1 acres
Parcel Tax Map	39-85
Applicant	Alexander Dale Jinks Schaefer's Grading, Landscaping, & Excavating
Owner	Nathan Nuckols
Property Location	3441 Anderson Highway
Electoral District	District 4 Powhatan Courthouse
2021 Future Land Use Plan	Gateway Business

III. EXECUTIVE SUMMARY

The applicants request two separate CUPs, one to allow a truck hauler business for Jinks Motor Carriers Heavy Towing & Recovery Inc. (Jinks) and one to allow a contractor's storage yard for Schaefer's Grading, Landscaping, & Excavating (Schaefer's). Both uses will be on the same 2.1-acre parcel in the CC zone. These are two separate businesses that are each considered a primary use on the site.

On February 14, 2024, the property owner applied for a remodel permit for improvements to the existing commercial building. The user of the site was not identified at that time. Subsequently, Jinks added signage to the building and held a grand opening. During site preparation it was brought to the attention of staff that the use included heavy truck towing, which requires a CUP. On June 18, 2024, staff met with the property owner and the Jinks and Schaefer's applicants. The applicants agreed to pause work on the site until CUP were issued. On July 17, 2024, Jinks and Schaefer's submitted CUP applications for the uses described below.

Jinks (24-09-CUP)

The proposed truck hauler business consists of light, medium, and heavy-duty towing and recovery for emergency services clients including Powhatan County, Virginia State Police, and the public. Jinks will use the existing 1,650 square-foot (sf) building as an office for their three locations. An enclosed yard adjacent to the building will be used to park heavy equipment.

Schaefer's (24-10-CUP)

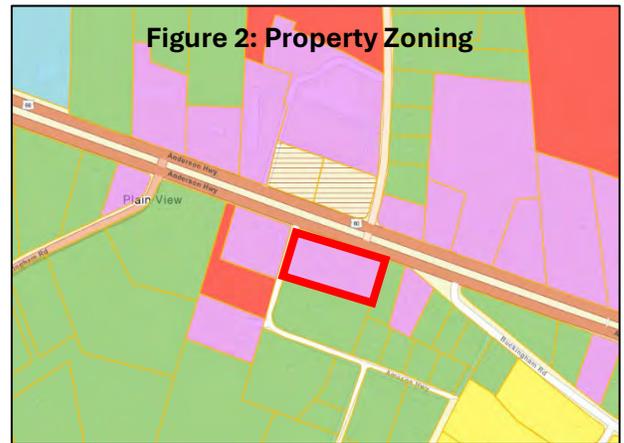
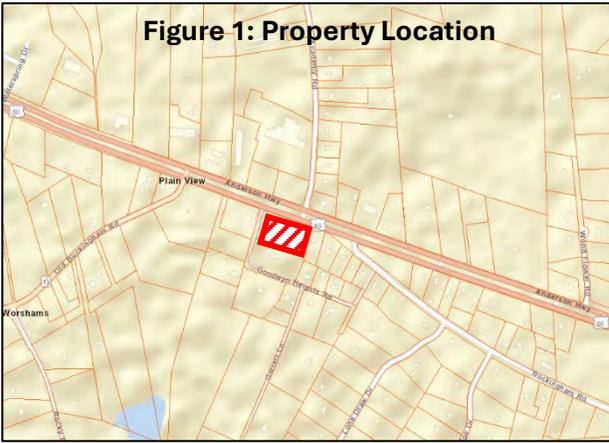
The proposed contractor's storage yard will be used by Schaefer's to store trucks, skid steer, excavators, dump truck, dump trailer, and utility trailers. The use will occur within an approximately 28,000 sf fenced-in yard that will include a 150-sf storage box and two 1,000-gallon diesel tanks. The diesel tanks will serve the business equipment and will not be available to the public. There will be no office on this site, so this storage yard is considered the primary use.

The applicants have submitted a Circulation Plan that shows the proposed development and the plan for circulation within the site and on to Anderson Highway (Attachment 1: **Exhibit A**).

IV. PROPERTY DESCRIPTION

The project is centrally located within the county, on the southwestern corner of the intersection of Anderson Highway and Academy Road on Tax Map 39-85 (Figure 1).

The site is surrounded by residential uses to the east, south, and west. The northern property boundary is adjacent to Anderson Highway. Properties on the northern side of Anderson Highway are developed with commercial uses (see Figure 2 and Table 1).



Direction	Zoning	Existing Uses
North	Village Center	Vacant / Academy Shopping Center
South	Agricultural 10	Residential
East	Agricultural 10	Residential
West	Commerce Center	Auto Sales

EXISTING CONDITONS

The site is currently developed with a 1,675-sf building and associated fenced vehicle storage yard, and a separate fenced area that contains a contractor’s storage yard. There are three existing driveways that provided access to the site. See the Transportation section for site access discussion. There is an existing private road easement along the project’s western boundary, and an ingress/egress easement that bisects the center of the property between Anderson Highway and the adjacent property to the south (TM 39-85A).

V. LAND USE ANALYSIS

Pursuant to Powhatan County Zoning Ordinance Section 83-240, a CUP is required for a truck hauler business and a contractor’s storage yard in the CC zone subject to Section 83-123 (f)(4) and the development standards in Article VIII.

The proposed project includes the reuse of an existing building and redevelopment on an existing site. This site is considered constrained and subject to Code Section 83-505(d), which requires conformance with landscaping, perimeter buffer, screening, and exterior lighting to the maximum extent practicable.

Table 2 details project’s consistency with the applicable standards from these sections. Where deviations are needed due to site conditions, the reader is directed to the appropriate discussion that follow.

Table 2: CUP and Land Use Consistency

Applicable Standard	Consistency Description	Consistency Determination
83-123 (f)(4) a. Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans;	See Comprehensive plan discussion.	Complies
83-123 (f)(4) b. Complies with all applicable zoning district-specific standards in articles III through VI;	With approval of the CUP and compliance with the recommended conditions, the request complies with all applicable zoning requirements.	Complies
83-123 (f)(4) d. Complies with all applicable development and design standards in Article VIII: Development Standards (below):		
83-451 – Access and Circulation	Circulation plan provided; conditions included to ensure ingress only at traffic light. See Transportation discussion.	Conditions 2 & 3
83-455 – Off-street parking and loading	Parking provided to the maximum extent practicable. Condition included to ensure parking not used to store vehicles. See Parking discussion.	Condition 4& 5
83-461 – Landscaping and buffers	Landscape plan needed to calculate tree protection credits and ensure opaque screening. See Screening discussion.	Condition 6
83-465 - Screening	Landscape plan needed to calculate tree protection credits and ensure opaque screening. See Screening discussion.	Condition 6
83-466 – Fences and walls	Fencing shall be reviewed with the minor site plan as required by condition 6.	Condition 6
83-469 – Exterior lighting	Lighting shall comply with the requirements of this section and will be reviewed with minor site plan.	Condition 6
83-488 - Signage	Reviewed under separate permit.	Not Applicable
83-123 (f)(4) e. Complies with all relevant subdivision and infrastructure standards in chapter 68: Subdivisions of the Powhatan County Code;	Circulation plan provided; conditions included to ensure ingress only at traffic light. See Transportation discussion.	Condition 2 & 3

Applicable Standard	Consistency Description	Consistency Determination
<p>83-123 (f)(4) 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</p>	<p>The project is zoned for commercial use and is adjacent to other lands either zoned or developed with commercial uses. Refer to Section IV. Property Description.</p>	<p>Complies</p>
<p>83-123 (f)(4) g. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;</p>	<p>Landscape plan needed to calculate tree protection credits and ensure opaque screening. See Screening discussion.</p>	<p>Condition 6</p>
<p>83-123 (f)(4) 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;</p>	<p>The project is not expected to result in any impacts on surrounding lands.</p>	<p>Complies</p>
<p>83-123 (f)(4) i. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;</p>	<p>The project will not affect water, air, scenic, or other natural resources.</p>	<p>Complies</p>
<p>83-123 (f)(4) 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;</p>	<p>The project will redesign entrances to ensure safe ingress and egress traffic flow. See Transportation section for discussion.</p>	<p>Conditions 2 & 3</p>
<p>83-123 (f)(4) k. Complies with all other relevant county, state and federal laws and standards; and</p>	<p>The project will conform to relevant county, state, and federal laws.</p>	<p>Complies</p>

Applicable Standard	Consistency Description	Consistency Determination
83-123 (f)(4) k. Is required by the public necessity, convenience, general welfare, or good zoning practice.	The project is consistent with zoning and adjacent uses.	Complies

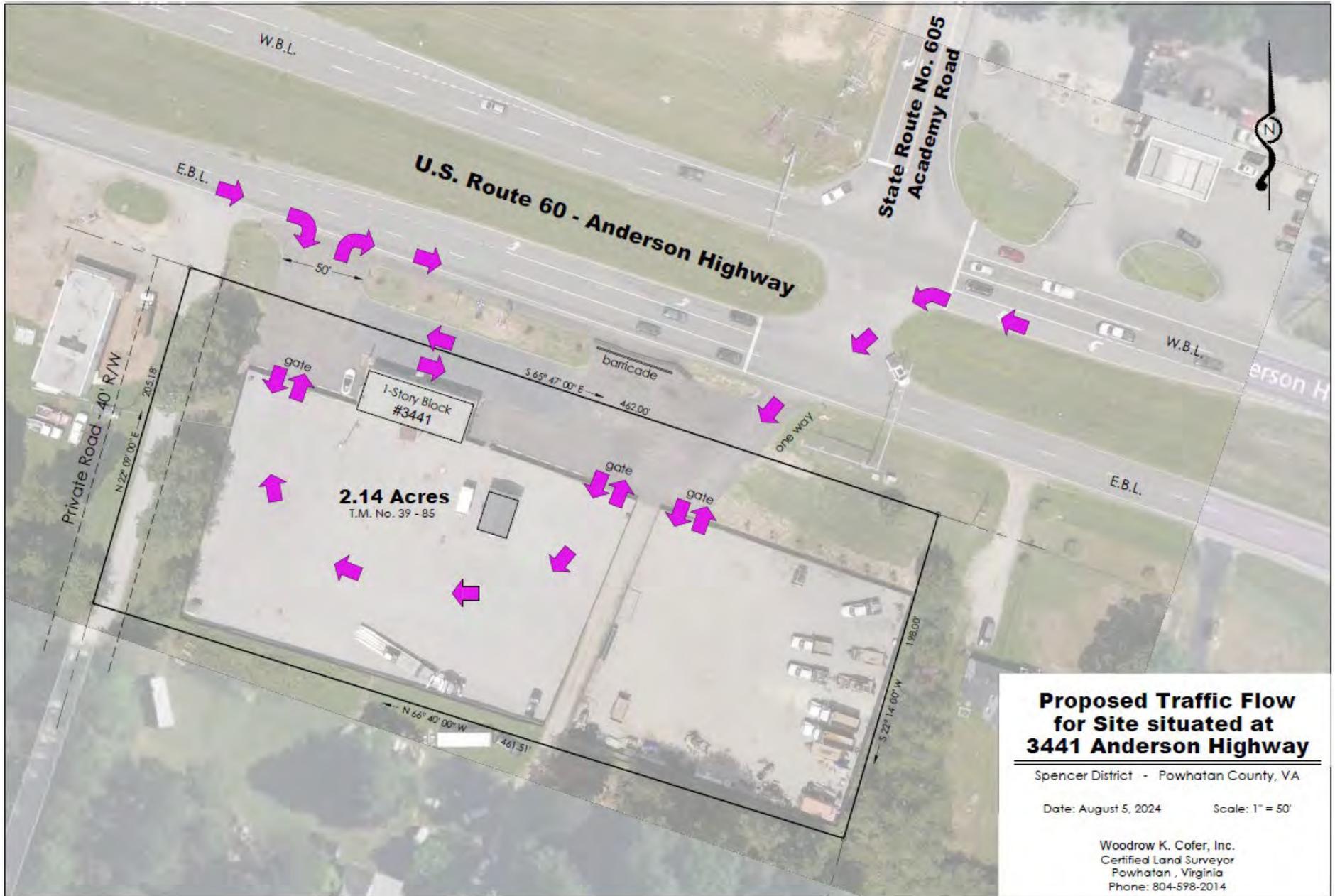
Transportation

Anderson Highway adjacent to the project site is classified as a Principal Arterial with a 55 mile per hour speed limit. This section of Anderson Highway carries an annual average daily traffic (AADT) volume of 22,000. This portion of the highway is divided with a landscaped median separating east and westbound traffic. The project is located at the southwestern corner of the intersection of Anderson Highway and Academy Road. The traffic signal at this intersection controls the east and west traffic movements as well as the southeast movement of traffic exiting Academy Road (Figure 3, also Attached as Exhibit A).

As shown in Figure 3, the project site is currently developed with three access points. One ingress/egress at the northwestern end of the project site, one ingress only at the western end of the property and one ingress/egress between the other two. The property owner proposes to barricade the center entrance and install landscaping, leaving two access points to the property. The easternmost driveway will be restricted to ingress only as required by condition 2. Condition 3 requires the installation of signage at this location to enforce this requirement.

The purple arrows on Figure 3 also show the proposed circulation plan. This plan allows westbound trucks to enter the site at the signal-controlled intersection instead of making a U-turn at the Old Buckingham Road intersection. The eastbound trucks will enter the site at the westernmost driveway.

Figure 3: Circulation Plan



Eastbound traffic along the section of Anderson Highway adjacent to the project site is preparing to stop at the traffic light, so conflicts with through vehicles and Jinks trucks making right turns onto the site are expected to be limited. The westbound truck making a left turn into the site will have the right-of-way while eastbound traffic is stopped at the traffic signal.

According to VDOT accident data, no accidents occurred on the eastbound section of Anderson Highway adjacent to the project site, while multiple accidents were reported at the Anderson Highway intersection with Old Buckingham Road.

The Virginia Department of Transportation (VDOT) reviewed the proposed circulation plan (Attachments 2 and 3) and stated that the request is expected to have minimal impact on the VDOT right-of-way. VDOT is supportive of the proposed circulation plan, provided a VDOT Land Use Permit is required prior to any improvements within the VDOT right of way.

The proposed circulation plan improves vehicle movement on the project site and on Anderson Highway. The use of the traffic signal keeps those vehicles from making a U-turn at Old Buckingham Road, which reduces the possibility of accidents. For these reasons, staff supports the proposed circulation plan with conditions as discussed above.

Parking

The site is currently developed with ten curb-stopped parking spaces located along the interior fencing. Pursuant to Code Section 83-455, Table 83-455(d)(1), the total parking for the site is 32 spaces, which consists of 4 spaces for Jinks (1/400 sf building space) and 28 spaces for Schaefer's (1/1,000 sf outdoor storage). Although 28 spaces are required for Schaefer's contractor storage yard, the required parking substantially exceeds the amount of parking needed for the use. The Schaefer's use does not require any customer or employee parking and all vehicles associated with this use will be parked within the gated storage yard. Furthermore, given the existing development on the site, the addition of 32 parking spaces is infeasible.

County code section 83-455 (b) (2) a, requires that, for a change of use on a developed site, compliance with the parking standards should be to the maximum extent practicable. The proposed parking is consistent with this requirement as the owner has provided the maximum amount of parking that could feasibly fit on the site. Consistent with the requirements in Code Section 83-455 (c)(1)a, these parking spaces shall not be used to park or store unlicensed or inoperable vehicles or trailers (Condition 4). Furthermore, no more than three vehicles owned or used by the project applicants shall be parked within the required parking spaces for an extended period (Condition 5).

Given the existing development and the limited need for parking, staff finds the proposed parking consistent with the zoning ordinance requirements.

Screening

Corridor Buffer

Pursuant to Code Section 83-461 (f), a 30-foot-wide landscape buffer is required adjacent to the right-of-way of major thoroughfares. The buffer should include two canopy trees, one evergreen tree, two understory trees, and six shrubs for every 100 feet of road frontage. Section 83-461(b)(2) requires a change in use of an existing site to conform the landscape and buffer standards to the maximum extent practicable. The proposed uses are located on a previously developed site. Full compliance with the landscape and buffer standards is infeasible, however, substantial improvements can be made with a focus on screening.

Contractor's Storage Yard Fencing (Schaefer)

Zoning Code Section 83-466(f)(4)a requires outdoor storage areas that are used as a principal use to be fully enclosed with a fence or masonry wall that is no less than eight feet in height and include a type C perimeter buffer between the storage area and the front lot line and a type B buffer between the storage area and all other lot lines. This section further requires that the height of the materials and equipment stored does not exceed the height of the screening.

The type C buffer should provide a 30-foot-wide opaque screen consisting of a solid fence, four canopy tree, five understory trees, and 14 evergreen trees per 100 linear feet. The type B buffer should provide a one-foot-wide intermittent screen consisting of four canopy trees, seven understory trees, and 12 shrubs per 100 linear feet.

The Schaefer's storage yard is currently enclosed by a fence and includes an existing natural vegetation buffer along the eastern and southern lot lines. The western boundary is interior to the property and adjacent to the Jinks use. A buffer has been planted along the northern fence line, which consists of seven crepe myrtles.

Conclusion

Additional landscaping is needed on the site's frontage to provide a corridor buffer and additional landscaping is needed to provide screening for the contractor's storage yard. However, strict adherence to the zoning standards is infeasible and is not required. Pursuant to Section 83-505 (d), the owner should provide landscaping to the maximum extent practicable. Staff recommends that additional landscape be installed along the Anderson Highway frontage. This landscaping may satisfy the contractor's storage yard screening requirement, if an opaque buffer is achieved. Additionally, credits may be given for the retention of on-site trees (83-460). A landscape plan is needed to document retention of trees and to ensure that buffers and fencing are installed to the maximum extent practicable (Condition 6).

Exterior Lighting

Zoning Ordinance Section 83-469(e) includes lighting standards for commercial uses. Condition 6 requires the submission of a lighting plan with the minor site plan approval. Building and parking lighting will be reviewed for compliance during minor site plan review.

VI. PUBLIC SERVICE ANALYSIS (Review by County Departments and State Agencies)

On August 5, 2024, the project was distributed to reviewing agencies for comments. The VDOT submitted a letter stating that the project is not expected to impact the VDOT right-of-way, noting that VDOT Land Use Permit is required prior to any improvements within the VDOT right of way. No other reviewing agencies had comments or conditions.

VII. COMPREHENSIVE PLAN ANALYSIS

The property is designated as Gateway Business in the 2021 Countywide Future Land Use Plan. The intent of the Gateway Business district is to accommodate employment-generating commercial and light industrial uses that support local economic development goals. This designation encourages designs that create an attractive gateway to Powhatan County while minimizing impacts to the local transportation network. The reuse of existing commercial buildings is encouraged in this district.

The proposed project includes the reuse of an existing building and has substantially improved the aesthetic of the site while providing circulation modifications that limit impacts to Highway 60. The project is consistent with the development anticipated in the Comprehensive Plan.

VIII. STAFF RECOMMENDATION

Both of the requested CUPs are consistent with the Powhatan County Comprehensive Plan and Zoning Ordinance. Furthermore, with the recommended conditions, the CUPs and site design are consistent with Zoning Ordinance Section 83-123 (f)(4) and the development standards in Article VIII.

Staff recommends Approval of the CUP to allow a truck hauler business for Jinks Motor Carriers Heavy Towing & Recovery Inc. and the CUP to allow a contractor's storage yard for Schaefer's Grading, Landscaping, & Excavating.

IX. RECOMMENDED CONDITIONS

The Planning and Zoning Department recommends that the conditions listed below be incorporated into this request. These conditions are proposed to minimize negative impacts on surrounding properties.

1. All development, use, and circulation on the site shall be in substantial conformity with the approved Circulation Plan attached as (Exhibit A).

2. Access at the Academy Road intersection shall be restricted to ingress only, as shown on the approved Circulation Plan attached as (Exhibit A).
3. There shall be signage placed at the easternmost driveway stating that the driveway is restricted to ingress vehicles only.
4. At no time may the parking and loading areas on the site be used to park or store unlicensed or inoperable motor vehicles or trailers.
5. No more than three vehicles owned or used by the project applicants shall occupy any required off-street parking areas.
6. Within 60 days of granting of this CUP, the property owner shall submit a Minor Site Plan to the Department of Planning and Zoning for review of landscape, lighting, and screening for the property. The plan shall show compliance with the corridor buffer and screening standards in Zoning Ordinance Sections 83-461 and 83-466 to the maximum extent practicable as determined by the Zoning Administrator. Landscape improvements shall be installed within 12 months of approval of the site plan.
7. Expiration. This CUP expires on September 30, 2027. Any application for renewal should be filed before the expiration date.

X. PLANNING COMMISSION

Summary of Meeting

On September 3, 2024, the Planning Commission held a public hearing on both CUP requests. During the hearing Supervisor Kinney, Commissioner Winall, and Commissioner Hall expressed concerns regarding the large tow vehicles accessing the site. They suggested installation of a turn lane, widening the eastern entrance, or installing the fourth section of the traffic signal. The applicant responded that the proposed circulation had been reviewed by VDOT and that the trip generation of the proposed uses did not warrant a turn lane analysis. The applicant further stated that there was sufficient site distance at over 650 feet and that the commercial entrance on the western side of the property provides enough room for large vehicle turning movement.

Subsequent to the meeting the applicant's representative submitted a Trip Distribution and Turn Lane Worksheet (Attachment 6).

Planning Commission Recommendation

The Commission voted 4-1 to recommend approval of both CUP requests.

Attachments:

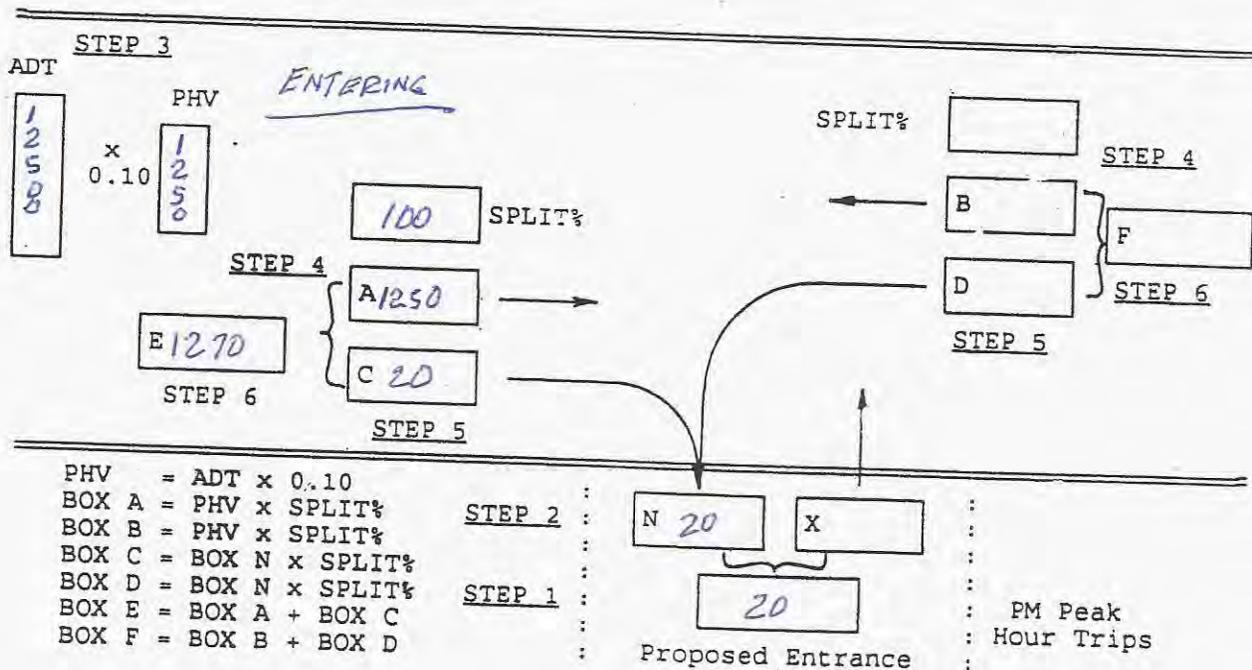
1. Jinks Application
2. Schaefer's Application

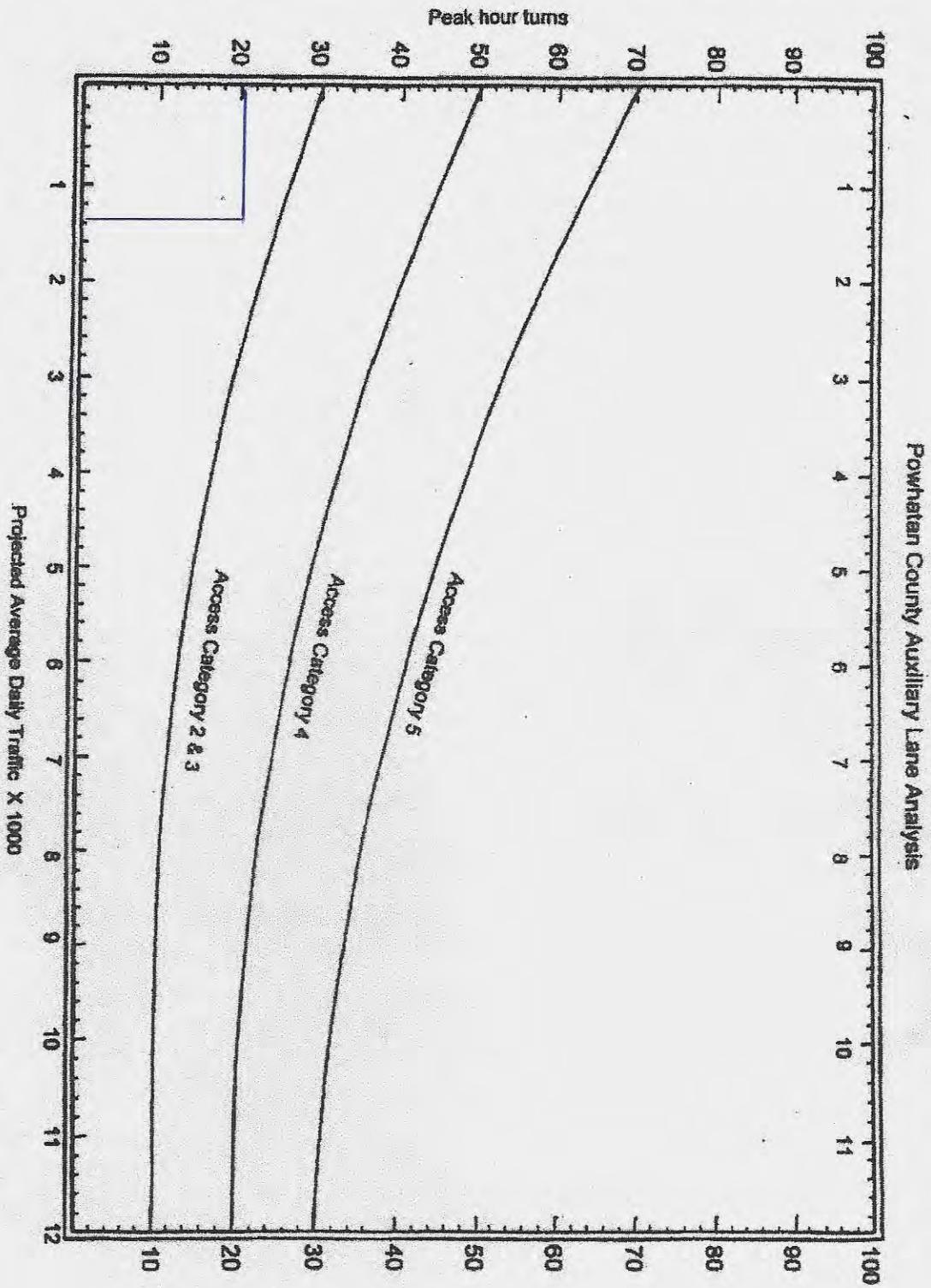
3. Exhibit A: Site and Circulation Plan
4. VDOT Comment Letter (24-09-CUP)
5. VDOT Comment Letter (24-10-CUP)
6. Trip Distribution and Turn Lane Worksheet (September 3, 2024)

TRIP DISTRIBUTION and TURN LANE WORKSHEET

STEP

- 1- Define the land use and the P.M. ^{AND A.M.} peak hour trips generated by the site from Volume I of the Land Development Manual or ITE's Trip Generation Manual.
- 2- Calculate the trips entering (Box N) and exiting (Box X) the site at full build-out during the peak hour, using the directional distribution.
- 3- Obtain the latest Average Daily Traffic (ADT) count estimate the Peak Hourly Volume (PHV) by the equation $PHV \approx ADT \times 0.10$
- 4- Determine the directional Split% of traffic, or use 60%/40% and multiply this percentage by the PHV to obtain the directional volume, Box A and Box B.
- 5- Determine the projected right and left turns entering the site by multiplying the Split% by Box N to get Box C and Box D.
- 6- Add Box A and Box C together and Box B and Box D together to obtain the revised directional volume, Boxes E and F.
- 7- Right and left turn lane analyses may now be made.





Appendix D
Auxiliary Lane Analysis

ORDINANCE # O-2024-19

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 23, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting conditional use permit 24-09-CUP to permit a truck hauler business in the Commerce Center zoning district, on 2.1 acres on Anderson Highway, Tax Map No. 39-85

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Powhatan County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, Alex Jinks, filed an application requesting a Conditional Use Permit (CUP) to permit a truck hauler business in the Commerce Center zoning district, on 2.1 acres on Anderson Highway, Tax Map No. 39-85; and

WHEREAS, applicant requests to use the subject property for light, medium, and heavy-duty towing and recovery for emergency services clients including Powhatan County, Virginia State Police, and the public; and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the County's Comprehensive Plan recommends this area for Gateway Business; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on September 3, 2024, and voted 4-1 to recommend approval of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this application on September 23, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors is empowered to grant this application pursuant to Zoning Ordinance Section 83-123(f), has considered each of the applicable standards in Zoning Ordinance Section 83-123(f)(4), and hereby finds the granting of this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 23rd day of September 2024, the Powhatan County Board of Supervisors does hereby grant conditional use permit 24-09-CUP to permit a truck hauler business in the Commerce Center zoning district, on 2.1 acres on Anderson Highway, Tax Map No. 39-85, subject to the following imposed conditions:

1. All development, use, and circulation on the site shall be in substantial conformity with the approved Circulation Plan attached as (Exhibit A).
2. Access at the Academy Road intersection shall be restricted to ingress only, as shown on the approved Circulation Plan attached as (Exhibit A).
3. There shall be signage placed at the easternmost driveway stating that the driveway is restricted to ingress vehicles only.
4. At no time may the parking and loading areas on the site be used to park or store unlicensed or inoperable motor vehicles or trailers.
5. No more than three vehicles owned or used by the project applicants shall occupy any required off-street parking areas.
6. Within 60 days of granting of this CUP, the property owner shall submit a Minor Site Plan to the Department of Planning and Zoning for review of landscape, lighting, and screening on the property. The plan shall show compliance with the corridor buffer and screening standards in Zoning Ordinance Sections 83-461 and 83-466 to the maximum extent practicable as determined by the Zoning Administrator. Landscape improvements shall be installed within 12 months of approval of the site plan.
7. Expiration. This CUP expires on September 30, 2027. Any application for renewal should be filed before the expiration date.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Recorded.Vote;

William Danait, Jr. (District 1) _____
Steve McClung, (District 2) _____
Robert Powers (District 3) _____
Mark Kinney (District 4) _____
Denise Morrissette (District 5) _____

ORDINANCE # O-2024-20

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 23, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting conditional use permit 24-10-CUP to permit contractor's storage yard in the Commerce Center zoning district, on 2.1 acres on Anderson Highway, Tax Map No. 39-85

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Powhatan County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, Schaefer's Grading, Landscaping, and Excavating filed an application requesting a Conditional Use Permit (CUP) for a contractor's storage yard in the Commerce Center zoning district, on 2.1 acres on Anderson Highway, Tax Map No. 39-85; and

WHEREAS, applicant requests to use the subject property to store trucks, skid steer, excavators, dump truck, dump trailer, and utility trailers associated with the Schaefer's Grading, Landscaping, and Excavating use; and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the County's Comprehensive Plan recommends this area for Gateway Business; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on September 3, 2024, and voted 4-1 to recommend approval of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this application on September 23, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors is empowered to grant this application pursuant to Zoning Ordinance Section 83-123(f), has considered each of the applicable standards in Zoning Ordinance Section 83-123(f)(4), and hereby finds the granting of this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 23rd day of September 2024, the Powhatan County Board of Supervisors does hereby grant conditional use permit 24-10-CUP for a contractor's storage yard in the Commerce Center zoning district, on 2.1 acres on Anderson Highway, Tax Map No. 39-85, subject to the following imposed conditions:

1. All development, use, and circulation on the site shall be in substantial conformity with the approved Circulation Plan attached as (Exhibit A).
2. Access at the Academy Road intersection shall be restricted to ingress only, as shown on the approved Circulation Plan attached as (Exhibit A).
3. There shall be signage placed at the easternmost driveway stating that the driveway is restricted to ingress vehicles only.
4. At no time may the parking and loading areas on the site be used to park or store unlicensed or inoperable motor vehicles or trailers.
5. No more than three vehicles owned or used by the project applicants shall occupy any required off-street parking areas.
6. Within 60 days of the granting of this CUP, the property owner shall submit a Minor Site Plan to the Department of Planning and Zoning for review and approval of landscape, lighting, and screening on the property. The plan shall show compliance with the corridor buffer and screening standards in Zoning Ordinance Sections 83-461 and 83-466 to the maximum extent practicable as determined by the Zoning Administrator. Landscape improvements shall be installed within 12 months of approval of the site plan.
7. Expiration. This CUP expires on September 30, 2027. Any application for renewal should be filed before the expiration date.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Recorded.Vote;

William Donati, Jr. (District 1) _____
Steve McClung, (District 2) _____
Robert Powers (District 3) _____
Mark Kinney (District 4) _____
Denise Morrissette (District 5) _____



Powhatan County Board of Supervisors Agenda Item

Meeting Date: September 23, 2024

Agenda Item Title: **O-2024-21(Case 24-12-ZA) - COUNTYWIDE ZONING ORDINANCE AMENDMENT:** The County of Powhatan proposes to amend section 83-177 (permitted uses in the Rural Residential District) to add a permitted use as follows: (26) Accessory dwelling unit (detached), up to 50 percent of the square footage of the main dwelling.

Summary of Item: If the amendment is adopted by the Board of Supervisors as proposed, a detached accessory dwelling unit as defined in zoning ordinance section 83-521 would be a permitted use in the RR zoning district.

Comments: Currently, accessory apartments are permitted use in the Rural Residential Zoning District, it is believed amending the County's zoning ordinance to allow for detached accessory dwelling units (ADUs) would provide increased affordable housing options in the County.

Dates Previously Considered by Board: The proposed amendments were discussed by Planning Director at the June 24, 2024, Board of Supervisors meeting, at which time the Board initiated and referred the amendment to the Planning Commission for its recommendation.

Planning Commission: The Planning Commission, following a public hearing on September 3, 2024, forwarded a recommendation of approval on a vote of 5-0.

Draft Motion: Move to approve the zoning ordinance amendment allowing accessory dwelling units in the Rural Residential zoning district, as presented.

Staff: Approve Deny See Comments

Planning Commission: Approve Deny See Comments

Attachments: Ordinance Amendment with Staff Report

Staff Contact: Ligon Webb: Planning Director
(804) 598-5621 x2006
wwebb@powhatanva.gov

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



Case #24-12-ZA

COUNTYWIDE ZONING ORDINANCE AMENDMENT

Amend section 83-177 (permitted uses) in the Rural Residential District to add the following use: (26) Accessory dwelling unit (detached), up to 50 percent of the square footage of the main dwelling.

Staff Report Prepared for the Board of Supervisors on
[September 16, 2024](#)

I. PUBLIC MEETINGS

Planning Commission	June 4, 2024	New Business
Board of Supervisors	June 24, 2024	New Business, Referral
Planning Commission	July 2, 2024	Work Session
Planning Commission	September 3, 2024	Public Hearing
Board of Supervisors	September 23, 2024	Public Hearing

II. SUMMARY OF AMENDMENT

Currently, in the Rural Residential (RR) zoning districts “stand alone” detached accessory dwelling units (ADUs) are not permitted, but “accessory apartments” are. An accessory apartment must be *“contained within or attached as part of the same structure as the principal dwelling unit on the same lot.”* Whereas an accessory dwelling unit is defined as *“a secondary dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a lot, as a detached structure on the same lot.”* Therefore, adding the term “accessory dwelling unit” to the permitted uses list in the RR zoning district would allow such secondary structures to be detached from the principal structure. It’s also important to note the minimum lot size in the RR zoning district is 10 acres.

III. TEXT OF ORDINANCE AMENDMENT

Amendment to Chapter 83 (zoning ordinance), section 83-177 (permitted uses) to add number (26) which states the following:

(26) Accessory dwelling unit (detached), up to 50 percent of the square footage of the main dwelling.

IV. Comprehensive Plan Analysis

Part II: Plan Elements, Development Design, specifically “Community Character” states, *“Where provided, affordable and workforce housing should be blended with other units of varying styles, sizes, and proves thought a given development.”*

V. Staff Recommendation

The Planning Director **recommends approval** of the proposed amendment as it would allow detached accessory dwelling units in the RR zoning district as a permitted use.

VI. Planning Commission Recommendation

On September 3, 2024, the Planning Commission held a public hearing and voted 5-0 to recommend approval of this amendment.

ORDINANCE: O-2024-21

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 23, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

23-12-ZA – An Ordinance amending the Powhatan County Zoning Ordinance, County Code Chapter 83, Article III (Rural Districts), Section 83-177 (Permitted Uses in the Rural Residential District), to add detached accessory dwelling units, up to 50 percent of the square footage of the main dwelling, as a permitted use

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable a local governing body to adopt and amend zoning ordinances; and

WHEREAS, this amendment would add detached accessory dwelling units up to 50 percent of the square footage of the main dwelling as a permitted use in the Rural Residential zoning district; and

WHEREAS, this ordinance amendment was initiated by the Board of Supervisors at its meeting on June 24, 2024, in accordance with Section 83-123(b)(2)(c) of the Powhatan County Zoning Ordinance; and

WHEREAS, pursuant to Virginia Code § 15.2-2286(A)(7), this amendment is a matter of public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this ordinance amendment on September 3, 2024, and voted 5-0 to recommend approval of this amendment; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this ordinance amendment on September 23, 2024; and

WHEREAS, the full text of the proposed ordinance amendment was available for public inspection in the Powhatan County Administration Office and the County Planning and Zoning Office both located at 3834 Old Buckingham Road, Powhatan, Virginia, 23139.

NOW, THEREFORE, BE IT ORDAINED, by the Powhatan County Board of Supervisors that the following section of the Powhatan County Zoning Ordinance (County Code Chapter 83) is hereby amended and reenacted as follows:

1. Article III (Rural Districts), Section 83-177 (Permitted Uses) is amended to add the following:

(26) Accessory dwelling unit (detached), up to 50 percent of the square footage of the main dwelling.

2. Except as amended herein, all County Code provisions remain unchanged and in full force and effect.
3. This ordinance is effective immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON SEPTEMBER 23, 2024.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steven McClung, Chair
Powhatan County Board of Supervisors

RECORDED VOTE

William Donati, Jr. _____

Steven McClung _____

Robert Powers _____

Mark Kinney _____

Denise Morrissette _____