Dinwiddie County Planning Commission

Regular Meeting Agenda
May 11, 2016
7:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **MINUTES**

   Documents: April 20, 2016 Reg Meeting Minutes.pdf

6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**

   A. **CASE P-16-4**

   The applicant, First Management Company, LLC, is requesting to rezone with proffers property containing approximately 16.0 +/- acres from R-2, Residential, General, (an approximately 2.125 acre portion of Tax Map Parcel 21-92) and A-2, Agricultural General to M-1, Industrial Limited. The M-1, Industrial Limited, zoning classification allows for certain industrial uses pursuant to the Zoning Ordinance allowed density. The property is located on the south side of Boydton Plank Rd. (Route 1) across from and slightly west of the Hwy. 460 and Route 1 intersection, and is further defined as a portion of Tax Map Parcel No. 21-92 and a portion of Tax Map Parcel No. 21-100. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited industrial uses for this general area.

   Documents: P-16-4 PC Staff Report.pdf, Rezoning Land Use Amendment Application P-16-4.pdf, Location Map.pdf, Conceptual Development Plan.pdf, Statement of Proffers.pdf

8. **NEW BUSINESS**

9. **COMMISSIONERS' COMMENTS**

10. PLANNING DIRECTOR'S COMMENTS

11. ADJOURNMENT

VIRGINIA: MINUTES OF THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 20th DAY OF APRIL 2016 AT 7:00 P.M.

PRESENT:	DR. EVERETTE PROSISE	CHAIRMAN	DIST #1
	THOMAS TUCKER		AT-LARGE
	BUTCH CUNNINGHAM		DIST #4
	SAMUEL W. HAYES		AT-LARGE
	ALVIN BLAHA		DIST #3
ABSENT:	ANTHONY SIMMONS	VICE CHAIRMAN	DIST #5
	DEAN McCRAY		DIST #2
OTHER:	MORGAN INGRAM	ECONOMIC DEVELOPMENT DIRECTOR	
	MARK BASSETT	PLANNING DIRECTOR	
	TYLER SOUTHALL	COUNTY ATTORNEY	

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Chairman asked everyone to stand for the pledge of allegiance and a moment of silence.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and Mr. Simmons and Mr. McCray were not present.

IN RE: APPROVAL OF AGENDA

The Chairman asked the members if there were any corrections to the agenda. He said if there are none he would entertain a motion to accept the agenda as presented.

Mr. Tucker made a motion that the agenda be accepted as presented. It was seconded by Mr. Cunningham and with Mr. Hayes, Mr. Blaha, Mr. Cunningham, Mr. Tucker and Dr. Prosise voting "AYE" the agenda was accepted as presented.

IN RE: MINUTES

The Chairman said we have the minutes from the March 9, 2016 regular meeting before us. He said if there are no corrections he would entertain a motion to accept the minutes as presented.

Mr. Blaha made a motion that the minutes be accepted as presented. It was seconded by Mr. Tucker and with Mr. Hayes, Mr. Tucker, Mr. Cunningham, Mr. Blaha, and Dr. Prosise voting "AYE" the minutes were accepted as presented.

RE: CITIZEN COMMENTS

The Chairman opened the citizen comment portion of the meeting and asked if anyone had signed up or was present who wanted to speak. He said since there is no one signed up to speak he was closing the citizen comments portion of the meeting.

RE: PUBLIC HEARING

Planning Commission Staff Report

File #:	P-15-3
Applicant:	Buffa Enterprises, LLC and agent, Michael P. Lafayette, Esq.
Rezoning Request:	Residential, Limited, R-1 to Business, General, B-2
Property Location:	25715 and 25717 Cox Rd. (Rt. 226)
Tax Map Parcel #'s:	9-37 and 9-38
Property Size:	3.51 acres
Magisterial District:	Rohoic District
Planning Commission Mtg.:	December 9, 2015, Amended Application April 20, 2016

CASE OVERVIEW

At the December 9, 2015 Public Hearing the rezoning request was deferred by the applicant, Buffa Enterprises, LLC, and its agent, Michael P. Lafayette, Esq., in order to allow for time for the applicant and agent to work with the adjoining property's owner and their attorney to discuss access easement issues related to the rezoning of the original rezoning request for Tax Map Parcel # 9-37. Since the December meeting, the applicant and agent have amended the original rezoning request to include the subject adjoining property, Tax Map Parcel # 9-38 to rezone with proffers property containing approximately 3.51 acres from R-1, Residential Limited to B-2, Business General. The B-2, Business General, zoning classification allows for certain commercial uses pursuant to the Zoning Ordinance allowed density.

ATTACHMENTS

Attachment A – Amended Rezoning Application
Attachment B – Statement of Proffers
Attachment C – Property Location Map
Attachment D – Temporary Power of Attorney

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject property, Tax Map Parcel Nos. 9-37 and 9-38, which is currently utilized residentially, include commercial land uses to the east (Brothers restaurant, the insurance agency and additional office space), single-family residential to the south and west, and commercial land uses to the north across Cox Road. The commercial property to the north, the Cedarheart Market convenience store and restaurant, is zoned B-2, Business, General. The property to the east is also zoned B-2, Business, General R-1, Residential, Limited. The property to the south which fronts on Franklin Street is zoned R-1, Residential, Limited, and the property to the west on Cox Road is also zoned R-1, Residential, Limited.

As the subject property and surrounding property to the west, north and east fronts on the Route 226 corridor where commercial development is located, this general area is appropriate for future commercial development. As identified in the Comprehensive Land Use Plan the subject property is located within the Urban Area, which recommends commercial and service development for this general area.

The Business, General, B-2 zoning district is intended for areas within the community that are appropriately located for the conduct of general business to which the public requires direct and frequent access. Given the location of the subject property fronting on Route 226 and adjacent to the new roundabout at Cox road and Ferndale Road as well as not being far from the Route 1 and Cox Road interchange, and also being located adjacent to other existing commercial businesses and B-2 zoned property, the subject property is well suited for certain proffered general business uses.

As additional information, the original Deed to the subject property as recorded in November 1958 indicates "that said property shall be used for residential purposes only". The County of Dinwiddie cannot enforce any Deed restrictions or covenants. Now that the applicant controls both properties, the subject property, the applicant and its agent will handle the Deed restrictions and any restrictive covenants as it pertains to utilization of the subject property.

OVERVIEW OF IMPACTS

Land Use, Public Utilities, School System, & Public Safety Impacts

The impacts related to the rezoning of the subject property are minimal given that a portion the surrounding area has already been developed commercially. There is a 50-foot landscaped buffer required by the Zoning Ordinance to buffer the residentially zoned property to the west/northwest and the Route 226 (Cox Rd.) right-of-way from the proposed parking areas and any proposed commercial building(s).

Currently, there is no impact to the public utility system and future impacts will be minimal as a proposed use will be connecting to the existing sanitary sewer and public water system.

There is no impact on the public school system with the proposed rezoning. As the Namozine Fire and EMS Station is just east of the subject property, the location of the property is well suited if there is a need to respond to public safety related calls.

Transportation Impacts

The subject property has direct and shared access to Route 226 (Cox Road). At this point with the proposed development of the subject property, VDOT has indicated that the Cox Road entrance is to be a right-in and right-out only entrance. Any additional transportation related improvements within the Route 226 right-of-way will be based on future development and will have to be designed and planned by the property owner and reviewed and approved by VDOT during the site plan review and approval process.

PROFFER STATEMENT

The applicant did submit the following proffer conditions as part of the rezoning request (please see Attachment B for the complete Proffer Statement).

Building Materials:

The exterior of any building(s) shall be constructed with a brick, vinyl, or wood front façade with the two sides being brick, stucco, vinyl or wood and the rear of the building having block, brick, metal, stucco, vinyl or wood siding. The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal binding(s).

Lighting:

Nay security, loading and parking area, signage and site lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on the adjacent properties and into the night sky.

B-2 Use Restrictions:

The uses on the Property will be limited to Retail stores and shop, Bakeries, Restaurants, Wearing apparel stores, Drugstores, Barbershops and beauty shops, Office buildings. Churches, Libraries, Dry cleaners, Off-street parking as required by this chapter, Business signs, General advertising signs, and Location signs, Governmental offices, Veterinary hospital with a conditional use permit, Wholesale business and storage warehouse with conditional use permit, Financial institutions, Com0puter software development firms to exclude the manufacturing of such software, screened from view and 200 feet from the state road right of way, Day care center and Family Day care large.

Staff Recommendation:

The Planning staff has reviewed the rezoning request and is satisfied that the applicant has addressed the impacts of rezoning the subject property.

Staff recommends APPROVAL WITH PROFFERS of the request to rezone the subject property given that:

1. The zoning classification requested, B-2, Business, General with proffers is compatible with the surrounding zoning pattern and surrounding land uses;
2. The requested zoning classification with proffers conforms to those uses recommended in the Urban Area in the Comprehensive Land Use Plan for this general area.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission's recommendation on this zoning matter must be read. In order to assist, staff prepared the following motion statement:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning, P-15-3 as amended, be recommended for (approval, approval with proffers, OR disapproval) as presented to the Board of Supervisors.

The Chairman asked the members if they had any questions for Mr. Bassett. He said if there are none the applicant or his agent may come forward at this time.

Mr. Michael Lafayette, 10160 Staples Mill Road, Suite 105, Glen Allen VA, who is the agent for Mr. Buffa said since the last meeting all the issues with the deed and adjoining property concerning our case before you have been resolved. We are ready to move forward and will answer any questions the Commissioners would have.

The Chairman asked the members if they had any questions for the applicant or his agent.

Mr. Cunningham asked if there are any plans for buffering his parking lot addition from the surrounding residential area.

Mr. Lafayette said yes there is, but they were going to handle that concern when they turn in their site plan paperwork.

Mr. Bassett said that the Zoning Ordinance required landscaping/buffering standards require a 25-foot buffer between the property line and any proposed development.

The Chairman opened the public hearing portion of the meeting and asked if there was anyone signed up to speak. He said since there is no one he was closing the public hearing. He said if there are no more questions from the Commissioners he would entertain a motion.

Mr. Cunningham made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning, P-15-3 as amended, be recommended for approval with proffers as presented to the Board of Supervisors. It was seconded by Mr. Blaha and with Mr. Blaha, Mr. Cunningham, Mr. Tucker, Mr. Hayes and Mr. Prosise voting "AYE" P-15-3 was approved.

RE: PUBLIC HEARING

Planning Commission Staff Report

File:	AP-16-1
Applicant/Owner:	Mr. Patrick Casale
Request:	Remove proffer conditions eleven (11) and twelve (12), which require a per lot contribution of $5,629.00 adjusted annually on each January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor; amend proffer condition two (2) to reduce the pavement radius in the cul-de-sac of the main road from 45 feet to 35 feet; and by amend condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story residence and to 1,200 square feet for a one-story residence.
Property Address:	Archangel Place, Dewitt, VA; Queen of Angels Estates
Tax Map & Parcel #:	54-30
Property Size:	54.5 acres
Existing Zoning:	Residential, Rural, RR-1
Magisterial District:	Darvills
Previous Cases:	P-98-3 (BOS Approved Rezoning to RR-1 May 6, 1998 Queen of Angels Estates Sec. 1, Nine (9) lots); P-05-11 (BOS Approved Rezoning to RR-1 Queen of Angels March 21, 2006 Estates Sec. 2, Fifteen (15) lots) Planning Commission Mtg.: April 20, 2016

CASE OVERVIEW

The applicant, Mr. Patrick W. Casale, is requesting to amend the original zoning proffers approved on March 21, 2006 by the Board of Supervisors as part of rezoning case P-05-11 for the development of Sec. 2 as part of Queen of Angels Estates subdivision by removing proffer conditions eleven (11) and twelve (12), which require a per lot contribution of $5,629.00 adjusted annually on each January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor; by amending condition two (2) to reduce the pavement radius in the cul-de-sac of the main road from 45 feet to 35 feet; and by amending condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story residence and to 1,200 square feet for a one-story residence. Case P-05-11 rezoned with proffers approximately 54.5 acres located on the north side of Scotts Road at the terminus of Archangel Place. The original proffers allowed for 15 lots as part on said land. The property is zoned RR-1, and is further defined as Tax Map parcel 54-30. The County Comprehensive Land Use Plan places the property with the Rural Conservation Area which allows for limited residential development for this general area of the County.

INFORMATION INCLUDED

The following information is included for your review:

- Proffer Amendment Application
- Attachment A – Location Map
- Attachment B – Tentative Plan, Queen of Angels Estates Sec. 2
- Attachment C – Original Proffers, Adopted March 21, 2006
- Attachment D – Amended Proffers

BACKGROUND INFORMATION

The subject property was rezoned to Rural, Residential, RR-1, with proffers in March 2006 (please see the attached Original Proffers adopted March 21, 2006) as an extension of the existing subdivision, Queen of Angels Estates, to add fifteen (15) lots to the existing nine (9) lots that are part of Sec. 1, and it is connected to the State maintained road, Scotts Road (Route 645), by the existing subdivision road, Archangel Place. As part of the development of the subdivision, the owner/developer requested the following special exceptions related to the road pavement width: the existing pavement width for Scotts Road is eighteen (18) feet and the pavement width for Archangel Place is eighteen (18) feet. In June of 1998, the applicant requested a four (4) foot reduction in the minimum pavement width reducing the pavement width from twenty-two (22) feet to eighteen (18) feet, and the Planning Commission denied that request. The applicant appealed the decision to the Board of Supervisors and the Board did approve the applicant's request for a special exception at their July 1, 1998 Board meeting. Again in November 2006, the applicant requested a reduction in the pavement with from twenty-two (22) feet to eighteen (18) feet for the extension of Archangel Place as part of the development of Sec. 2 of the subdivision, and it was approved by the Planning Commission. At this time, Queen of Angels Estates Sec. 1 is developed and built out while Sec. 2 is in the planning phase/construction plan phase and under review by the Land Development Committee (LDC).

AMENDED PROFFERS

Cash Proffer Amendment:

The applicant has submitted Amended Proffers to amend (remove) original proffer condition eleven (11) to reduce the cash proffer from $5,629.00 as adjusted each year for inflation to $0.00 per lot/unit and to amend (remove) original proffer condition twelve (12) which calls for the cash proffer amount to be adjusted annually based on the previous year's Consumer Price Index (CPI). As background, in 2004, with the County's "Growth Committee" recommending amending the Zoning Ordinance to include provisions to allow for voluntary proffer conditions to include cash proffers, the Planning Commission did recommend to the Board of Supervisors that the Zoning Ordinance be amended to include the aforementioned provisions for voluntary proffer conditions. As such, in 2005, after a cash proffer study was completed by the County's consultant, Robinson, Farmer, Cox Associates, the Planning Commission recommended a cash proffer policy with a cash proffer of $5,629.00 per residential lot/unit, and the Board of Supervisors did adopt this recommended cash proffer policy that same year. In 2008, the Board of Supervisors updated the cash proffer policy again utilizing the County's consultant, Robinson, Farmer, Cox Associates, increasing the cash proffer amount to $9,688.00. The cash proffer policy in place at the time of the original zoning approval (BOS approved P-05-11 w/proffers on March 21, 2006) included the capital impacts on schools, government facilities and equipment, public works, public safety equipment and facilities, and parks and recreation with the recommended $5629.00 cash proffer amount to cover the impact that a household would have on the aforementioned capital items.

The intent of the cash proffer component of the voluntary proffer conditions is intended to help with the impact of proposed residential developments on public facilities and the need for capital improvements. When the subject residential rezoning was originally considered by the Planning Commission, in addition to the non-cash proffer conditions, the cash proffer conditions were voluntarily proffered by the applicants to help to ameliorate the impacts on related public facilities and services by aiding in the funding of necessary capital improvements in the County. The subject request to remove the voluntary cash proffer amount does have an impact on the effectiveness of the proffer conditions on diminishing the overall impact of the residential development on public facilities and services. As was previously done in 2005 and 2008, the impact of residential development on public facilities and services was re-examined in the spring of 2014 utilizing the County's consultant, Robinson, Farmer, Cox Associates, to re-examine the cash proffer computations to update the Board on the recommended cash proffer amount. The "cash proffer computations" study included an updated residential cash proffer amount of $1,953.00 per residential lot/unit.

Reduction in number of square feet for a dwelling/residence:
In addition to the request to remove the cash proffer, the proffer amendment request includes amending proffer condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story dwelling/residence and to 1,200 square feet for a one-story dwelling/residence.

Reducing the pavement radius in the cul-de-sac from 45 feet to 35 feet:
The other requested proffer amendment involves amending original proffer condition two (2) to reduce the pavement radius in the cul-de-sac for Archangel Place from 45 feet to 35 feet.

Planning Staff Recommendation:

The Planning staff has reviewed the requested proffer amendments (Please see Attachment D - Amended Proffers) and with the subject residential development, there are impacts and the Planning Commission ultimately must weigh those impacts against the benefits of the development. To note: at this time, Queen of Angels Estates Sec. 1 is developed and built out while Sec. 2 is in the planning phase/construction plan phase and under review by the Land Development Committee (LDC).

As with previous cash proffer amendment requests, the Planning Commission retains the ability to recommend to the Board of Supervisors to maintain the original cash proffer amount, $5,629.00, or it may choose to recommend to the Board of Supervisors the request to remove; thus, recommending eliminating the voluntary cash proffer. An additional option includes the Planning Commission recommending that the cash proffer be reduced to $1,953.00, which is the "2014 study" cash proffer amount.

Concerning the request for a reduction in the minimum allowable size for a dwelling/residence, in general, the residences constructed in Section One on the nine (9) lots meet or exceed 2,000 square feet minimum. The subject request to reduce the proffered minimum square footage for each dwelling/residence does change the overall character of the existing subdivision. In 2006, the rezoning of the subject property was based on the original proffers and with the minimum 2,000 square footage condition, and the square footage reduction is a substantial change.

The reduction in the pavement radius for the cul-de-sac of Archangel Place is also a substantial change in the original proffered conditions. The LDC agencies, namely VDOT and Dinwiddie County Public Safety recommend a 45-foot pavement radius for the subject cul-de-sac as part of the extension of Archangel Place to serve Section Two. Fire Code indicates a 96-foot pavement width for the subject cul-de-sac and VDOT standards indicate a 45-foot paved radius for the cul-de-sac. Given that the ultimate number of lots in the subdivision is 24 lots and given the length of the fully developed subdivision road, the original proffered 45-foot pavement radius for the cul-de-sac is appropriate for public safety and school bus access and other service delivery vehicles to the subdivision.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning proffer amendment request, the standard statement regarding the Planning Commission's recommendation on this matter must be read. In order to assist, a motion statement is attached and reads as follows:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice the Amended Proffers as part of proffer amendment request, AP-16-1, as amended from those certain proffers made as part of rezoning request, P-05-11, approved on March 21, 2006, which proffers were recorded on September 6, 2006 and duly recorded as instrument number 060004358 at the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia, are recommended for (approval or disapproval) to the Board of Supervisors which will consider the case pursuant to Section 15.2-2302 of the Code of Virginia, 1950, as amended.

The Chairman asked the members if they had any questions for Mr. Bassett.

Mr. Tucker asked if the area was in the Route 1 overlay district.

Mr. Bassett said it is not.

Mr. Prosise asked for the results of the last four Amendment to Proffers cases. He also asked how many units or lots still remain in the Queen of Angels subdivision where homes can be built on them.

Mr. Bassett said the proffer amendments for Fort Dushane, Cedar Ridge and Turkey Run were approved and the proffer amendment for Chesdin Point was denied and there are fifteen building lots remaining if Queen of Angels Section 2 was developed.

The Chairman said if there are no more questions for Mr. Bassett, the applicant could come forward and add anything if he so chooses.

Patrick Casale – 19862 Archangel Place, Dewitt VA came forward and gave a history on what was said and shared with him by Guy Scheid (former Planning Director) and Debbie Williams (former VDOT Land Use Engineer for Dinwiddie) before Mr. Bassett became the new Planning Director. For the pavement radius of the cul-de-sac he noted that with the total number of homes that are planned in the subdivision a 35-foot paved radius cul-de-sac is appropriate and acceptable. He also added that there is statistical data to support his request for a 1,200 square foot single story residence and 1,600 square feet two-story residence. According to information provided to him by Timmons Group, the average incomes in Dinwiddie County support houses in the square footage range that he is proposing.

The Chairman asked the members if they had any questions for the applicant.

Mr. Blaha asked Mr. Bassett how many houses have been built in this subdivision that required a cash proffer.

Mr. Bassett said none. The cash proffer only applies to the fifteen lots proposed as part of Section 2 of the subdivision which has not been constructed.

Mr. Cunningham said he is in agreement with having no cash proffer as part of the development of Section 2. He said he is not in agreement with a reduction in the cul-de-sac pavement radius because VDOT and Public Safety both say the 45-foot pavement radius is best. He also added that the size of the homes needs to remain at the original 2,000 square feet for both two story and single story homes.

Mr. Tucker asked Mr. Casale where he got his statistical number on incomes supporting a certain size residence from, because we do not have them in our packet.

Mr. Casale said he paid for a study done by Timmons Group, and it is not included in the packet.

Mr. Prosise asked Mr. Casale if the subdivision turned out the way he envisioned it.

Mr. Casale said yes.

Mr. Hayes said he voted against this phase of the subdivision, Queen of Angels Section 2, when it was requested ten years ago, because I didn't and still don't believe the area is suited for a residential subdivision. He said that the pavement radius for the cul-de-sac should be the higher number, 45 feet radius, as it is in keeping with the surrounding areas, and to be consistent with the other developers the cash proffer amount should be $1,953.00, which is what they proffered. As to the size of the houses, it should be equal or greater to the smallest house you already have in place in Section 1.

Mr. Prosise said $1,953.00 should be the amended cash proffer amount. He said he is not in support of a reduction in the square footage for a two-story residence and one-story residence, and the cul-de-sac should be the higher pavement radius number.
Mr. Blaha said he is in agreement with what Dr. Prosise said.

The Chairman opened the public hearing portion of the meeting and asked if there was anyone signed up to speak. He said since there is no one he was closing the public hearing. He said if there are no more questions from the Commissioners he would entertain a motion.

Mr. Tucker made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice the Amended Proffers as part of proffer amendment request, AP-16-1, as amended from those certain proffers made as part of rezoning request, P-05-11, approved on March 21, 2006, which proffers were recorded on September 6, 2006 and duly recorded as instrument number 060004358 at the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia, are recommended for disapproval to the Board of Supervisors which will consider the case pursuant to Section 15.2-2302 of the Code of Virginia, 1950, as amended. It was seconded by Mr. Cunningham and with Mr. Cunningham, Mr. Tucker, Mr. Hayes, Mr. Blaha and Dr. Prosise voting "AYE" the Amendment to Proffers was disapproved to the Board of Supervisors.

CLOSED SESSION

Mr. Southall said there is a need to go into closed session under:

2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body:

- Acquisition of specific land for economic development

2.2-3711 (A) (5) Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community:

- Regarding a prospective business or industry where no previous announcement has been made

Mr. Blaha made a motion to go into closed session. It was seconded by Mr. Tucker and with Mr. Hayes, Mr. Tucker, Mr. Cunningham, Mr. Blaha, and Dr. Prosise voting "AYE" they went into close session.

COMING OUT OF CLOSED SESSION

Mr. Southall said he needs a motion to come out of closed session and reconvene into Open Session:

Mr. Tucker made a motion to come out of closed session and reconvene into open session. It was seconded by Mr. Cunningham and with Mr. Hayes, Mr. Tucker, Mr. Cunningham, Mr. Blaha, and Dr. Prosise voting "AYE" the Planning Commissioners reconvened.

CERTIFICATION AND MOTION TO ADOPT CERTICICATION RESOULUTION

Mr. Southall said whereas, the industrial Development Authority convened in a closed meeting under section

2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body:

- Acquisition of specific land for economic development

2.2-3711 (A) (5) Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community:

- Regarding a prospective business or industry where no previous announcement has been made

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or of the matters identified in the motion discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Mr. Blaha made a motion to adopt. It was seconded by Mr. Tucker and with Mr. Blaha, Mr. Cunningham, Mr. Tucker, Mr. Hayes and Dr. Prosise voting "AYE" the certification was adopted.

IN RE: COMMISSIONERS' COMMENTS

No Commissioner had any comments.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said Mr. Moody asked that the Planning Commission look into rezoning a portion of his district north of Namozine Road up to Sutherland Road from R-R to A-2. The Planning Commission told Mr. Bassett to move forward with initiating the rezoning process for this area.

IN RE: ADJOURNMENT

The Chairman said since there are no additional comments and no further business he would entertain a motion to adjourn the meeting. Mr. Blaha made a motion and Mr. Tucker seconded it and with all other members voting "Aye" the meeting adjourned at 8:33 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

Planning Commission Staff Report

File #:	P-16-4
Applicant:	First Management Company, LC
Rezoning Request:	Residential, General, R-2, and Agricultural, General, A-2 to Industrial, Limited, M-1 with Proffers
Property Location:	South side of Boydton Plank Rd. (Route 1) across from and slightly west of the Hwy. 460 and Route 1 intersection
Tax Map Parcel Info:	Portion of 21-100 & Portion of 21-92 (See Property Map part of Rezoning Application)
Property Size:	Approximately 16.0 +/- acres
Magisterial District:	Rohoic District
Planning Commission Mtg.:	May 11, 2016

CASE OVERVIEW

The applicant, First Management Company, LC, is requesting to rezone with proffers property containing approximately 16.0 +/- acres from R-2, Residential, General, (an approximately 2.125 acre portion of Tax Map Parcel 21-92) and A-2, Agricultural General to M-1, Industrial Limited. The 16.0 +/- acres adjoins the 95 +/- acres that was approved for rezoning from A-2, Agricultural General, to M-1, Industrial Limited, by the Board of Supervisors earlier this year in January. The M-1, Industrial Limited, zoning classification allows for certain industrial uses pursuant to the Zoning Ordinance allowed density. The property is located on the south side of Boydton Plank Rd. (Route 1) across from and slightly west of the Hwy. 460 and Route 1 intersection, and is further defined as a portion of Tax Map Parcel No. 21-92 and a portion of Tax Map Parcel No. 21-100. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited industrial uses for this general area.

ATTACHMENTS

Rezoning Application, Location Map, Conceptual Development Plan, and Statement of Proffers

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject land parcel include commercial and institutional uses to the north along Route 1, open space and forestal land which is part of the applicant's property, which was rezoned to M-1 in January 2016, to the east, low density single-family residential land uses to the southeast, south, and west. The property to the north along Route 1 is zoned B-2, Business General, and A-2, Agricultural General, with the property to the east being the applicant's property that was recently rezoned to M-1, and the property to the south and west being zoned A-2, Agricultural General.

A primary purpose of the Industrial, Limited, M-1, zoning district is to allow for certain industrial related uses to locate in areas adjacent to residentially zoned areas. As such, the proposed proffered use of the subject property limiting the use and structures to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a

retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading, and storage is a compatible use for this low density residential area.
The subject property is located within the Urban Area as defined by the Comprehensive Land Use Plan. This portion of the Urban Area supports limited, light industrial development within this general area of the Route 1 and Hwy. 460 interchange. As previously discussed, the M-1 zoning district and subject proffered uses are compatible with the residential and commercial zoning districts as defined in the Zoning Ordinance.

In addition to the Zoning Ordinance requirements for development in the M-1 Zoning District, the applicant has proffered to maintain the existing vegetative buffers located within 50 feet of the perimeter of the property to provide a natural buffer and screening; maintain site lighting so as to not cast off onto the surrounding property or into the night sky; screen outdoor storage areas and loading areas; and to restrict access to Duncan Road and to restrict truck traffic from utilizing Blue Tartan Road.

OVERVIEW OF IMPACTS

School System, Public Safety, & Public Utilities Impacts

The proposed rezoning to M-1, Industrial, Limited, with proffers limits the permitted use of and structures located on the subject property to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading, and storage which does not have a direct impact on the public school system and school system facilities. The potential impact on public safety will be minimal with the rezoning of the subject property with all proposed buildings having developed fire protections as required by the applicable Fire Code and Building Code. In addition as part of the rezoning, public utilities namely natural gas, public sanitary sewer and water are to be extended down Route 1 from Hofheimer Way to serve the subject property and property in this general area. The aforementioned sewer and water lines are proposed to be upgraded to 24-inch lines which will not only provide the necessary capacity for the subject development but also provide additional capacity to the other property along Route 1 and also surrounding property allowing for these properties to be developed in the future with the proper public infrastructure.

Transportation Impacts

The impacts on the existing transportation network are minimal with the trips generated by the proposed use to include 100 truck trips (enclosed tractor trailers) per day and the facility employee trips generated by an estimated 147 employees. The road system in this particular area, namely Route 1 and Hwy. 460, is adequate to handle the employee and truck traffic generated by the proposed use. Route 1 has a shared left and right hand center turn lane at the proposed entrance to the subject property. As part of the proposed development, an access road is proposed to serve the development which will have its entrance on Route1. Employee and truck traffic are to only utilize the subject access road. As set forth in the rezoning proffer conditions, there is no employee or truck access to Duncan Road with the exception of emergency access which is allowed for public safety purposes only. Additionally, truck traffic is also restricted from accessing the subject property from Blue Tartan Road. All future transportation related improvements for the access road and within the Route 1 right-of-way and

for the new access road will have to meet VDOT design and construction requirements and standards, as indicated in the proffer conditions.

PROFFER STATEMENT

The applicant did submit proffers as part of the rezoning request (see Attachments). The following proffer conditions address current property conditions, potential impacts on the subject property.

Conditions

1. The use of the Property and all structures shall be limited to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading and storage.
2. Future development of the Property will comply with all Virginia Department of Transportation (VDOT) entrance design and construction requirements, including but not limited to driveway entrance alignments, turning lanes and tapers.
3. Truck traffic shall not utilize Blue Tartan Road for egress and ingress to the Property.
4. The Property shall be accessed from Duncan Road for emergency purposes only, and the Duncan Road access point shall be gated and locked with a Knox Box provided for Dinwiddie County Fire and EMS.
5. Site lighting for building security and the loading and parking areas shall be designed to cast inward and downward to the Property to minimize light overflow beyond the Property. The Planning Director or his or her designee shall approve the lighting/photometric plan for site lighting prior to installation.
6. All outdoor storage of product for resale or equipment shall be located in the rear and/or side yards and shall be screened from view from public rights-of-way. Such storage shall be enclosed by an opaque fence, evergreen trees, shrubs, or any combination thereof a minimum of six feet in height. The Planning Director or his or her designee shall approve the enclosure plan and all materials to be used prior to construction. This screening does not apply to vehicles in parking areas or semi-trailers kept on the warehouse premises.
7. Existing vegetative buffers located within 50 feet of the perimeter of the property shall be maintained to provide a natural buffer and screening, and any modification to the existing vegetative buffers shall be submitted to and approved by the Planning Director or his or her designee.

Staff Recommendation:

The planning staff has reviewed the rezoning request and is satisfied that the applicant has addressed the impacts of rezoning the subject property.

Staff recommends approval with proffers of the request to rezone the subject property based on:

1. The zoning classification requested, M-1, Industrial, Limited, with the proffer limiting the use of the property to the proposed uses and additional proffer conditions is compatible with the surrounding zoning pattern.; and

2. The requested zoning classification with the proffered use limitation and additional proffer conditions conforms to the underlying uses outlined in the Urban Area in the Comprehensive Land Use Plan for this general area of the County.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission's recommendation on this zoning matter must be read. In order to assist, staff prepared the following statement:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning P-16-4 as presented be recommended for (approval, approval with proffers, or disapproval) to the Board of Supervisors.

DINWIDDIE COUNTY PLANNING & ZONING DEPARTMENT

LAND USE AMENDMENT APPLICATION

Dinwiddie County
Planning Department
P. O. Drawer 70
Dinwiddie, Virginia 23841
(804) 469-4500 ext. 2117
(804) 469-5322 /fax

Rec'd M.B. **Case No.:** P-16-4
Date Rec'd 4-18-16 **Fee Amount:** N/A Enterprise Zone
Time Rec'd 9:00 AM **Receipt No:** N/A
Pre-Application Conference Date: Multiple Meetings
This application has been amended: YES NO
Reviewed by: M.B.

Information must be typed or printed and completed in full.
Attach additional pages where necessary.

1) LAND USE INFORMATION

(Circle): BOS / PC / BZA

New/Renewal
Previous/Renewed Case#: P-16-4

Amend Previous Case: Y / N
Land Use Taxation: Y / N

Application Type: (Circle One): ☐ **Variance** ☐ **Administrative Variance** ☐ **Conditional Use Permit** ☒ **Rezoning** ☐ **Street Vacation** ☐ **Special Exception** ☐ **Amendment**

Description of Request: _____

Existing Zoning: A-2 & R-2
Proposed Zoning: M-1

Existing Acreage: 44.71 AC
Proposed Acreage: 16 +/- AC
Total Acreage: 16 +/- AC

Water (Circle One): Public Well
Sewer (Circle One): Public On-site Well and Septic

Attached: (circle): Miscellaneous Information/Master Plan/Textual Statement/Proffered Conditions

2) APPLICANT/AGENT INFORMATION

Applicant(s): First Management Company, L C Home/Cell#
Address: P. O. Box 1838 Petersburg, VA 23805 Work# 804-862-9889
Agent(s): Home/Cell#
Address: Work#

☒ Property Owner ☐ Contract Purchaser ☐ Other: _____

3) PROPERTY OWNER INFORMATION

Property Owner's Name and address (see note on last page):
First Management Company, L C
Contact# 804-862-9889

Property Tax Parcel Number: 21-92 part of, 21-100 part of

Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.):

Phone# _____

4.) SUBJECT PARCEL INFORMATION

General Location of Project: __The parcels are located on the south side of the intersection of Boydton Plank Road (Route 1) and Hwy 460 and slightly to the west.

_____

_____

_____

Tax Map # __21-100_(part of)_____
Subdivision Name: _____
Section: _____Block_____
Address: _____
Zoning: _A-2___Acreage___44.71_AC__
Existing Use: __Vacant_____
Conditions: _____

Tax Map # ____21-92 (part of)_____
Subdivision Name: _____
Section: _____Block_____
Address: _____
Zoning: A-2 & R-2 Acreage: _44.71 AC__
Existing Use: __Vacant_____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____Block_____
Address: _____
Zoning: _____Acreage_____
Existing Use: _____
Conditions: _____

Tax Map # _____
Subdivision Name:_____
Section:_____Block_____
Address:_____
Zoning:_____Acreage:_____
Existing Use:_____
Conditions:_____

1. **Explain fully the proposed use, type of development, operation program, reason for this request, etc.:**

Rezoning the subject properties to M-1 to allow for light manufacturing and distribution/warehousing uses.

2. **State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or county in general. Include, where applicable, information concerning: Use of public utilities; effect of request on public schools; effect on traffic, to include means of access to nearest public road; effect on existing and future area development; etc.:**

The subject property will be developed under the Zoning Ordinance standards and more specifically the standards for M-1. All road, water and sewer system improvements will meet or exceed VDOT, County and Dinwiddie County Water Authority (DCWA) requirements, standards, and specifications.

3. **List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question:**

P-16-1 This rezoning included a portion of Parcel 21-100 that was rezoned to M-1.

4. **If requesting a variance or special exception, explain the unique physical hardship or extraordinary situation that is justification for the request:**

N/A

5. **Complete names and address (including Zip codes) of all owners adjacent, across the road or highway from the property and across any railroad right-of-way, creek, river, from such property must be obtained by the applicant from the Commissioner of the Revenue, Pamplin Administration Building. If such property lies in another county or city, the respective jurisdiction will provide this information to the applicant. Applications with incomplete parcel information will not be accepted.**

Property Owner Name	Property Owner Mailing Address	Tax Parcel #
First Management Company LC	P. O. Box 1838 Petersburg, VA 23805	21-102
Charlie Lowery, Sr.	6421 Boydton Plank Road Petersburg, VA 23803	21-102B
Dinwiddie RE Investors LLC	4423 Pheasant Ridge Road STE 301 Roanoke, VA 23014	21-104A
Dinwiddie Health Investors LLC	5372 Fallswater Lane STE 200 Roanoke, VA 24017	21-104
Robert L Bowman Living Trust & Joy Bowman Living Trust	6219 Boydton Plank Road Petersburg, VA 23803	21-103
Pamplin Foundation	C/O Pamplin Corporation 805 SW Broadway STE 2400 Portland, OR 97205	21-55
Mark & Dawn Reese	6818 Duncan Road Petersburg, VA 23803	21-55H
Sharon Ponder Cox	7002 Duncan Road North Dinwiddie, VA 23803	21-84
Philip M. Haley	P. O. Box 1601 Hopewell, VA 23860	21-86A
John Seabaugh, Jr.	7103 Blue Tartan Road Petersburg, VA 23803	21-79A
Michael & Vanessa Scott	7009 Blue Tartan Road Petersburg, VA 23803	21-91
George R. Scott ET UX	6823 Blue Tartan Road Petersburg, VA 23803	21-93
First Management Company LC	P. O. Box 1838 Petersburg, VA 23805	21-99
First Management Company LC	P. O. Box 1838 Petersburg, VA 23805	21-92
Dinwiddie Chapel Management LLC	P. O. Box 1168 Petersburg, VA 23804	21-134
West End Baptist Church Trustees	C/O Kenneth Wright 6506 Boydton Plank Road Petersburg, VA 23803	21-132
East Coast Oil Corporation	C/O Kelly Anderson 7102 Commerce Way Brentwood, TN 37027	21-102A
Giuseppe Buffa LLC	19215 Waterford Drive Sutherland, VA 23885	21-8-3
Pamplin Foundation	C/O Pamplin Corporation 805 SW Broadway STE 2400 Portland, OR 97205	21-56
First Management Company LC	P. O. Box 1838 Petersburg, VA 23805	21-B

6. The required fee must accompany this application. A fee schedule is available from the Planning Department, 14016 Boydton Plank Road, Pamplin Administration Building, Dinwiddie Virginia. Checks must be made payable to: "Treasurer, County of Dinwiddie".

7. Enclosed with the application, a copy of the appropriate county tax map with the property marked (provided at pre-application conference) and, if available, a surveyed plat of the entire parcel.

8. Enclose with this application any required plans or plats (plans must be folded).

9. I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: April 5, 2016

SIGNATURE OF AGENT* Brian C. Mitchell

(Name of person other than, but acting for, the property owner and responsible for this application.)

AGENT'S NAME _____

(Typed or printed)

SIGNATURE OF APPLICANT** Manager

(Same name as used in Item 2, Page 1)

APPLICANT'S NAME _____

(Typed or printed)

I authorize you, the merchant, to initiate an electronic debit to my account for the amount rendered on this check plus the legal limit returned check fee if the item is dishonored. The use of a check for payment is my acceptance of this policy. Signature _____

Notes: Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

*Agent must file power of attorney from the property owner(s) giving the agent authority to submit this application.

** If the applicant is not the owner of the property, the applicant must file power of attorney from the property owner(s) giving the applicant authority to submit this application.

(1)
N/F
CHARLIE GREEN LOWERY, SR.
T.M. 21-102B
D.B. 190, PG. 95

(2)
N/F
DINWIDDIE RE INVESTORS, LLC
T.M. 21-104A
INST. #080000629
P.B. 17, PG. 643

(3)
N/F
DINWIDDIE HEALTH
INVESTORS, LLC
T.M. 21-104
INST. #050004858
P.B. 17, PG. 643

(4)
N/F
ROBERT L. BOWMAN
LIVING TRUST & JOY
GAY BOWMAN LIVING TRUST
T.M. 21-103
INST. #080003465
P.B. 16, PG. 348

(5)
N/F
PHILIP M. HALEY
T.M. 21-86A
INST. #130002449
INST. #110002048 (PLAT)

(6)
N/F
JOHN R. SEABAUGH, JR.
T.M. 21-79A
INST. #130002433
INST. #110002048 (PLAT)

(7)
N/F
MICHAEL R. &
VANESSA C. SCOTT
T.M. 21-91
D.B. 374, PG. 287
D.B. 77, PG. 583

(8)
N/F
GEORGE R. SCOTT
T.M. 21-93
D.B. 202, PG. 65

(9)
N/F
FIRST MANAGEMENT
COMPANY L C
T.M. 21-99
D.B. 308, PG. 167
D.B. 149, PG. 74 (PLAT)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S41°04'30"E	339.76'
L2	N59°25'54"E	120.25'
L3	S8°02'37"E	54.13'
L4	S59°25'54"W	89.73'
L5	N22°37'08"W	601.21'
L6	S65°30'06"W	257.00'
L7	N13°40'46"W	418.28'
L8	N22°24'11"W	411.11'
L9	N29°34'17"W	256.20'
L10	S55°32'06"E	333.69'
L11	S55°32'06"E	266.03'
L12	S55°32'06"E	67.66'
L13	N21°58'11"W	195.08'
L14	N60°39'50"E	1243.87'
L15	N21°58'11"W	1210.30'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	460.00'	18.09'	9.04'	2°15'10"	S62°56'07"E	18.09'
C2	63.00'	188.19'	813.96'	171°08'54"	N30°21'51"E	125.62'

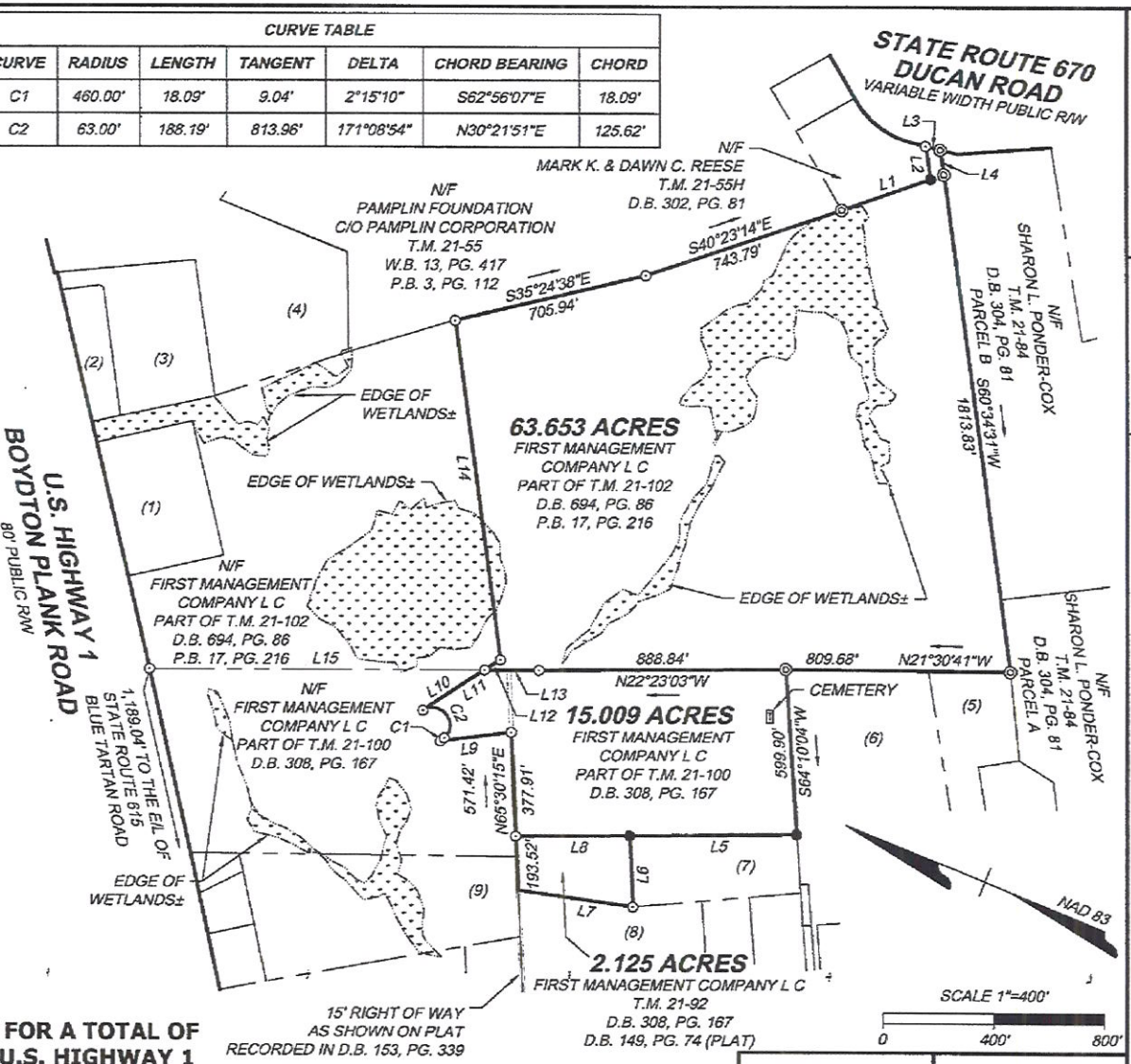


EXHIBIT PLAT SHOWING

63.653 ACRES, 15.009 ACRES & 2.125 ACRES FOR A TOTAL OF 80.787 ACRES OF LAND LOCATED SOUTH OF U.S. HIGHWAY 1 & ON THE WEST SIDE OF STATE ROUTE 670STATE ROUTE 630

ROHOIC DISTRICT
DINWIDDIE COUNTY, VIRGINIA

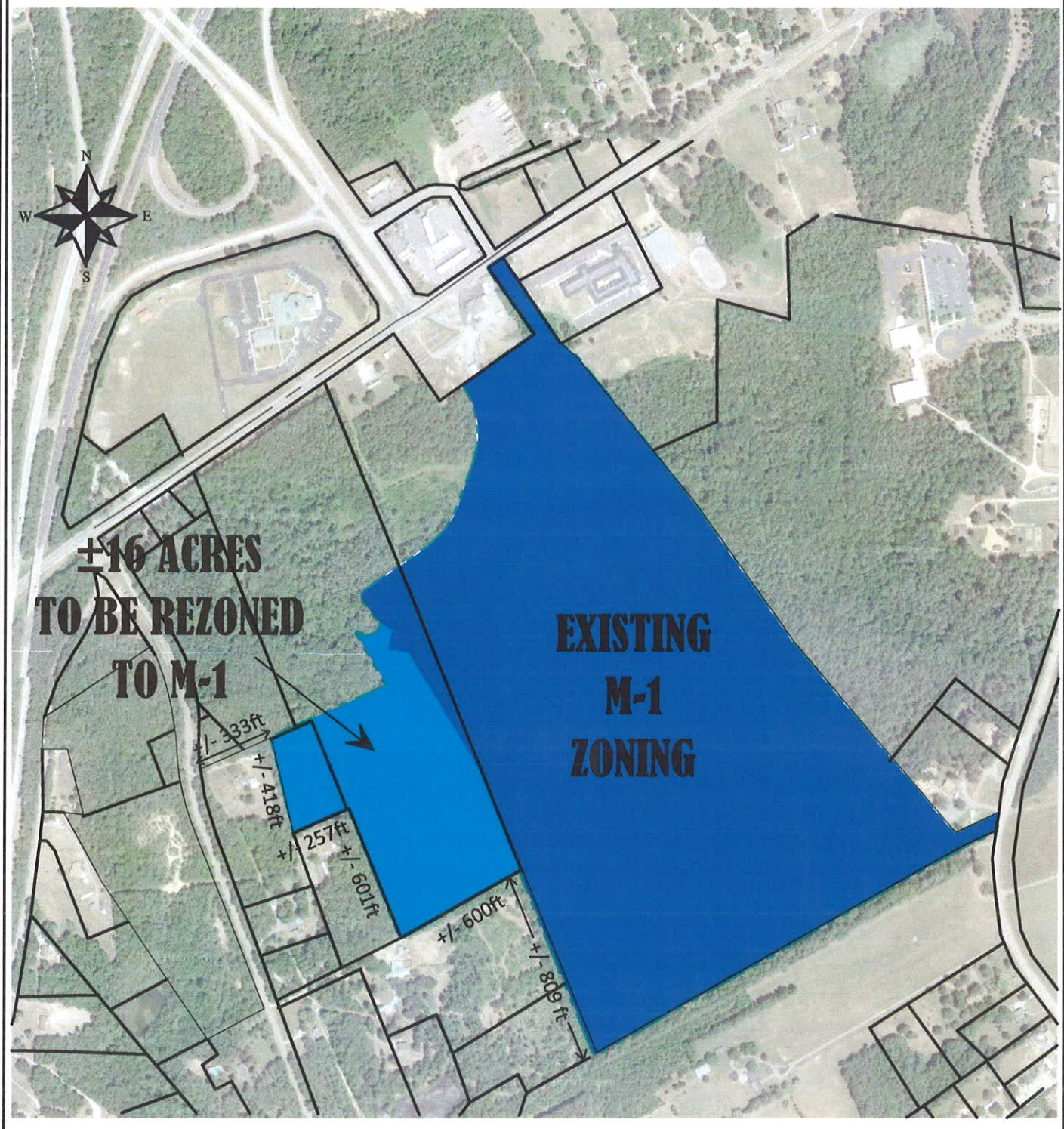
This survey was prepared without the benefit of a title binder and may therefore not show all existing easements or other pertinent facts which may affect the property.

DATE: March 31, 2016	SCALE: 1"=400'
SHEET 1 OF 1	J.N.:37316-903
DRAWN BY: JNL	CHECK BY: WMN

THIS DRAWING PREPARED AT THE
TRI-CITIES OFFICE
4701 Owens Way, Suite 500 | Prince George, VA 23875
TEL 804.541.6000 FAX 804.458.1511 www.timmons.com

HOLD VISION ACHIEVED THROUGH EMPL.

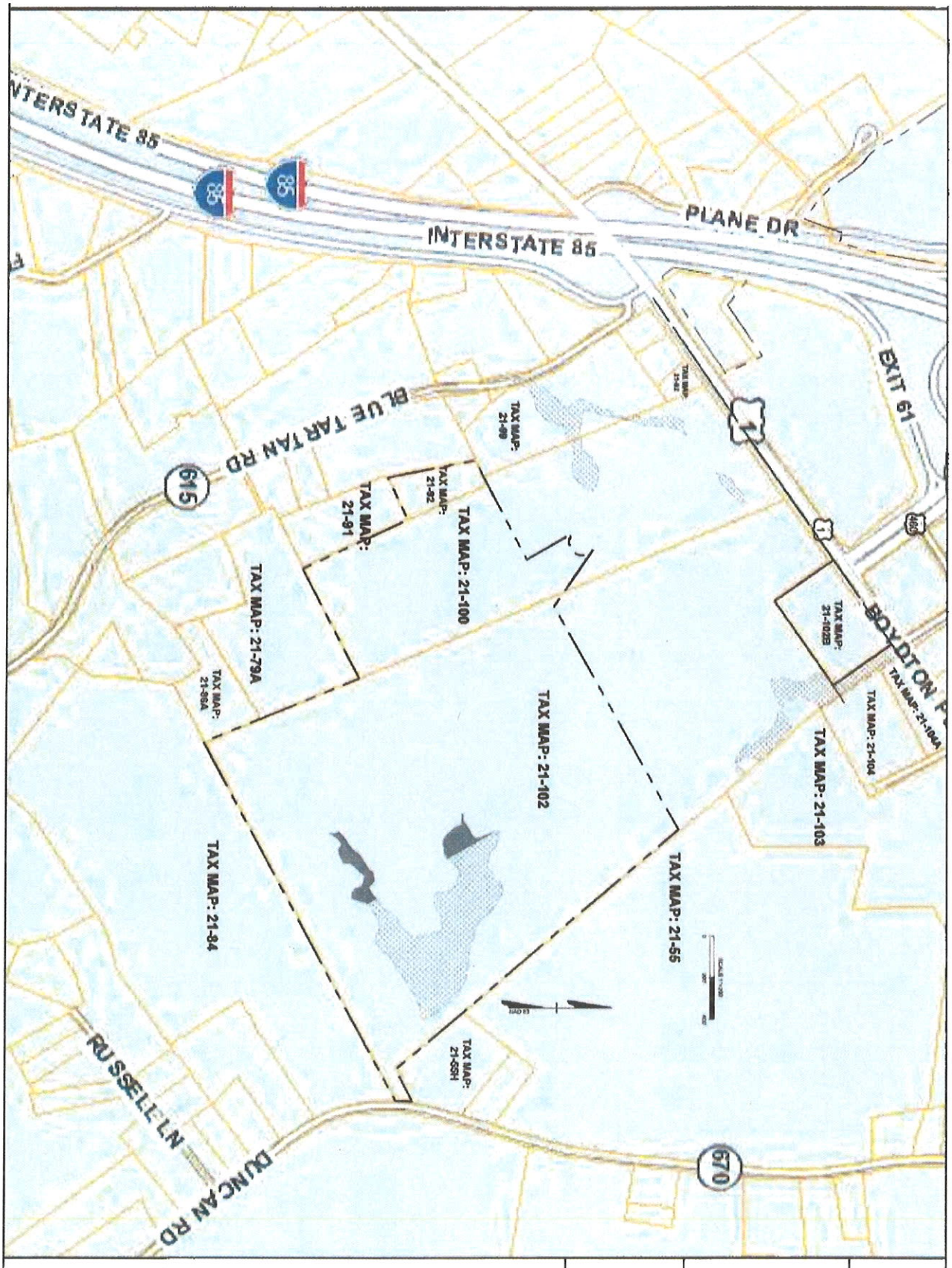
TIMMONS GROUP



PATTON
COMMERCE PARK
ZONING EXHIBIT

PROPERTY BOUNDARIES SHOWN
ARE PER DINWIDDIE COUNTY GIS
DIMENSIONS SHOWN ARE APPROXIMATE

04/05/2016 SCALE = 1"=600'



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4701 Cox Rd., Suite 285 | Glen Allen, VA 23060
TEL 804.561.9555 FAX 804.435.1511 www.timmons.com

SHEET NO. 1	DRAWING NO. 00000	PROJECT MINECRAFT DISTRICT 3 - DINWIDDIE COUNTY - VIRGINIA TAX MAP EXHIBIT	SCALE 1" = 200'	D. JOHNSTON	T. DELOACH	T. WILSON	3/22/2016	DATE	REVISION DESCRIPTION				

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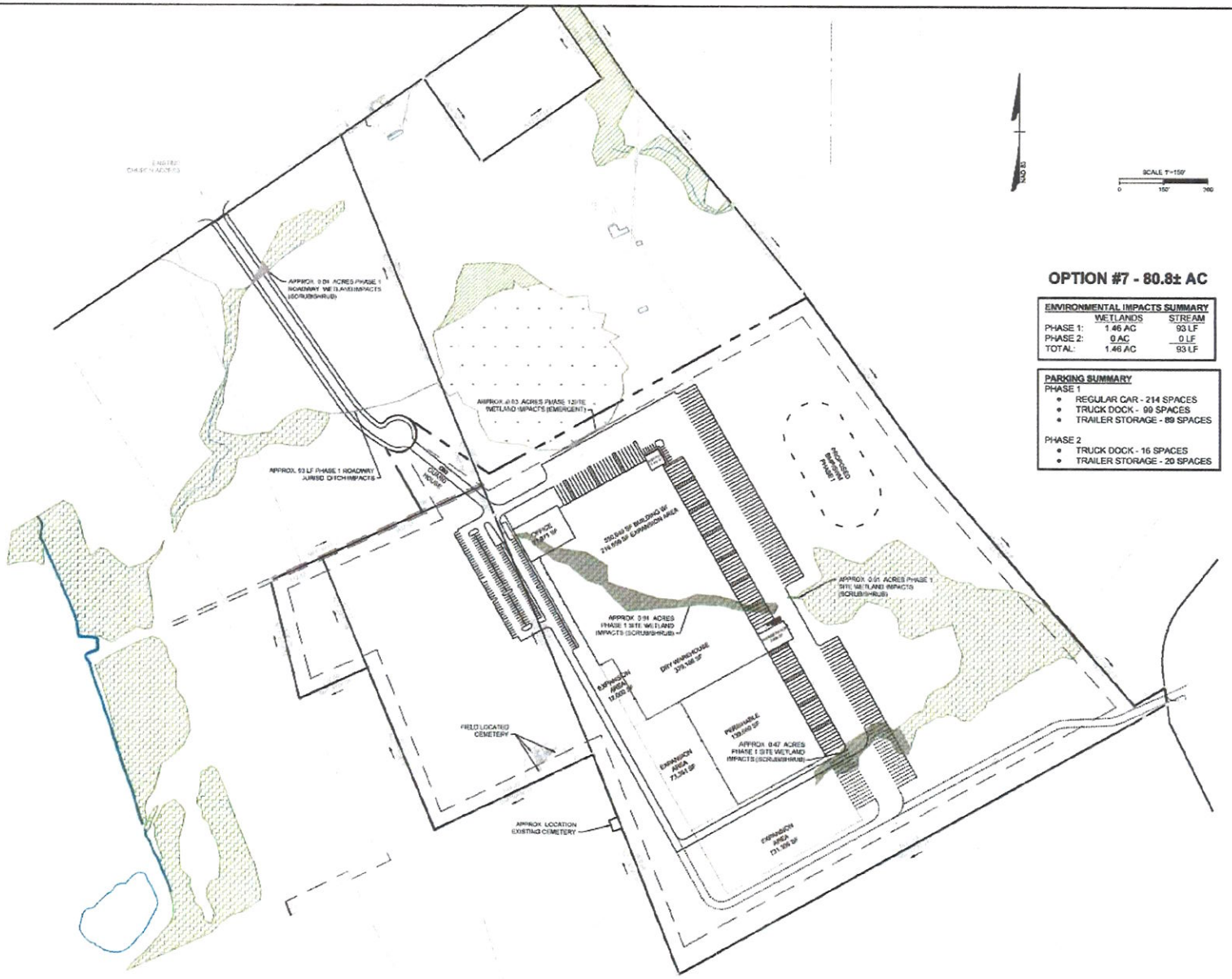

OPTION #7 - 80.8± AC

ENVIRONMENTAL IMPACTS SUMMARY	WETLANDS	STREAM
PHASE 1:	1.46 AC	93 LF
PHASE 2:	0 AC	0 LF
TOTAL:	1.46 AC	93 LF

PARKING SUMMARY

PHASE 1
- REGULAR CAR - 214 SPACES
- TRUCK DOCK - 99 SPACES
- TRAILER STORAGE - 89 SPACES

PHASE 2
- TRUCK DOCK - 16 SPACES
- TRAILER STORAGE - 20 SPACES

THIS DRAWING PREPARED AT THE
TIMMONS OFFICE
4701 Cox Road, Suite 285 | Glen Allen, VA 23060
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TIMMONS GROUP

REVISION DESCRIPTION	DATE

DATE	3/15/16
DRAWN BY	B. MCMILLAN
DESIGNED BY	T. SELDON
CHECKED BY	D. JOHNSON
SCALE	1" = 150'

PROJECT MINECRAFT
DISTRICT - DINWIDDIE COUNTY - VIRGINIA
PATTON SITE PLAN - OPTION 7

JOB NO. 37316

SHEET NO. 1

Tax Parcel Nos. Part of 21-92 & 21-100

PROFFERS

THESE PROFFERS are made this 27th day of April, 2016 by First Management Company, L.C., together with its successors and assigns, (the "Owner").

RECITALS

A. Owner legally possesses the tracts or parcels of land located in Dinwiddie County, Virginia, (the "County") located on the south side of Boydton Plank Road ("Route 1") across from the intersection of Route 1 and Hwy. 460, North Dinwiddie, Virginia and being a part of Tax Parcel Nos. 21-92 & 21-100 containing approximately 16+/- acres as more fully shown on Exhibit A (the "Property").

B. The Property is within the Urban Area on the County's Comprehensive Plan and is zoned Agricultural, General, A-2 and Residential, General, R-2. An application has been made to rezone the Property from Agricultural, General, A-2 and Residential, General, R-2 to Industrial, Limited, M-1.

C. The Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Industrial, Limited, M-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these proffers shall be null and void. The following proffered conditions are stated as follows:

Conditions

1. The use of the Property and all structures shall be limited to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading and storage.
2. Future development of the Property will comply with all Virginia Department of Transportation (VDOT) entrance design and construction requirements, including but not limited to driveway entrance alignments, turning lanes and tapers.
3. Truck traffic shall not utilize Blue Tartan Road for egress and ingress to the Property.
4. The Property shall be accessed from Duncan Road for emergency purposes only, and the Duncan Road access point shall be gated and locked with a Knox Box provided for Dinwiddie County Fire and EMS.
5. Site lighting for building security and the loading and parking areas shall be designed to cast inward and downward to the Property to minimize light overflow beyond the Property. The Planning Director or his or her designee shall approve the lighting/photometric plan for site lighting prior to installation.
6. All outdoor storage of product for resale or equipment shall be located in the rear and/or side yards and shall be screened from view from public rights-of-way. Such storage shall be enclosed by an opaque fence, evergreen trees, shrubs, or any combination thereof a minimum of six feet in height. The Planning Director or his or her designee shall approve the enclosure plan and all materials to be used prior to construction. This screening does not apply to vehicles in parking areas or semi-trailers kept on the warehouse premises.
7. Existing vegetative buffers located within 50 feet of the perimeter of the property shall be maintained to provide a natural buffer and screening, and any modification to the existing vegetative buffers shall be submitted to and approved by the Planning Director or his or her designee.

WITNESS the following signature:

First Management Company, L.C.

BY _____
J. Dale Patton,
Managing Member of First Management Company, L.C.

COMMONWEALTH OF VIRGINIA

County of Petersburg, to-wit:

The foregoing was acknowledged this 3rd day of May, 2016 by

Brian Mitchell, Attorney-in-fact for First Management Company, L.C.

My commission expires: 5/31/2019.

Elaina M. Taylor (SEAL)
Notary Public
#7130560

ELAINA M. TAYLOR
NOTARY PUBLIC
MY COMMISSION NUMBER 7130560
COMMONWEALTH OF VIRGINIA