Dinwiddie County Planning Commission

Regular Meeting Agenda
April 20, 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: March 9 10, 2016 Reg Meeting Minutes.pdf

6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**
8. **CASE AP-16-1**

   Patrick 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 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.

   Documents: AP-16-1 PC Staff Report April 2016.pdf, Proffer Amendment Application.pdf, Location Map Queen of Angels Estates Sec.

2.pdf, Sec. 2 Tentative Plan.pdf, Original Proffers Adopted March 21 2006.pdf, AP-16-1 Proffers Queen of Angels April PC Mtg.pdf

9. CLOSED SESSION

2.2-3711 (A) (5) Business and Industry Development

Prospective business and industry

10. NEW BUSINESS

11. COMMISSIONERS' COMMENTS

12. PLANNING DIRECTOR'S COMMENTS

13. 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 9th DAY OF MARCH 2016 AT 7:00 P.M.

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

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:03 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. Tucker, Mr. McCray and Mr. Cunningham 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. Blaha made a motion that the agenda be accepted as presented. It was seconded by Mr. Simmons and with Mr. Hayes, Mr. Blaha, Simmons and Dr. Prosise voting "AYE" the agenda was accepted as presented.

IN RE: MINUTES

The Chairman said we have the minutes from the February 10, 2016 regular meeting before us. He said if there are no corrections he would entertain a motion to accept the minutes as presented.

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

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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: SITE PLAN REVIEW

MEMORANDUM

To: **Planning Commission**
From: **Mark Bassett, Planning Director**
Date: **March 2, 2016**
Subject: **Site Plan Review and Approval, Angels At Play Multipurpose Bldg., N. Dinwiddie**

Background:

The proposed site plan for an 1,800 square foot multipurpose building, which is to be an activity building for the existing Angels At Play daycare center located at 5810 Boydton Plank road (Route 1) behind the "Produce Center" store (see attached site plan titled, Angels At Play Multipurpose Building), as submitted by Angels At Play, LLC, and their engineer, Jeff Robinson and Associates, LLPC, is currently under review by the Land Development Committee (LDC) and as set forth in Zoning Ordinance Article X Site Plans, Dominion Virginia Power is following the Planning Commission site plan review process for the review and approval of the subject site plan. As set forth under Zoning Ordinance Sec. 22-421 (9) and (10) as part of the review and approval of a site plan the Planning Commission may waive or modify the requirements for buffers and screening under certain conditions, and as part of the site plan review Angels At Play, LLC, is requesting a buffer modification to the requirements for a 25-foot buffer along the northern portion of the subject development site.

The buffer modification involves modifying the 25-foot buffer requirement to allow for an 11-foot encroachment into the landscaped buffer where the back corner of the proposed multipurpose building encroaches into a section of the landscaped buffer. There are development constraints on the property that prevent the proposed multipurpose building from being shifted to the south to accommodate the entire length and width of the 25-foot landscaped buffer. The aforementioned constraints include a septic system pump station located between the proposed building and the existing daycare classroom building and an underground stormwater conveyance pipe that is also located between the proposed building and the existing daycare classroom building. These existing infrastructure improvements prohibit locating the proposed multipurpose building to the south further away from the northern portion of the site. The proposed multipurpose building does help to buffer the existing outdoor play area from the adjoining property to the north, and utilizing a building is a buffering method discussed in the buffer section of the Zoning Ordinance.

Staff Recommendation:

Staff recommends approval of the proposed site plan for the development of a multipurpose building as presented with a buffer modification given that there are development constraints on the existing site, the existing infrastructure improvements, which limit siting the multipurpose building on the subject property.

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Planning Commission Action:

WHEREAS, in accordance with Zoning Ordinance Article X Site Plans and Division 3 – Buffers and Screening, Sec. 421 – General Provisions (9) and (10) the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following site plan:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby (approve or disapprove) the Angels At Play Multipurpose Building site plan with the buffer modification as presented and subject to the additional administrative site plan amendments recommended by the Dinwiddie County Land Development Committee (LDC) review agencies as approved by the Planning Director.

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

Mr. Prosise asked what action is required from the Planning Commission.

Mr. Bassett said the Planning Commission is being asked to approve or disapprove the Site Plan as presented.

Mr. Blaha asked if there was going to be an outdoor play area for the children.

Mr. Bassett said it is his understanding that the outdoor play area that is currently there will still be in place.

The Chairman said if there are no more questions for Mr. Bassett he would entertain a motion at this time.

Mr. Blaha made a motion and read the following: WHEREAS, in accordance with Zoning Ordinance Article X Site Plans and Division 3 – Buffers and Screening, Sec. 421 – General Provisions (9) and (10) the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following site plan:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby approve the Angels At Play Multipurpose Building site plan with the buffer modification as presented and subject to the additional administrative site plan amendments recommended by the Dinwiddie County Land Development Committee (LDC) review agencies as approved by the Planning Director. It was seconded by Mr. Simmons and with Mr. Blaha, Mr. Hayes, Mr. Simmons and Mr. Prosise voting "AYE" the Site Plan with the buffer modification was approved.

RE: SUBDIVISION PLAT REVIEW

MEMORANDUM

To: **Planning Commission**
From: **Mark Bassett, Planning Director**
Date: **March 1, 2016**
Subject: **Subdivision Plat Review, Vaughan Road Estates, North Dinwiddie**

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Background:

The Vaughan Road Estates subdivision plat (see attached subdivision plat titled, Vaughan Road Estates, surveyed for William F. Maywalt being 7 lots totaling 15.599 acres +_ located on the east side of Route 675 (Vaughan Road), in Rohoic District, Dinwiddie County, Virginia) is currently under review by the Land Development Committee (LDC) and is subject to public review by the Planning Commission for approval. The subject property is zoned R-1, Residential Limited, which allows for single-family residential lots "by-right" at a minimum lot size of 1.50 acres per lot where each lot is served by an onsite well and an onsite septic system. The owner/subdivider is proposing to subdivide the subject property into seven single-family residential lots with each lot having frontage on Vaughan Road.
As Vaughan Road is classified as a collector road, there is a 25-foot landscaped buffer required along the frontage of each lot, and there is a 25-foot increase in the front building setback line; thus, the ultimate minimum front building setback line is 65 feet from the road right-of-way line or property line. The property owner/subdivider is proposing to dedicate 25 feet of property along the southeast side of Vaughan Road to the County for public use to allow for the front property lines to be uniformly located 25 feet from the centerline of Vaughan Road. One subdivision design amendment that VDOT staff (see the enclosed VDOT subdivision plat review comment letter) and County Planning staff recommend is that the proposed subdivision lots utilize shared driveway entrances thereby limiting the number of driveway access points along the collector road, Vaughan Road.

Staff Recommendation:

Staff recommends approval of the proposed subdivision plat for Vaughan Road Estates creating seven single-family residential lots with the following plat amendments: label and show the required 25-foot wide landscaped buffer along the frontage of each subdivision lot, and delineate and provide for three shared driveway entrances on the subdivision plat.

Planning Commission Action:

WHEREAS, in accordance with Subdivision Ordinance Division 3. Preliminary Plat, Sec. 18-47 and Sec. 18-48 the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following subdivision plat:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby (approve, approve with amendments as presented, or disapprove) the Vaughan Road Estates subdivision plat subject to the additional administrative site plan amendments recommended by the Dinwiddie County Land Development Committee (LDC) review agencies as approved by the Planning Director.

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

Mr. Blaha asked if the existing right-of-way, which is a private drive that comes out on Vaughan Road, will be used by lot one.

Mr. Bassett said he was not sure, but the applicant's representative is present and maybe he could answer that question. It is staff's recommendation that lot one utilize this existing entrance.

The Chairman said if there are no more questions for Mr. Bassett would the applicant's representative like to come forward and add anything or answer any questions.

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Mr. Hampton Gordon – 14100 Boydton Plank Road, Dinwiddie VA said VDOT wrote him a recommendation letter with three comments addressing the use of the ROW (right-of-way) easement. He said were:

> Lot 1 will need to utilize the existing entrance within the recorded 50' ROW easement unless prohibited by the R/W deed or easement language. A maintenance agreement between all of the users of the entrance will also be needed.
>
> VDOT would prefer that the proposed 10' easement outside of the ROW dedication be labeled as 10' VDOT slope and drainage easement.
>
> VDOT would prefer a common entrance serving two lots be provided centered on the common lot lines versus individual entrances. If individual entrances are provided, the entrances should be grouped together at the common property lines to limit the number of potential conflict points on Vaughan Road.

Mr. Blaha asked Mr. Bassett if the County's Zoning Ordinance allows for a person to access their property from a private road.

Mr. Bassett said yes it does as long as the subject lot actually has frontage on a public road.

Mr. Prosise asked if any consideration has been given to having one entrance instead of the four because of traffic concerns.

Mr. Gordon said as far as he knows no consideration has been given to having one entrance, but I think you would not want to run a new road parallel with the existing road along the front of the property for safety factors.

The Chairman said if there are no more questions for Mr. Bassett or the applicant's agent, Mr. Gordon, he would entertain a motion at this time.

Mr. Simmons made a motion and read the following: WHEREAS, in accordance with Subdivision Ordinance Division 3. Preliminary Plat, Sec. 18-47 and Sec. 18-48 the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following subdivision plat:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby approve with amendments as presented the Vaughan Road Estates subdivision plat subject to the additional administrative site plan amendments recommended by the Dinwiddie County Land Development Committee (LDC) review agencies as approved by the Planning Director. It was seconded by Mr. Blaha and with Mr. Blaha, Mr. Hayes, Mr. Simmons and Mr. Prosise voting "AYE" the Subdivision Plat review with amendments was approved.

RE: PUBLIC HEARING

Planning Commission Staff Report

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File#:	P-16-3
Applicant:	County of Dinwiddie, Virginia
Rezoning Request:	Residential, Conservative, R-R to Industrial, Limited, M-1
Property Location:	North side of River Rd. (Rt. 601) at the intersection of Hart Rd. and River Rd.
Tax Map Parcel #:	Part of 19-4
Acreage:	Approx. 2.741 acres
Magisterial District:	Rohoic District
Planning Commission Mtg.:	March 9, 2016

CASE OVERVIEW

The applicant, the County of Dinwiddie, Virginia, is requesting to rezone with proffers property containing approximately 2.741 acres from R-R, Residential Conservative, to M-1, Industrial Limited, in order to allow for a public manned convenience trash collection site.

The M-1, Industrial Limited, zoning classification allows for public facilities pursuant to the Zoning Ordinance allowed density. The property is located on the north side of River Rd. (Rt. 601) at the intersection of Hart Rd. and River Rd., and is further defined as part of Tax Map Parcel No. 19-4. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows service development for this general area.

ATTACHMENTS

- Rezoning Application
- Location Map
- Survey of Manned Trash Site
- Proffer Statement

LAND USE AND ZONING ANALYSIS

The subject property is located on the north side of River Rd. (Rt. 601) at the intersection of Hart Rd. and River Rd. The applicant is requesting the rezoning of a portion of the subject property, approximately two and one-half acres, from Residential, Conservative, R-R to Industrial, Limited, M-1 for the public manned convenience trash collection site serving the County residents living in this general area of Dinwiddie County.

The surrounding land uses include agricultural, open space, forestal lands, and low density single-family residential. The properties in this general area are zoned A-2, Agricultural, General, to the south across River Road; Residential, Conservative, R-R, to the west and north; and Residential, Limited, R-1 (Clay Estates Subdivision) east of the subject property.

The property under review is designated by the Comprehensive Land Use Plan (the "Plan") as being within the Urban Area. As such, the general area is expected to accommodate public service uses where needed to better serve the residents of this portion of the County. The manned convenience site replaces the unmanned dumpster sites that are poorly located and are unattended leading to improper use by individuals not living in Dinwiddie County and also resulting in illegal dumping and overuse.

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Chapter XI of the Comprehensive Plan outlines the policies, goals, and objectives of the County, and Section D., Public Facilities and Services, states "Provide County facilities and services necessary to promote a safe, healthful, and desirable community in which to live".

As previously stated, this general area is one of the areas of the County where a manned convenience trash collection site better serves the residents and allowed the County to clean up and/or close some of the unmanned dumpster/trash collection sites in this section of the County.

OVERVIEW OF DEVELOPMENT IMPACTS

Public Utilities, Public Safety & School System Impacts

As public water and sewer is not available in the area, the use of public water and sewer utilities is not proposed by the County. There is an onsite well for the County's site attendants to use for cleaning purposes only. An onsite porta potty is utilized for any sanitary sewer needs.

With the use limited to the manned convenience trash collection site, the impacts on public safety services are minimal.

Transportation Impacts

The impacts on the existing transportation network more specifically River Road, which is a major collector, from the manned convenience trash collection site are minimal and do not warrant the construction of any turn lanes.

PROFFER STATEMENT

The County has proffered to limit the use on the subject property to the public utility use for a manned-convenience trash site. In addition, the County did proffer to ensure that exterior building and parking lot lighting is directed inward and downward to the site to avoid casting site lighting on to the adjacent properties and into the night sky.

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, M-1, Industrial, Limited, with proffers is compatible with the surrounding zoning pattern and surrounding land uses;

2. The requested zoning classification, M-1, Industrial, Limited, with proffers conforms to the underlying uses recommended in the Urban Area of the Comprehensive Land Use Plan for this general area.

PLANNING COMMISSION RECOMMENDATION

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Since this is a zoning matter, the standard statement regarding the Planning Commission's recommendation to the Board of Supervisors is set forth below:

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 request, P-16-3, as presented be recommended for (approval, approval with proffers OR disapproval) to the Board of Supervisors.

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

Mr. Blaha asked if the entire 58 acres is zoned R-R or is it just the 2.5 acres.

Mr. Bassett said the entire property is zoned R-R.

Mr. Prosise asked if this is an existing manned site.

Mr. Bassett said yes it is one of the existing manned trash sites.

Mr. Blaha asked if there was an existing landscaped buffer in place.

Mr. Bassett said yes there is an existing landscaped buffer in place around the perimeter of the manned trash site.

The Chairman asked the members if they had any more questions for Mr. Bassett. He said since there are none would the applicant like to come forward and add anything additional if they so choose.

Mr. Massengill, County Administrator for Dinwiddie County said he didn't have too much more to add to what Mr. Bassett presented. However, he did want the Commissioners to know how the County acquired the property. The Dinwiddie County Public Schools acquired the property some years ago with the expectation that this would be an ideal location for an elementary school. Around 2004-2005 when the County was looking at replacing Rohoic Elementary School and build Sutherland Elementary School the County and school system went to this location and it had the right acreage but not the right size or format for what the County and school system were considering. The property has a lot of undulations or poor topography, so the County and school system did not feel it would be advantageous to build a large elementary school at this location. With the school system not having any future use for the property, the school system decided to give it back to the County. I was tasked by the Board of Supervisors to look at all the County owned properties and a list of 30 to 40 properties emerged from that task. I recommended to the Board of Supervisors that the County surplus some of these underutilized properties because they have been off the tax rolls for a few decades. My point was it wasn't doing the taxpayers any good just letting the properties sit idle, but if the County surpluses them there could be some private interest for development in the future. Another thing I shared with the Board of Supervisors concerning this property was, it is contiguous to larger pieces of property that front on Lake Chesdin, and this means that this property could be a good secondary entrance to some future development/growth on Lake Chesdin.

The Chairman asked the members if they had any questions for the applicant. He said since there are none he was opening the public hearing portion of the case.

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Mr. Robert Dilworth – 20008 River Road, Sutherland VA said he was concerned about whether or not the rezoning was going to affect his property, which is contiguous to the County manned site property. He said after hearing what is going on he is okay with the rezoning.

The Chairman said since there is no one else to speak he was closing the public hearing portion of the case. He asked the Commissioners if they had anything else they wanted to discuss before they vote.

Mr. Blaha 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 request, P-16-3, as presented be recommended for approval with proffers to the Board of Supervisors. It was seconded by Mr. Hayes and with Mr. Blaha, Mr. Hayes, Mr. Simmons and Mr. Prosise voting "AYE" the rezoning with proffers was approved.

IN RE: COMMISSIONERS' COMMENTS

Dr. Prosise said he wanted to compliment Mr. Gene Jones for the fantastic job he and his maintenance guys did in cleaning up the unmanned trash site in Wilsons. It looks better than it has looked in the last ten years, and I just wanted him and his guys to know how all the citizens in that area felt.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said he wants to make the members aware that the April 13th 2016 Planning Commission meeting is being moved back one week to April 20th 2016. He said as per the by-laws this could be done. There is one applicant who will be coming before you and it's the "Queen of Angels" subdivision owned by Patrick Casale. He is coming back to request an amendment to his proffers. His fifteen lot subdivision was one of those that came in under the original cash proffer policy. Seeing the other request related to cash proffers come forward he decided to request for his cash proffers to be amended.

The Chairman asked the members if they had any problems with the April meeting being moved from the 13th to the 20th. Mr. Hayes made a motion to declare a special meeting of the Dinwiddie County Planning Commission for April 20th, 2016 in lieu of its regularly scheduled meeting on April 13th, 2016. It was seconded by Mr. Blaha and with Mr. Blaha, Mr. Hayes, Mr. Simmons and Mr. Prosise voting "AYE" the new meeting date was accepted.

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. Simmons seconded it and with all other members voting "Aye" the meeting adjourned at 8:43 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

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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.

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 MB **Case No.:** AP-16-1
Date Rec'd March 1, 2016 **Fee Amount:** $1,500.00
Time Rec'd _____ **Receipt No:** 16-066
Pre-Application Conference Date: _____
This application has been amended: YES (NO)
Reviewed by: MB

Advertised for April 20 P.C. Mtg. May 11, 2016 7:00 P.M.

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#: _____

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: Propers Amendment Cul de Sac total Lots on Road 24 Radius should be 35 foot. Remove $629.00 Fee per house

Existing Zoning: RR 1
Proposed Zoning: _____

Existing Acreage: 49.2
Proposed Acreage: _____
Total Acreage: _____

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): Patrick Casale Home/Cell# 804 943-9665
Address: 14862 Archangel Place Dewitt VA 23840 Work# _____
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):
same as above

Contact# _____

Property Tax Parcel Number: 54-30

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

Phone# _____

Cuhullian44@Yahoo.com

4.) SUBJECT PARCEL INFORMATION

General Location of Project: at the end of Archangel Place

Tax Map # 54-30
Subdivision Name: Queen of Angels
Section: _____ Block _____
Address: _____
Zoning: RR1 Acreage _____
Existing Use: _____
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: _____

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.:**

45' Radius is Langer than the Requirements for 24 houses or less, To Remove the propers fee of $5,629.00 Reduced Sq ft Requirement to 1600 for two Story and 1200 sq ft for Ranch not including garage sq ft These will Frame built on site houses

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.:**

It will provide housing on vacant Land that During hunting season is trespassed on and some Individuals act in an unsafe manner

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

N/A

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

The economy of Dinwiddie County is not full of The Higher incomes Required to buy houses under Current Requirements

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.**

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: 10/15, 2015

SIGNATURE OF AGENT* _____

(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** Patrick Canal

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

APPLICANT'S NAME Patrick Casale

(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.

Dinwiddie County, VA

Legend

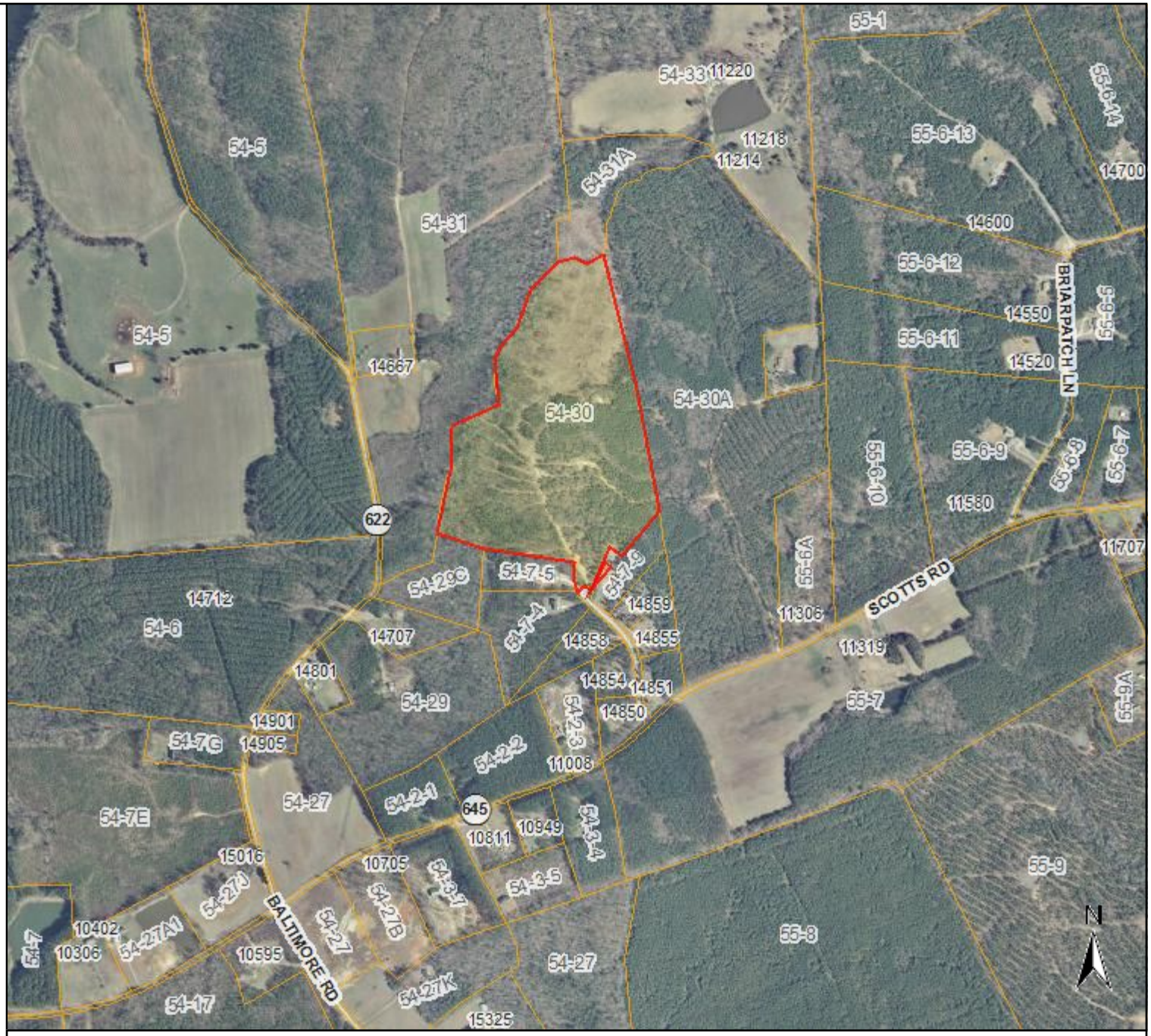
Road Labels

County Boundaries

Addresses

Parcel Labels

Parcels



Title: Tax Map Parcel 54-30 Queen of Angels Sec. 2

Date: 4/15/2016

Feet

0 200 400 600 800

1:12,000 / 1"=1,000 Feet

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

T.P. 54 - 31A
NOW OR FORMERLY
JOHN R. RAGSDALE
D.B. 271 - PG. 276
P.D.B. 92 - PG.
LOCATION MAP
SCALE : 1" = 2 MILES
THIS SITE
613
622
610
646
645
T.P. 54 - 30
PARCEL 2
CHARLES L. DUNN, JR.
& ELSIE M. DUNN
D.B. ___ - PG. ___
T.P. 54 - 30
PARCEL 1
REFERENCE FOR SURVEY
D.B. 328 - PG. 125
P.D.B. 62 - PG. 3
SECTION # 2
SECTION # 3
ARCHANGEL PLACE
N
S
E
W
DOWNING SURVEYS, INC.
(FAX) 798-3546
QUEEN OF ANGELS ESTATES
SECTION 2
TENTATIVE PLAN

Deed #06-4358

Return to: Michael Drewry
Dinwiddie County Attorney
P. O. Drawer 70, Dinwiddie, VA 23841

COPY

Tax Parcel No. 54-30

PROFFERS

THESE PROFFERS are made this February 16 2006, by Patrick W. Casale, together with his successors and assigns, the "Owner".

R05-11

RECITALS

A. Owner legally possesses the tract or parcel of land located in Dinwiddie County, Virginia, with an address of Scotts Road, Dewitt, Virginia and being Tax Parcel No. 54-30, containing approximately 54.5 acres, (the "Property"),

B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Agricultural, General A-2. Owner has applied to rezone the Property from Agricultural, General A-2 to Residential, Rural RR-1, with proffers as follows.

C. Owner desires to offer to Dinwiddie County (the "County") certain conditions on the development of the Property not generally applicable to land zoned Residential, Rural RR-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, Pursuant to §15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that he shall meet and comply with all of the following conditions in developing the Property. If the rezoning is not granted by the County these proffers shall be null and void.

CONDITIONS

1. A Dry Hydrant shall be installed into any existing pond with adequate access for fire vehicles, if requested by the County.
2. The radius of pavement in the cul-de-sac of the main road shall be a minimum of 45' radius for school bus and emergency vehicle turn around.
3. No structure shall be erected on any parcel of land in the subdivision other than dwellings for single-family occupancy and necessary appurtenant outbuildings, which said outbuildings may be used only for ancillary residential purposes. No dwellings or buildings will be used for commercial purposes other than home occupations, per approval by the County.
4. All residences shall not contain less than 2,000 square feet exclusive of porches, decks, carport or garage in the subdivision.
5. No trailer, shack, garage, barn or other outbuildings erected on the property shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.
6. No manufactured homes, mobile homes or modular homes shall be allowed on any parcel, which such condition shall be included and enforced in the covenants and conditions.
7. No inoperable vehicles or unlicensed vehicles shall be allowed on any lot for over 30 days, unless stored in a fully enclosed garage, subject to applicable sections of the County Code.

8. No livestock or farm animals shall be permitted. However, pets, such as cats, dogs, horses, ponies or the like, shall be permitted, provided they do not constitute a nuisance to the other lot owners.
9. Prior to final County approval of any subdivision plat for the Property, the Owner shall furnish satisfactory evidence to the County Health Department and the County that there exists on each lot an effective site for a well and an effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
10. All streets in the subdivision shall meet state standards and shall be taken into the state road system.
11. In order to assist the County with mitigation of impacts on the County from the development of the Property, a contribution of $5,629.00 per lot shall be paid to the County prior to the issuance of each building permit. The County may use these funds for any project in the County's Capital Improvement Plan, the need for which is generated in whole or in part by the physical development and operation of the Property.
12. The per lot contribution paid each year pursuant to §11 shall be adjusted annually beginning January 1, 2007 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)(the "CPI") prepared by the U. S. Bureau of Labor Statistics of the U. S. Department of Labor. In no event shall the per lot contribution be adjusted to a sum less than the amount set in §11. In the event the CPI is not available, another reliable government indicator approved by the County may be relied upon in establishing an inflationary factor for purposes of determining the per lot contribution to approximate the rate of annual inflation in the County.

13. The Owner shall limit the total number of lots on the property to a maximum of fifteen (15).

WITNESS the following signatures:

PATRICK W. CASALE, Owner

STATE OF VIRGINIA,
County of Dinwiddie, to-wit:

The foregoing instrument was acknowledged this 16 day of February, 2006 by PATRICK W. CASALE, Owner.

Notary Public

My commission expires: January 31, 2007

casalePROFFERS

INSTRUMENT #060004358
RECORDED IN THE CLERK'S OFFICE OF
DINWIDDIE ON
SEPTEMBER 6, 2006 AT 11:24AM
ANNIE L. WILLIAMS, CLERK

RECORDED BY: SRC

16-4358

DINWIDDIE CIRCUIT COURT CLERK'S OFFICE
LODGED
at 11:24 o'clock A. M

SEP 06 2006

and with Certificate annexed,
Sandra L. Williams, Clerk
By. Sylvia R. Quarath
D.B. 755 Page 299 & Examined

Tax Parcel No. 54-30

AMENDED PROFFERS

THESE PROFFERS are made this _____ day of April 2016 by Patrick W. Casale, together with his successors and assigns (the "Owner").

RECITALS

A. Owners legally possess the tract or parcel of land located in Dinwiddie County, Virginia, (the "County") and being Tax Parcel No. 54-30 containing approximately 54.5 acres (the "Property").

B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Residential Rural, RR-1, with proffers.

C. The original Proffers are dated February 16, 2006 and were signed by Patrick W. Casale, Owner, and the Dinwiddie County Board of Supervisors accepted the Proffers on March 21, 2006. The original proffers were recorded on September 6, 2006 under Instrument #060004358.

D. The Owner is amending and restating the original Proffers in their entirety to thereby remove the voluntary cash proffers associated with the Property; to reduce the radius of pavement for the cul-de-sac of the main road (Archangel Place) from a 45-foot radius to a minimum of 35-foot radius of pavement; and to reduce the minimum square feet for a two-story dwelling from 2,000 square feet to 1,600 square feet and to 1,200 square feet for a one-story ("ranch style") dwelling.

NOW, THEREFORE, for and in continuation of the approval of the requested Amended Proffers, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that he shall meet and comply with all of the following conditions in developing the Property. If the requested amendment is not granted by the County, these Amended Proffers shall be null and void. The Amended Proffers are restated in their entirety as follows:

AMENDED CONDITIONS

1. A dry hydrant shall be installed into any existing pond with adequate access for fire vehicles, if requested by the County.
2. The radius of pavement in the cul-de-sac of the main street shall be a minimum 35- foot radius.
3. All streets in the subdivision shall meet state, Virginia Department of Transportation (VDOT), standards and shall be taken into the state road system for maintenance.
4. No structure shall be erected on any lot or parcel of land on the Property other than dwellings for single-family occupancy and necessary appurtenant out buildings, which said out buildings may be used for ancillary residential purposes. No dwellings or buildings will be used for commercial purposes other than home occupations, per approval by the County.
5. All dwellings constructed on any lot or parcel of land on the Property shall not contain less than 1,600 square feet for a two-story dwelling and 1,200 square feet for a single-story ("ranch style") dwelling exclusive of porches, decks, carports or garages.
6. No trailer, shack, garage, barn, or other outbuildings erected on any lot or parcel of land on the Property shall at any time be used as a dwelling temporarily or permanently, nor shall any dwelling of a temporary character be permitted.
7. No manufactured homes, mobile homes, or modular homes shall be allowed on any lot or parcel of land on the Property, which such condition shall be included and enforced in the covenants and conditions of the subdivision of the Property.
8. No inoperable vehicles or unlicensed vehicles shall be allowed on any lot or parcel of land on the Property for over 30 days, unless stored in a fully enclosed garage, subject to applicable sections of the County Code.
9. No livestock or farm animals shall be permitted on any lot or parcel of land on the Property. However pets such as cats and dogs shall be permitted provided they do not constitute a nuisance to the other lot owners in the subdivision.

10. Prior to final County approval of any subdivision plat for the Property, the Owners shall furnish satisfactory evidence to the County Health Department and the County that there exists on each lot an effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
11. The Owner shall limit the total number of lots or parcels of land on the Property to a maximum of fifteen (15).

WITNESS the following signature:

_____
Patrick W. Casale, Owner

STATE OF VIRGINIA

COUNTY OF _____, to wit:

The foregoing instrument was acknowledged this _____ day of March 2016, by Patrick W. Casale, Owner.

My commission expires: _____

_____
Notary Public