Dinwiddie County Planning Commission

Regular Meeting Agenda
November 9, 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:

   September 14, 2016 Reg Meeting Minutes.pdf

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

   A. **CASE P-16-8**

   The applicant, Leonard F. Harrison, III, is requesting to rezone with proffers property containing approximately 2.863 +/- 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. The property is located on the north side of Boydton Plank Road (Route 1) approximately 700 feet south of the Route 1 and Hofheimer Way intersection, and is further defined as a part of Tax Map Parcel No. 21-112. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows medium density residential and commercial uses for this general area.

   Documents:

   P-16-8 Nov 9 2016 PC Staff Report.pdf
   Rezoning Application P-16-8.pdf
   Case P-16-8 Location Map.pdf

Proffer Statement.pdf

8. **OLD 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 14th DAY OF SEPTEMBER 2016 AT 7:00 P.M.

PRESENT:	DR. EVERETTE M. PROSISE	CHAIRMAN	DIST #1
	EDWARD TITMUS III		DIST #2
	JOHN L. HARVELL		DIST #3
	ANTHONY SIMMONS	VICE CHAIRMAN	DIST #5
	THOMAS E. TUCKER, JR.	AT-LARGE	DIST #2
ABSENT:	BUTCH W. CUNNINGHAM		DIST #4
	SAMUEL W. HAYES	AT-LARGE	DIST #1
OTHER:	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. Cunningham and Mr. Hayes were not present. They had informed the Planning Commission of that at last month's meeting.

IN RE: APPROVAL OF AGENDA

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

Mr. Titmus made a motion that the agenda be accepted as presented. It was seconded by Mr. Tucker and with Mr. Harvell, Mr. Titmus, Mr. Tucker, Mr. Simmons and Mr. Prosise voting "AYE" the agenda was accepted.

IN RE: MINUTES

The Chairman said we have the minutes from the August 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. Tucker made a motion that the minutes be accepted as presented. It was seconded by Mr. Titmus and with Mr. Titmus, Mr. Tucker, Mr. Harvell, Mr. Simmons and Mr. Prosise voting "AYE" the minutes were accepted as presented.

DRAFT

IN RE: CITIZEN COMMENTS

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

IN RE: PUBLIC HEARING

Planning Commission Staff Report

File #:	P-16-7
Applicant:	Associated Contracting Services, Inc.
Rezoning Request:	Rezone from M-2, Industrial General, to B-2, Business General, with Proffers
Property Location:	North side of Hofheimer Way (Route 775) approximately 1,200 feet east of the Route 1 and Hofheimer Way intersection
Tax Map Parcel Info:	Portion of 21-7-5B
Property Size:	Approximately 4.138 +/- acres
Magisterial District:	Rohoic District
Planning Commission Mtg.:	September 14, 2016

CASE OVERVIEW

The applicant, Associated Contracting Services, Inc., is requesting to rezone with proffers property containing approximately 4.138 +/- acres from M-2, Industrial General, to B-2, Business General. The B-2, Business General, zoning classification allows for certain commercial uses pursuant to the Zoning Ordinance allowed density. The property is located on the north side of Hofheimer Way (Route 775) approximately 1,200 feet east of the Route 1 and Hofheimer Way intersection, and is further defined as Tax Map Parcel No. 21-7-5B. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited commercial and industrial uses for this general area.

ATTACHMENTS

Rezoning Application – Location Map – Concept Plan – Statement of Proffers

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject property include commercial land uses to the west and north along Route 1 and at both southern quadrants at the intersection of Hofheimer Way and Route 1, which property is zoned business/commercial. There is an approved site plan for a retail development for the portion of property located at the southeastern quadrant of the Hofheimer Way and Route 1 intersection, and the property to the immediate west was recently rezoned to B-2, Business General, with proffers. North of the subject property is the Agri-Nutrients fertilizer plant, which is zoned industrial, and to the west is the driveway/entrance at Hofheimer Way for the aforementioned fertilizer production facility. To the east of the subject property is the historic Banks House, which is part of Pamplin Park. To the south across Hofheimer Way is undeveloped property which is zoned M-1, Industrial Limited, and this property is owned by Roslyn Farm Corporation. The requested zoning, B-2, Business General, acts as a transitional Zoning District as the uses and zoning in the area transition from commercial to the existing Pamplin Park Banks house property and the existing industrial uses in this general area along Hofheimer Way.

DRAFT

In addition to the Zoning Ordinance requirements for development in the B-2 Business General, Zoning District, the applicant has proffered to limit the uses on the subject property to general retail and office uses, and hotels and motels; to limit the architectural materials used in constructing the building(s) on the property to the exterior finish of any building(s) shall be as follows: brick, vinyl and/or wood on the front; brick, vinyl, wood and/or stucco on the sides, and brick, vinyl, wood, stucco and/or metal on the rear.

The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s); and to maintain site lighting so as to not cast off onto the surrounding property or into the night sky. Rezoning the property with the aforementioned proffer conditions is compatible with the surrounding Zoning pattern.

The subject property is located within the Urban Area as defined by the Comprehensive Land Use Plan. This portion of the Urban Area indicates that limited commercial and industrial development is appropriate within this general area of the Route 1 and Hofheimer Way intersection. As such, the requested B-2, Business General, District with the proffered uses is compatible with the surrounding commercial and industrial zoning districts as defined in the Zoning Ordinance.

OVERVIEW OF IMPACTS

Public Safety, & Public Utilities Impacts

With the proposed rezoning to B-2, Business General with proffers which limit the permitted uses on the subject property the potential impact on public safety will be minimal with the rezoning of the subject property with the proposed building(s) 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 accessible along Hofheimer Way to serve the subject property and property in this general area.

Transportation Impacts

The impacts on the existing transportation network are minimal with the trips generated by the proposed use. The road system in this particular area, namely Route 1 and Hofheimer Way, is adequate to handle the employee and truck traffic generated by the proposed use. When the subject property is developed, all future transportation related improvements for access to the subject property will have to meet VDOT entrance design and construction requirements and standards as part of the site plan review process.

PROFFER STATEMENT

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

Conditions

1. The uses on the Property shall be limited to general retail and office uses, except that the Property also may be used for hotels and motels. The Property will not be developed for the following uses: a discotheque, dance hall or night club; a massage parlor; or any establishment selling or exhibiting paraphernalia for use with illicit drugs; any establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction; and any adult bookstore, adult video store or adult movie theatre.

DRAFT

2. The exterior finish of any building(s) shall be as follows: brick, vinyl and/or wood on the front; brick, vinyl, wood and/or stucco on the sides, and brick, vinyl, wood, stucco and/or metal on the rear. The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s).
3. Except for the lighting inside building(s), any lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on adjacent properties or 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 to Business General, B-2, based on:

1. The zoning classification requested, B-2, Business General, with the proffers limiting the use of the property to the conditioned 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-16-7 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. Titmus asked if the Hillcrest Transportation site is zoned M-1 and he asked if they owned both parcels.

Mr. Bassett said their property is zoned M-1 and they own both parcels.

Mr. Prosise asked what the zoning was for the Agri-nutrients site and what the zoning was for the Banks house, which is located next to this property.

Mr. Bassett said the Agri-nutrients site was zoned M-2 and Mr. Banks house is zoned A-2.

Mr. Prosise asked what is the zoning of the western most portion of the property across from Ron's Muffler, and what did we (the Planning Commission) rezone the piece connected to it.

DRAFT

Mr. Bassett said the western most piece was originally zoned B-2 and the piece connected to it was rezoned from M-1 to B-2. The "connected property", which was recently rezoned to B-2, went to the Board of Supervisors in August and they recommended approval of that rezoning by a 4 to 1 vote.

Mr. Prosise asked if it is too early to discuss traffic impacts.

Mr. Bassett said we talked about possible traffic impacts at our Land Development Committee (LDC) meeting and VDOT staff did not indicate that the traffic generated would have any significant impacts.

The Chairman said if there are no more questions for Mr. Bassett from the members, would the applicant like to come forward and add anything.

Mr. Nicolas Walker who is the land owner with Roslyn Farm Corporation, 320C Charles Dimmock Parkway-Suite 1, Colonial Heights VA said we originally developed the site for industrial purposes, however, do to the wetlands, size, topography, and other natural restrictions of the site, it's very difficult for an industrial business to fit on it. So having an applicant that wanted to use the site and possibly bring in additional development along with them for the area we thought it would be a good business decision to request a commercial rezoning for this site.

Mr. Titmus asked Mr. Walker if a rezoning to B-2 has just been granted to you for a site right next to this site, why doesn't the applicant put his business on it.

Mr. Walker said that is a larger piece of property and we rezoned that piece for two multipurpose buildings. I believe the applicant wanted a smaller site and this site fits what they wanted.

The Chairman said if there are no questions for the applicant he was opening the public hearing portion of the case. He asked if there was anyone signed up to speak.

Dr. Ben Wilson, 23011 Airport Drive, North Dinwiddie the owner of the adjacent (Agri-Nutrients) property said he bought his piece of property with the understanding that it would be in an industrial area. My concern is that a different zoning other than industrial is being proposed. We are going to have heavy truck traffic flowing into and out of this site. We don't want to start receiving notices that the constant flow of trucks are too many and too noisy. That is my main concern.

The Chairman said if there is no one else signed up to speak he was closing the public hearing portion of the case. He asked the Commissioners if they had any additional comments.

Mr. Prosise asked Mr. Bassett if he knew how the prospective business feels about the Agri-Nutrients business with the foreseen noise and truck traffic.

Mr. Bassett said the prospective business owner, the State Parole Board, when they held their Public Hearing after the September Board of Supervisors meeting, did not indicate they had a problem with the truck traffic and possible noise. The State Parole Board spoke favorably about the site.

Mr. Titmus said there are other business properties on Route 1 that could house this business. Also, we just rezoned a property right next to this one for two 9,000 square foot buildings, and I don't understand why they can't utilize one of those buildings. I think we have an industrial area and those remaining properties should stay industrial.

DRAFT

When I was on the Planning Commission before we tried very much to adhere to that part of the resolution that said, it's a public necessity, it's for the convenience of the County, general welfare of its citizens and it's a good zoning practice. I was told that if it doesn't meet all of those criteria then we should not proceed or recommend it for approval. I don't see this rezoning as a public necessity. I don't see it necessarily as a convenience. I definitely don't see it as a general welfare and I think the M-1 Zoning District is a better zoning practice for that location.

Mr. Tucker said we need to be very careful with the decision we make concerning this rezoning. The time for directing a company to a certain site should happen long before it gets to us. By the time it gets to us it should almost be a concluded matter. I believe if we start directing prospective business to choose other locations when they come to us we run the risk of losing that business altogether.

Mr. Harvell said we have two desires before us. One is for industrial development and the other is for office space. I'm not quite sure how I would vote because, I'm still hung up on the tax revenue that could potentially be generated from either zoning.

Mr. Southall told Mr. Harvell that from a zoning point of view tax revenue is usually not considered if you have "X" tax revenue in one hand and "Y" tax revenue in the other. But in your Planning Commission's purpose of the Zoning Ordinance Section 15.2-2283 item 7 it says, "To encourage economic development activities and provide desirable employment and enlarge the tax base." That statement allows you to consider something that will quote on quote provide desirable employment and enlarge the tax base. So tax revenue would be within the broad realm of what could be considered. It should be noted, however, that type of comparison is not something that is really considered in Virginia. It's something that traditionally Planning Commissioners are advised not to consider.

Mr. Prosise said all of us want to do what's best for the County as well as the land owner. Every argument tonight has been valid. It is always unfortunate that when we have a case that comes before us and it looks like all the skids have been greased, in other words some things have already happened that seems to make our decision almost a moot point. It would be better if in cases like this, we knew ahead of time they were coming. If we knew we could make the zoning changes then. This would stop us from having to make them after the fact or when the applicant comes before us because someone is interested in buying their property. We have a very good corporate partner with Roslyn Farms and I don't want to do anything that would make them feel the County is unappreciative of their commitment to the County. The comparison case I see is the Luck Stone Quarry case that came before us. They are an excellent company, but the location was not suitable. There is a dilemma that I'm in and that is trying to figure out what's good for the businesses that are already there and are there other options that would give us more office space as well as maintain the commercial flavor of that area.

Mr. Kenneth Jolly, President of Associated Contracting, representing the applicant, 3303 Airline Blvd, Portsmouth, VA said we are the owners of a probation and parole company out of Newport News, VA. The cost of the project is going to be $2.2 million and currently in Newport News we are located right next to the Port Authority. We have Tractor Trailers by the hundreds coming and going, so truck traffic and the noise it generates will not be problem for us.

DRAFT

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, I move that rezoning P-16-7 as presented be recommended for approval with proffers to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Harvell, Mr. Tucker, Mr. Simmons voting "AYE" and Mr. Prosise, Mr. Titmus voting "NO" the rezoning with proffers was approved to the Board of Supervisors.

IN RE: OLD BUSINESS

Large Area County Rezonings:
Namozine Rd. northeast to Sutherland Rd. area and West Petersburg area.

Comprehensive Plan Update:
Recreation Chapter and Community Facilities Chapter.

Mr. Bassett said he was giving updates on projects that we have talked in our past meetings in July and August. Jamie Sherry and I are still working on the two areas that the Board of Supervisors is proposing for rezoning. I believe staff should be able to bring something to you for review at your next meeting. Staff would also include the Comprehensive Plan updates on the Recreation and Community Facilities Chapters as well. The Recreation Department asked for additional review time as they prepare for the County Fair.

IN RE: COMMISSIONERS' COMMENTS

Mr. Tucker said he agrees with what Mr. Titmus said, in his concern that when companies look to locate in the County they should be shown all the available sites that meet their site location qualifications. Once they decide on a site, then we should move to the next step in the process. I don't think it is fair to let them spend all that money and then tell them no they cannot build on a given site.

Mr. Prosise said I understand what Mr. Tucker is saying, but it is our job to place things in the County where they should go and are best suited. We have told businesses on many occasions that they can't go or build where they want to. I don't think the argument of us telling them no because it is too late in the game has anything to do with our decision on zoning. Our thought should be is this the best use of this land? Does it benefit who is there and does it benefit the County? I don't want to give up the industrial corridor that has been created on Hofheimer Way, by putting in office space that has the ability to go other places. I'm wondering if we are creating future conflicts by saying yes. I believe it's easy to find space for that office type of business than it is for industrial businesses.

Mr. Titmus said what bothers him is the fact that they are a State entity. They own a huge parcel of property where they are currently located. Why are they not putting it on that property? We have so much M-1 and M-2 zoned property in that area I just feel like we are better to just keep it zoned that way. We have already gone out of our comfort zone to rezone the other piece to B-2. I had reservations about that rezoning, but I said I can make a concession for Roslyn Farms Corporation, Inc. They are good business people in our County so let's help them some. But for this property I believe they are taking the easy route. The applicant already rented from Roslyn Farms and Roslyn Farms wants to continue that relationship. The applicant's paperwork is already in the system. There is no going back to be reapproved. I believe they should take the right route which is leaving the property zoned the way it is and drawing in a business that fits the current M-1 zoning.

DRAFT

Mr. Harvell said with no additional information from the applicant and this being his first time hearing about this project, he voted yes so it would be left in the hands of the Board of Supervisors.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said at the latest scheduled Design Guidelines Committee meeting only two people were in attendance, so I am in the process of rescheduling the meeting.

IN RE: ADJOURMENT

The Chairman said since there are no additional comments or business he would entertain a motion to adjourn. Mr. Titmus made a motion and Mr. Simmons seconded it and with all other members voting "Aye" the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

DRAFT

Planning Commission Meeting Staff Report

File #:	P-16-8
Applicant:	Leonard F. Harrison, III
Rezoning Request:	Residential, Limited, R-1 to Business, General, B-2
Property Location:	north side of Boydton Plank Road (Route 1) approximately 700 feet south of the Route 1 and Hofheimer Way intersection
Tax Map Parcel #'s:	Part of 21-112
Property Size:	2.863 acres
Magisterial District:	Rohoic District
Planning Commission Mtg.:	November 9, 2016

CASE OVERVIEW

The applicant, Leonard F. Harrison, III, is requesting to rezone with proffers property containing approximately 2.863 +/- 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. The property is located on the north side of Boydton Plank Road (Route 1) approximately 700 feet south of the Route 1 and Hofheimer Way intersection, and is further defined as a part of Tax Map Parcel No. 21-112. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows medium density residential and commercial uses for this general area.

ATTACHMENTS

Attachments - Rezoning Application, Location Map, Proffer Statement

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject property include a mix of residential and commercial land uses. The rear portion of the subject property is zoned R-1, Residential Limited, which is owned by the applicant, and the adjoining property to the north and east is zoned B-2, Business General. The Church property to the east across Route 1 is zoned B-2, Business General with one property in between the commercially zoned properties zoned A-2, Agricultural General. The property to the immediate south and west of the subject property is zoned R-1, Residential Limited.

The subject and surrounding property is identified in the Route 1 and Route 460 Corridor Enhancement Study, and when the study was adopted it became a part of the Comprehensive Plan. In the Corridor Enhancement Study, the subject property is considered a part of the Visitor Focus Area and commercial/service development is identified for this general area. Additionally, in the Comprehensive Land Use Plan the subject property is located within the Urban Growth 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, and given the location of the subject property fronting on Route 1 and located between the Hwy. 460 and Route 1 and the Route 1 and I-85 interchanges as well as being located adjacent to other existing commercial businesses and B-2 zoned property, it is well suited for general business uses requiring frequent vehicular access.

OVERVIEW OF IMPACTS

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

The impacts of the proposed commercial rezoning of the subject property are minimal. Currently, there is no negative impact to the public utility system and future impacts will not require any major utility upgrades. Any future development will be subject to Dinwiddie County Water Authority (DCWA) reviews and utility connection agreements.

There is no impact on the public school system with the proposed rezoning. The potential impact on public safety will be subject to the any changes in the future use of the property, and there are no concerns with developing the commercially. The location of the property is well suited for responding to public safety related calls.

Transportation Impacts

The impacts on the existing transportation network are dependent on the future use of the property. The subject property has direct access to Route 1 and the applicant/owner has indicated that the existing driveway may be utilized as a shared commercial entrance for the existing commercial uses and the future commercial use of the property. The commercial driveway access points and commercial entrance design will be evaluated by VDOT at site plan review. Under current VDOT Code when there is a proposed change in use, the road network in this area will have to be evaluated to see if road improvements such as a taper or a turn lane is warranted to handle the additional traffic generated by the proposed use. The transportation related improvements will have to be designed and planned during the site plan review and approval process.

Staff Recommendation:

Proposed Proffer Conditions:

1. The uses on the Property will be limited to all conforming legal businesses allowed for B-2 business development.
2. The building materials will consist of the following: front will be brick, stone, decorative block, with glass windows.
3. All joining properties will have buffer consisting of privacy fence or trees and shrubs.

The planning staff has reviewed the rezoning request and staff recommends APPROVAL of the request to rezone the subject property to B-2, Business General with proffers 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 conforms to the underlying uses recommended in the Route 1 and Route 460 Corridor Enhancement Study and those uses recommended in the Urban Growth 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 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-16-8 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 9-27-16 Case No.: P-16-03
Date Rec'd 9-27-16 Fee Amount: $1500
Time Rec'd 1:30pm Receipt No: 29172
Pre-Application Conference Date: 9-21-2016
This application has been amended: YES NO
Reviewed by:

Information must be typed or printed and completed in full.
Attach additional page(s) 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: Rezone Land From R-1 to B-2

Existing Zoning: R-1
Proposed Zoning: B-2

Existing Acreage: 12.0
Proposed Acreage: 2.863
Total Acreage: 2.863

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): Leonard F. Harrison III Home/Cell# 804-731-6454
Address: 5910 Boydton Plank Rd. N. Dinwiddie Va. 23803 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):
L.F. Harrison III
[redacted]
Contact# 804-731-6454
Property Tax Parcel Number(s): 21-112

Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.):
5910 Boydton Plank Rd.
N. Dinwiddie, Va. 23803
Contact#

4.) **SUBJECT PARCEL INFORMATION**

General Location of Project: on Boydton Plank across from Petersburg Trading

5914 Boydton Plank Rd.

Tax Map # 21-112
Subdivision Name:
Section: Block
Address: 5914 Boydton Plank Rd.
Zoning: R-1 Acreage 12.0
Existing Use: R-1
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.:**

Locating a Future Automotive Business + Display Area For Existing outdoor Business

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.:**

Public W + S Avail
Shared Entrance
No Extra Population

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:**

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 #
CW + Shirlen Harrison	6904 Boydton Plank Rd. N. Dinwiddie, Va. 23803	21-111
Petersburg Trading	5923 Boydton Plank Rd. N. Dinwiddie, Va. 23803	21-51 A
L.F. Harrison III Leann Harrison	5908, 5906 5910 Boydton Plank Rd.	21-113 A
" SAME "	N. Dinwiddie, Va., 23803	21-113 F
James R. Daniel Thomas L. SR	5909, 5913, 5917 Boydton Plank Rd. N. Dinwiddie, Va. 23803	21-51
Harvill Mildred A		

(Applicant)

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: Sept. 27, 20 16

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** _____

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

APPLICANT'S NAME L. F. Harrison III

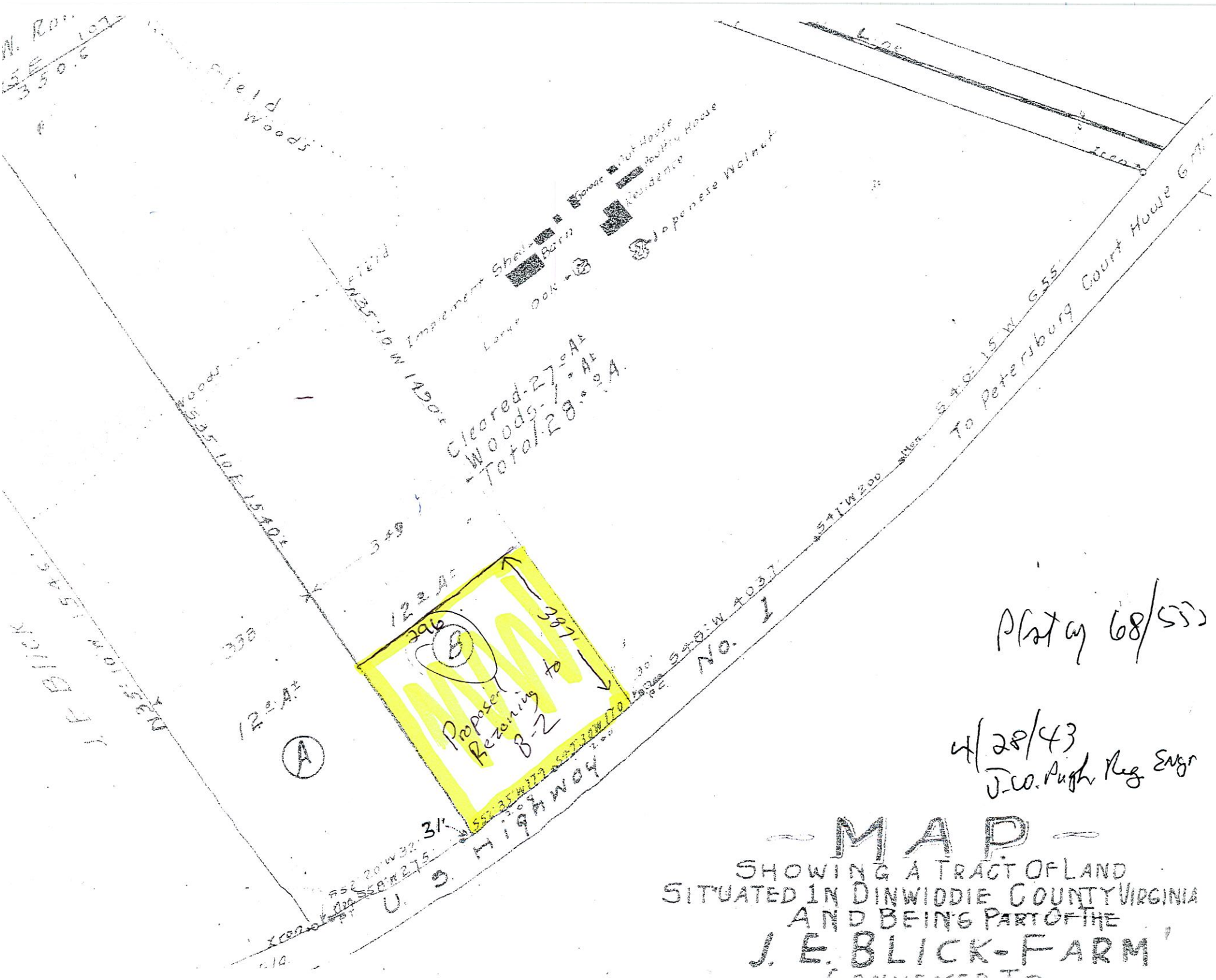
(Typed or printed)

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.



Plat cy 68/555

4/28/43
J. Co. Pugh, Reg Engr

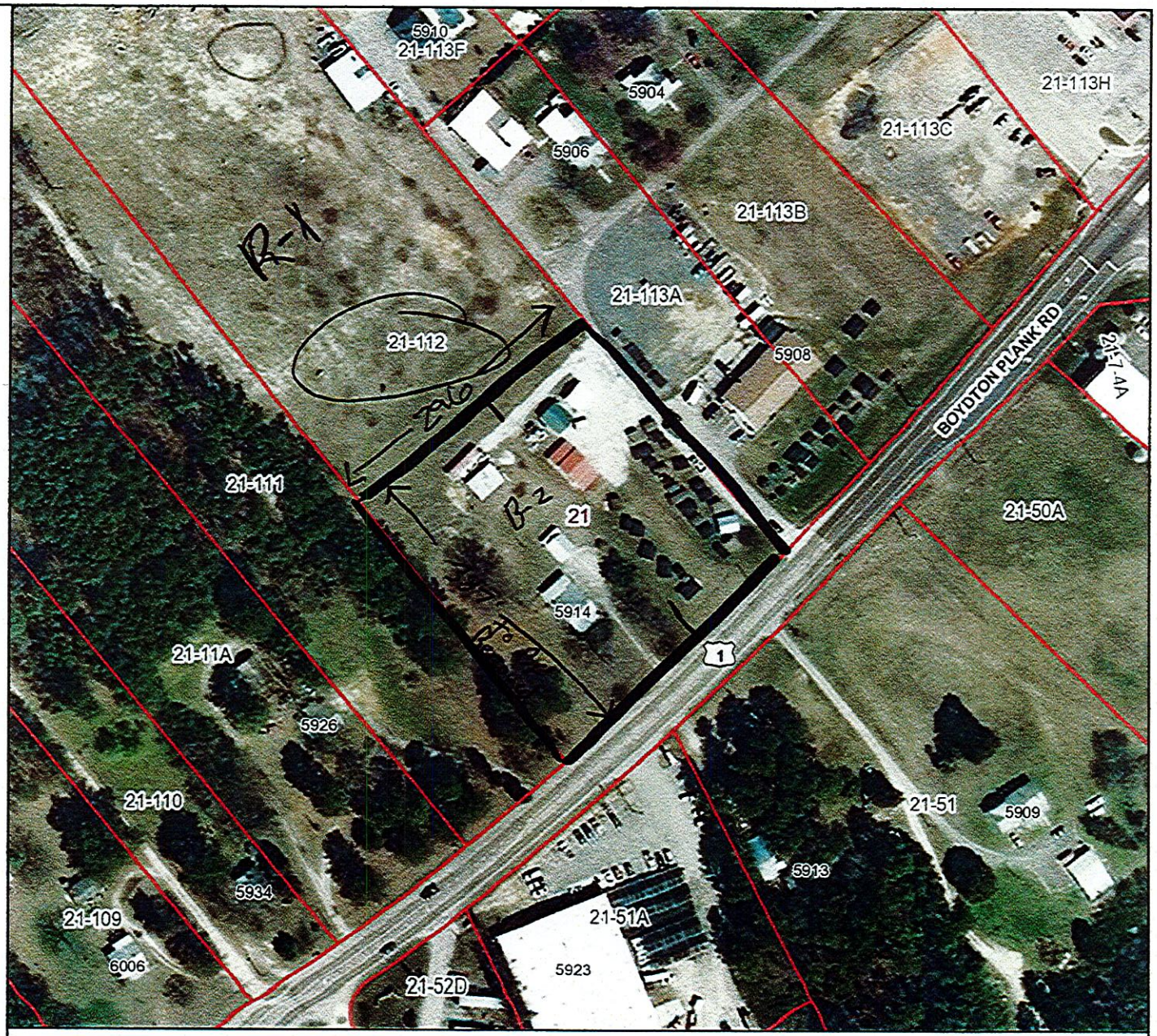
MAP

SHOWING A TRACT OF LAND
SITUATED IN DINWIDDIE COUNTY VIRGINIA
AND BEING PART OF THE
J. E. BLICK-FARM

County of Dinwiddie, Virginia

Legend

- County Boundaries
- Tax Map Index
- Parcel Labels
- Parcels



Map Printed from AccoMap
http://accomack.mapsdirect.net/

Feet
0 50 100 150 200
1:2.257 / 1"=150 Feet

Title: 5914 Boydton Plank Rd

Date: 9/20/2016

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 County of Dinwiddie is not responsible for its accuracy or how current it may be.

County of Dinwiddie, Virginia

Legend

- County Boundaries
- Parcel Labels
- Parcels

Map Printed from AccoMap
http://accomack.mapsdirect.net/

Feet
0 100 200 300 400
1:4,514 / 1"=297 Feet

Title: Case: P-16-8

Date: 10/19/2016

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 County of Dinwiddie is not responsible for its accuracy or how current it may be.

Part of Tax Parcel No. 21-112

PROFFERS

THESE PROFFERS are made this 21st day of September, 2016 by Leonard F Harrison III together with its successors and assigns, (the "Owner").

RECITALS

A. Owner legally possess the tract or parcel of land located in Dinwiddie County, Virginia, (the County) located on the north side of Boydton Plank Road 0. mile south of the intersection of Hofheimer Way and Route 1, North Dinwiddie, Virginia and being a part of Tax Parcel No. 21-112 containing approximately 12.0 acres as more fully shown on that certain plat by J Pugh dated 1943 and titled J E Blick showing a portion of land 349' (the entire front side) wide by 387' deep on the front side of property to be rezoned from R-1 to B-2. Property located on the north side of Boydton Plank Road, in the Rohoic District, Dinwiddie County, Virginia (the "Property").

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

C. The Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Business, General, B-2.

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 uses on the Property will be limited to all conforming legal business allowed for B-2 business development.
2. The building materials will consist of ; front will be brick / stone / decorative block with glass windows.
3 .All joining properties will have buffer consisting of privacy fence or trees / shrubs

WITNESS the following signature:

BY _____
Owner

COMMONWEALTH OF VIRGINIA

County of Dinwiddie, to-wit:

The foregoing was acknowledged this 26 day of September, 2016 by

Leonard F Harrison III

My commission expires: 01-31-2020.

_____ (SEAL)
Notary Public

MARY ROYSTER THOMPSON
NOTARY PUBLIC
MY COMMISSION NUMBER 7523837
COMMONWEALTH OF VIRGINIA