

**County of Appomattox
Department of Community Development
Staff Report**

To: Board of Supervisors
From: Johnnie Roark
Director of Community Development
Date: January 21, 2020
RE: Rezoning Petition RZ190804-Shelia M. Roper, Trustee

SYNOPSIS

Shelia M. Roper, Trustee (Owner/Applicant), is requesting to rezone land in order to utilize the property for agricultural purposes and place a single-family dwelling on property located on Richmond Highway (Route 460) and Wades Lane, east of the Town of Appomattox near Morningstar Road.

Specifics

Applicant: Shelia M. Roper, Trustee
Agent: None
Current Owner: Same as applicant
Current Use: Vacant, Wooded
Proposed Use: Agricultural, SFD
Surrounding Uses: Residential, Agricultural
Parcel Size: Approximately 3.0 acres
Current Zoning: B-1, General Commercial
Proposed Zoning: A-1, Agricultural
Surrounding Zoning: A-1, Agricultural and R-1, Low Density Residential, M-1, Industrial (across Rt. 460)
Tax Map Number(s): 77 (A) 45

ANALYSIS

The property is located on Richmond Highway (Route 460) 0.3 miles east of Mountain Cut Road, east of the Town of Appomattox. The parcel also adjoins Wades Lane, which is a private road. The parcel is currently vacant and is entirely wooded. Adjoining the parcel to the east and west are residential properties on varying size lots (from 0.5 acres up to 5 acre parcels). To the south is a relative new dwelling on a 5 acre parcel. To the north, across Richmond Highway is one commercial building and additional residential dwellings.

Adjoining lands to the east and west are zoned R-1, Low Density Residential, while the remaining lands to the south are zoned A-1, Agricultural. Across Richmond Highway is a single parcel zoned M-1, Industrial (Goodman property), while the remaining property in this area is zoned A-1, Agricultural.

The applicant proposes to rezone the property to A-1, Agricultural in order to utilize the property for agricultural purposes and to place a single-family dwelling on the site. The parcel appears to have been zoned B-1, General Commercial with the original zoning of the county in 1988. There is no land use history for the parcel (building permits, zoning permits, or land disturbance permits).

The Comprehensive Plan consists of various elements that are separate but related to each other, such as transportation, community and neighborhood revitalization, the natural environment, and how land is used now

and in the future. The Future Land Use Map (FLUM) is an element of the comprehensive plan and is advisory in nature. The FLUM is not a zoning map. It shows the general distribution of land use categories for desired future development within the county. The land use categories in a Future Land Use Map are often inclusive of more than one zoning district in a zoning ordinance. The FLUM does not have the force of law, as with the official Zoning Map. It is intended to help achieve the county's long-range vision of growth conceived with a 2040 time frame in mind; understanding the amount of job growth and household growth that can be achieved.

This parcel is designated as Commercial, by the Future Land Use Map (2016 Comprehensive Plan) and is part of the Richmond Highway Eastern Commerce Corridor. The Eastern Commerce Corridor extends along Route 460 (Richmond Highway) from the Town of Appomattox to Pamplin. From the Town of Appomattox to Piney Ridge Road, the corridor width is 1,000 feet, which would encompass this parcel. Commerce Corridors were developed in the Comprehensive Plan to encourage commercial development along the primary routes in the county, which are the routes best able to sustain heavier traffic loads.

The petitioner is requesting to change the zoning in order to utilize the property for certain agricultural uses and to place a single-family dwelling on the property. This proposed use would be similar to the adjoining properties in the immediate area.

Relevant goals within the 2016 Comprehensive Plan, as applied to this petition:

GROWTH MANAGEMENT (GM) GOAL: MAINTAIN AND PROTECT THE RURAL AND HISTORICAL NATURE OF THE COUNTY WHILE SIMULTANEOUSLY ENCOURAGING CONTROLLED DEVELOPMENT IN SPECIFIED AREAS.

HOUSING GOAL: PROVIDE SAFE, CLEAN AND AFFORDABLE HOUSING OPPORTUNITIES FOR ALL CITIZENS REGARDLESS OF RACE, RELIGION, SEX, OR NATIONAL ORIGIN.

TRANSPORTATION GOAL 1: ENHANCE THE QUALITY, SAFETY, AND APPEARANCE OF THE COUNTY'S PRIMARY AND SECONDARY ROADS.

PROJECT IMPACTS

The property meets the minimum lot size for a parcel in the A-1, Agricultural Zoning District. The proposed uses of the property are Permitted Uses in the A-1, Agricultural Zoning District.

VDOT has reviewed the petition. Standard residential entrance would be required if applied for on Richmond Highway. If the access is via Wades Lane, then VDOT does not have jurisdiction since it is a private road.

The Virginia Health Department has reviewed the petition and offered no comments. Well and septic will be utilized on site to provide water and sewer accommodations. The petitioner will be required to obtain VDH permits/approvals at the appropriate time.

The project will require local Land Disturbance Permit for erosion and sediment control, which would be obtained at the time of the single-family dwelling is constructed.

Applicable section of the Zoning Ordinance

§19.6-50 Planning Commission Study and Action states "All proposed amendments to the Zoning Ordinance shall be referred by the Board of Supervisors to the Planning Commission for study and recommendation."

The Planning Commission shall study proposals to determine:

1. The need and justification for the change.
2. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the Planning Commission shall consider the appropriateness of the property for the proposed change as related to the purposes set forth at the beginning of each district classification.
3. The relationship of the proposed amendment to the purposes of the general planning program of the county, with appropriate consideration as to whether the change will further the purposes of this ordinance and the general welfare of the entire community.
4. Whether the proposed amendment conforms to the general guidelines and policies contained in the county comprehensive plan.

The A-1, Agricultural Zoning District purpose states the following:

“Generally this district covers portions of Appomattox County which are occupied by various open uses such as farms, forests or lakes. This district is established for the specific purpose of protecting existing and future farming operations, conservation of water and natural resources, reducing soil erosion, protection of watersheds and reducing hazards from flood, fire and traffic. While it is recognized that certain desirable rural areas may logically be expected to develop residentially, it is the intent, however, to discourage the random scattering of residential, commercial or industrial uses in this district. Non-farm residents should recognize that they are located in an agricultural environment where the right-to-farm has been established as a county policy. This district is intended to minimize the demand for unanticipated public improvements and services, such as public sewer, public water, and new roadways, by reducing development densities and discouraging large scale development.”

As you know, a wide variety of land uses are permitted in the A-1, Agricultural Zoning District. A copy of the land use charts, both permitted and conditional uses, is attached to this report.

The petitioner did not offer a Proffer Statement, therefore there are no conditions applicable to this rezoning petition.

Planning Commission Action:

At the December regular meeting of the Planning Commission a public hearing was conducted. No one spoke either for or against the petition. The Planning Commission voted unanimously to recommend rezoning the property as requested by the petitioner from B-1, General Commercial zoning district to A-1, Agricultural zoning district.

Board of Supervisors Action:

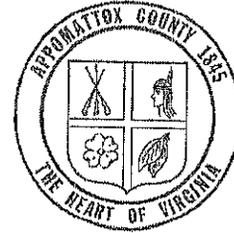
An ordinance has been prepared for your review and consideration to rezone the property in accordance with the recommendation of the Planning Commission.

Attachments:

- Application
- Concept Sketch
- Map of Surrounding Area
- Map of Surrounding Zoning
- Map of Soil Types
- Map of Topography
- A-1, Agricultural Zoning District Regulations

Appomattox County

Department of Community Development
153A Morton Lane
P.O. Box 863
Appomattox, VA 24522
(434) 352-8183~Fax (434) 352-4214
www.appomattoxcountyva.gov



Development Application

- Conditional Use Permit
- Rezoning
- Conditional Rezoning
- Rezoning with concurrent Conditional Use Permit

General Information:

Conditional uses are uses, which are generally compatible with the other land uses in the zoning district, but require individual review for their intensity, location, design, and configuration. Conditions may be imposed by the Board of Supervisors in order to ensure the appropriateness of the use and to mitigate concerns that may otherwise make the use incompatible in the zoning district.

Conditional Use Permits may be approved upon a finding by the Board of Supervisors that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purpose and intent of the Zoning Ordinance.

Rezoning, or the amendment to the zoning classification of a parcel, must be justified in need and effect on the property, surrounding property, and public services. The appropriateness of the change as it is set forth at the beginning of the zoning district classification shall be considered, as well as, the general planning program of the county and whether the rezoning will further the purposes of the zoning ordinance and the general welfare of the community.

Each application for Conditional Use and/or Rezoning is forwarded to the Planning Commission for consideration. The Planning Commission will hold a public hearing on the petition. The applicant or a representative is required to attend the public hearing. After the public hearing, the Planning Commission will make a recommendation and forward this recommendation to the Board of Supervisors.

The Board of Supervisors will hold a public hearing on the petition. The applicant or a representative is required to attend the public hearing. After the public hearing, the Board of Supervisors may approve or deny the petition. If the petition is a conditional use, the Board may impose conditions, which in its opinion will mitigate the impacts of the requested conditional use. If the petition is a rezoning, the applicant may voluntarily proffer conditions, which may mitigate the impacts of the rezoning petition. If proffers are voluntarily submitted this is known as a Conditional Rezoning.

General examples of some conditions that may be established are as follows:

- 1). Abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- 2). Provide for adequate parking, ingress and egress to public streets and roads.
- 3). Provide adjoining property with buffers or screening to mitigate visual or noise impacts.
- 4). Establish enhanced setbacks or require street/road improvements to mitigate traffic congestion related to this development.

Any previously approved conditional use permit may be revised by the Board of Supervisors following the same process of public hearings and recommendations.

Application Procedure:

1. **Consultation with Planning Staff:** You are required to meet with County staff to discuss the feasibility of your request prior to submission.
2. **Completion of Application:** Fill out, sign and date the application form. If the applicant is not the property owner, attach a notarized letter of consent from the property owner authorizing the applicant to act as the owner's agent for the application.
3. **Boundary Survey:** The applicant must provide a copy of a boundary survey of the land for which the conditional use or rezoning is proposed.
4. **Adjacent Property Owners:** The applicant must provide the names and addresses for all adjacent property owners, including those immediately across the street(s) from the property. This list is used for the notification to the adjacent owners for the public hearing.
5. **Concept Plan:** A concept plan (minimum 8.5" X 11") is required in accordance with §19.6-45 of the Appomattox County Zoning Ordinance. The petitioner may prepare the Concept Plan or have a professional engineer, architect, or surveyor assist them. The plan shall meet the minimum standard, as described by the checklist on page 4 of this application.
6. **Impact Statements:** If necessary, the applicant is responsible for submitting impact statements with the application. Impact studies may address traffic volumes, public utility capacities, noise, dust, smoke emissions or any other relevant matter that may arise during the initial consultation with planning staff. A Traffic Impact Analysis (TIA) is required should the site meet the VDOT requirements for TIA's under 24 VAC 30-155.
7. **Planning Commission:** The Planning Commission will hold a public hearing and review the application in order to make a recommendation to the Board of Supervisors.

8. **Board of Supervisors:** The Board of Supervisors will hold a public hearing and review the application in order to make a decision on the request. In the case of a conditional use permit, the Board may attach any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use.

9. **Application Fee:** Conditional Use Permit= \$200.00 Rezoning= \$300.00 Rezoning with concurrent Conditional Use Permit = \$500.00 Please make checks payable to Appomattox County Treasurer.

APPLICATION CHECKLIST

N/A Complete

- Consultation with Staff
- Project Information and Contacts
- Project Description
- Project Justification
- List of Adjoining Property Owners
- Impact Statements (if necessary)
- Owner's Authorization Letter (if necessary)
- Boundary Survey
- Concept Plan
- Certification and Statement of Understanding signature(s)

FOR OFFICIAL USE ONLY

RECEIVED

11/8/19
Date

[Signature]
Initials

CHECKED FOR COMPLETENESS

11/14/19
Date

[Signature]
Initials

- Application fee paid
- Application found to be complete
- Application found to be incomplete

Checklist for Concept Plan

In accordance with §19.6-45 of the Appomattox County Code, a Concept Plan is required for new development in every zoning district, including uses reviewed by the Planning Commission for conditional use or rezoning. A Concept Plan is a Site Development Plan drawn to slightly lesser detail that does not address impacts such as erosion and sediment control, landscaping or stormwater management. The petitioner may prepare the Concept Plan. However, the petitioner may opt to have the Concept Plan prepared by a professional engineer, architect, or land surveyor registered by the Commonwealth of Virginia, depending on the complexity of the project, or if the petitioner cannot provide a level of detail needed for the Planning Commission to adequately evaluate the project.

N/A

Complete

- Date of drawing
- North Arrow
- Scale
- Legend of all symbols used
- Location/vicinity map showing the general location
- Boundary lines of the property covered by the application
- Name and Address of property owner, applicant and person preparing the drawing
- Tax Map Identification Number
- Tax Map Identification Number and name(s) of adjoining property owners
- Current and proposed land use
- Current zoning district of parcel and adjoining parcels
- Names, Route Numbers, location of streets adjacent to or within the development
- Access point(s), driveways, crossovers, etc.
- Parking accommodations, including number of spaces and Handicapped spaces, loading spaces, or aisles
- Building(s) location, setbacks, height of building(s) for proposed and/or existing building(s)
- Location of proposed signs, utilities, lighting
- Buffer yards, screening, or fencing

_____ Applicant/Agent/Professional Initial(s) to acknowledge checklist items are provided.

PROJECT INFORMATION

Note: If the applicant is not the property owner, then an owner's authority letter must be submitted with the application.

<u>Wades Lane 3 ac.</u>	<u>1</u>
PROJECT NAME	ZONING
<u>Wades Lane, Appomattox, VA</u>	DISTRICT
ADDRESS, IF AVAILABLE, OR STREET LOCATION	<u>3</u>
	TOTAL SITE
<u>77-A-45</u>	ACRES
TAX MAP IDENTIFICATION NUMBER	

APPLICANT/AGENT				<input checked="" type="checkbox"/> Agent
<u>Sheila M. Roper, Trustee</u>				<input checked="" type="checkbox"/> Primary Contact
NAME				
<u>P. O. Box 702</u>	<u>Appomattox</u>	<u>VA</u>	<u>24522</u>	
ADDRESS	CITY	STATE	ZIP	
<u>(434) 352-7119 or (434) 610-6339</u>	<u>c.laytoncbryantlandco@gmail.com</u>			
PHONE	EMAIL			

OWNER (IF DIFFERENT)				<input checked="" type="checkbox"/> Same As Applicant
NAME				
ADDRESS				
CITY				
STATE				
ZIP				
PHONE				
EMAIL				

PROFESSIONAL (ENGINEER, SURVEYOR, ETC.)				<input type="checkbox"/> Primary Contact
<u>NONE</u>				
NAME		COMPANY		
ADDRESS				
CITY				
STATE				
ZIP				
PHONE				
EMAIL				

JUSTIFICATION

The Planning Commission and Board of Supervisors will study the request to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Attach additional information, if necessary.

Please explain how the request furthers the purpose of the Zoning Ordinance and the zoning district classification for which the project is proposed. You may find a copy of the Appomattox County Zoning Ordinance at www.appomattoxcountyva.gov, navigate to the Community Development Page.

Only switching from business to agricultural

Please explain how the project conforms to the general guidelines and policies contained in the Appomattox County Comprehensive Plan. You may find a copy of the plan at www.appomattoxcountyva.gov, navigate to the Community Development page.

Same as above.

Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as, impact(s) on the public services and facilities, including water, sewer, roads, schools, parks/recreation, and fire/rescue.

No impact as neighboring owners are residential/agricultural. Across Highway 460, Bobby Goodman has a

business on Morningstar Road. Wade's Convenience Store is a considerable distance down the road towards

Parplin from this property.

CERTIFICATION AND STATEMENT OF UNDERSTANDING

I, as owner/agent of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a conditional use permit petition or rezoning petition as provided under the Appomattox County Code, and further, that this application is complete, in compliance with the requirement of the Appomattox County Code, and accurate to the best of my knowledge.

Sheila M. Roper, Trustee 11/7/19 Sheila M. Roper, Trustee
Signature of Owner/Agent Date Printed Name

Signature of Owner/Agent Date Printed Name

Right of Entry

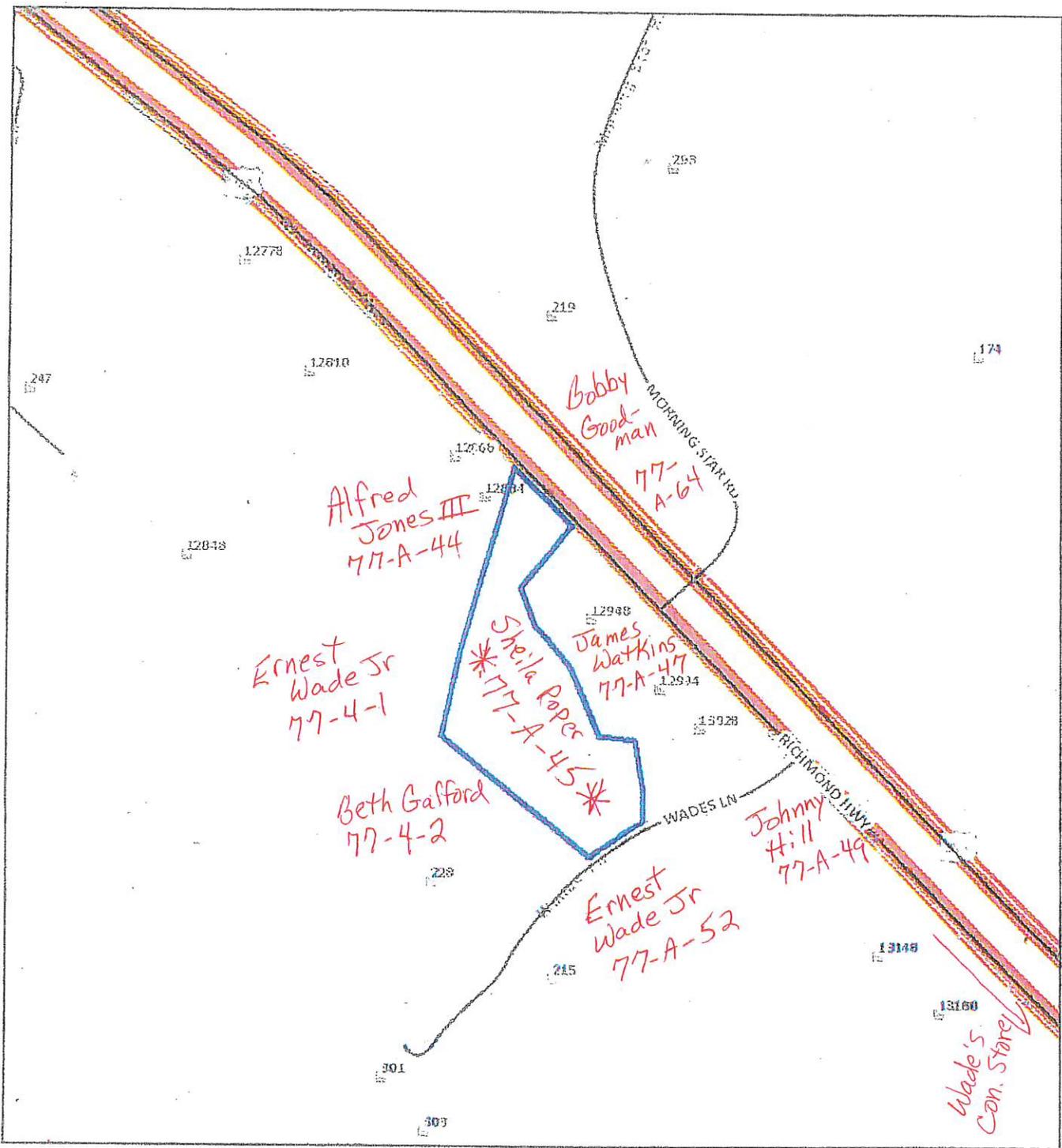
I, as owner/agent of the property subject to this application, do understand and hereby grant permission to the staff, Planning Commission and/or Board of Supervisors of Appomattox County, Virginia for the right of entry to the subject property for the purpose of study and analysis of this petition.

Sheila M. Roper, Trustee 11/7/19 Sheila M. Roper, Trustee
Signature of Owner/Agent Date Printed Name

Signature of Owner/Agent Date Printed Name

Application Timeline

Applications submitted by close of business (4:30 p.m.) on or before the 10th of each month, or next business day if on a weekend or holiday, will be scheduled for the next available Planning Commission meeting. The next available Planning Commission meeting is typically the following month, second Wednesday, at 5:30 p.m. This allows for proper advertisement of the required public hearing in accordance with §15.2-2204 of the Code of Virginia, as amended. The public hearing at the Board of Supervisors meeting will not be scheduled or advertised until the Planning Commission has offered a recommendation. Generally, this is one month following the Planning Commission meeting. These dates/times are subject to change.



August 30, 2018

polygonLayer

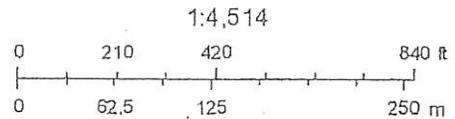
Override 1

Parcels

Structure

Structure Label

-  Centerlines
-  Town Boundary
-  County Boundary



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

ADJOINING PROPERTY OWNERS CONTINUED

77-A-52	Ernest G. Wade, Jr.	
Tax Map Number	Name	
215 Wades Lane		
Mailing Address (Street, Post Office Box)		
Appomattox	VA	24522
City	State	Zip

77-A-49	Johnny Hill	
Tax Map Number	Name	
12994 Richmond Highway		
Mailing Address (Street, Post Office Box)		
Appomattox	VA	24522
City	State	Zip

77-A-47	James H. Watkins	
Tax Map Number	Name	
12948 Richmond Highway	P. O. Box 178	
Mailing Address (Street, Post Office Box)		
Evergreen	VA	23939
City	State	Zip

ADJOINING PROPERTY OWNERS CONTINUED

77-A-64	Bobby Goodman	
Tax Map Number	Name	
430 Redfield Road		
Mailing Address (Street, Post Office Box)		
Appomattox	VA	24522
City	State	Zip

Tax Map Number	Name	
Mailing Address (Street, Post Office Box)		
City	State	Zip

Tax Map Number	Name	
Mailing Address (Street, Post Office Box)		
City	State	Zip

RZ190804



November 21, 2019

polylineLayer

— Override 1

▭ Parcels

■ Structure

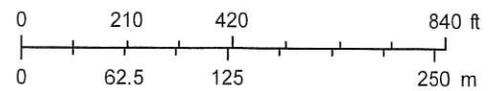
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— Centerlines

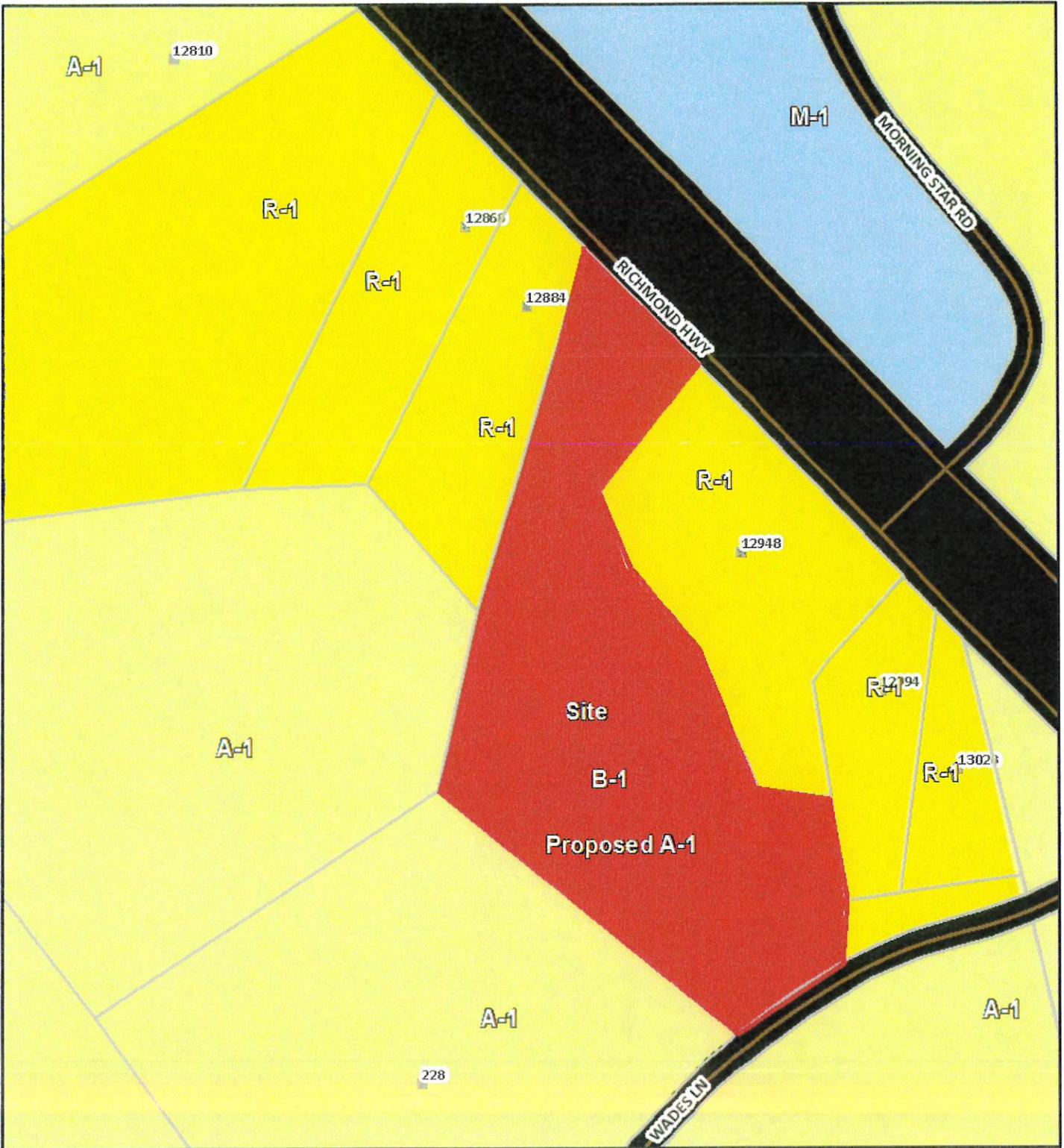
▭ Town Boundary

▭ County Boundary

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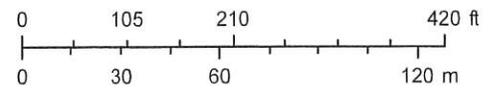


Zoning_RZ190804



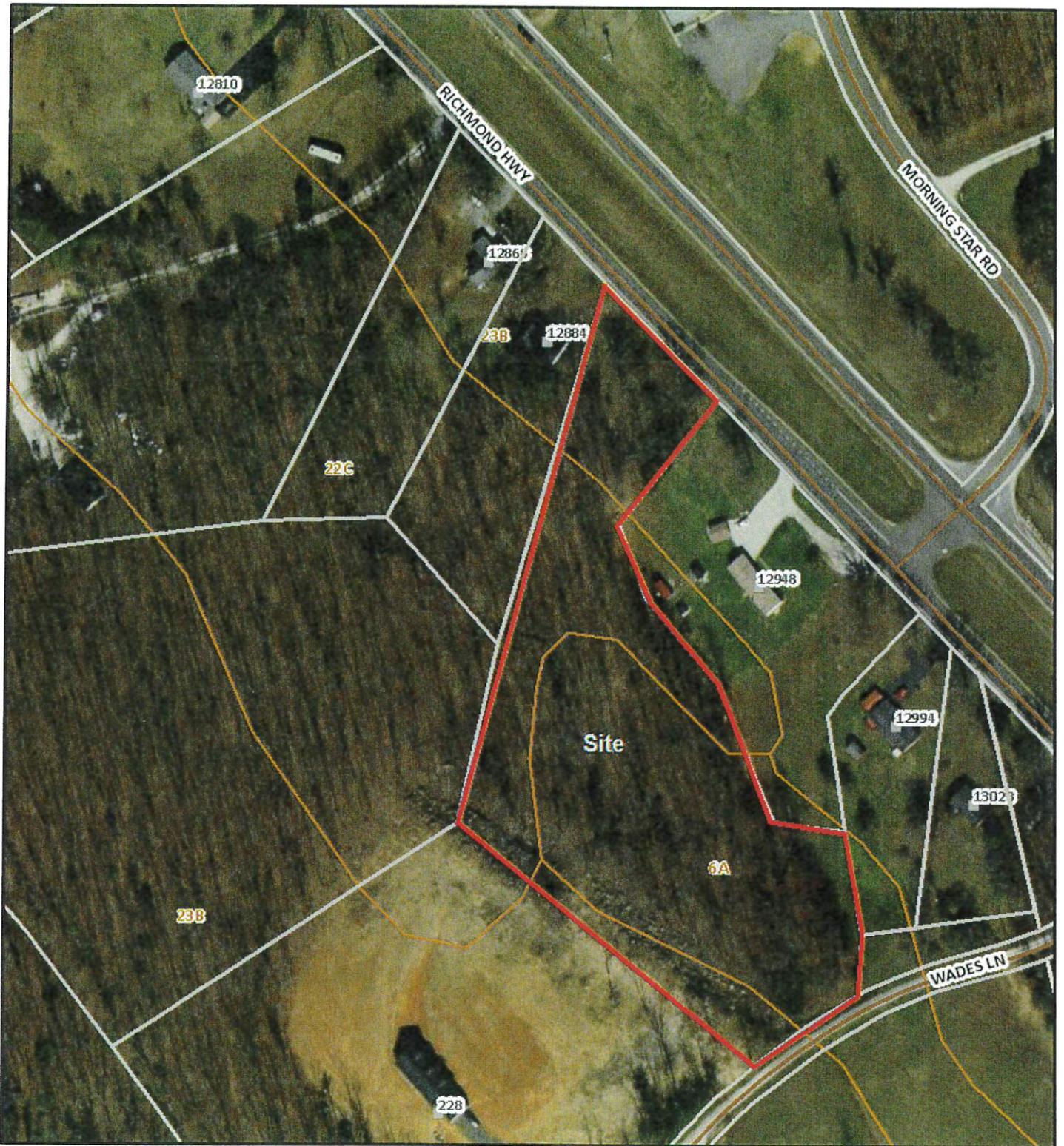
December 3, 2019

1:2,257



Virginia Geographic Information Network (VGIN)

Soils_RZ190804



December 3, 2019

1:2,257

polylineLayer

— Override 1

▭ Parcels

■ Structure

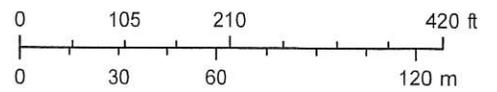
Structure Label

— Centerlines

▭ Soils

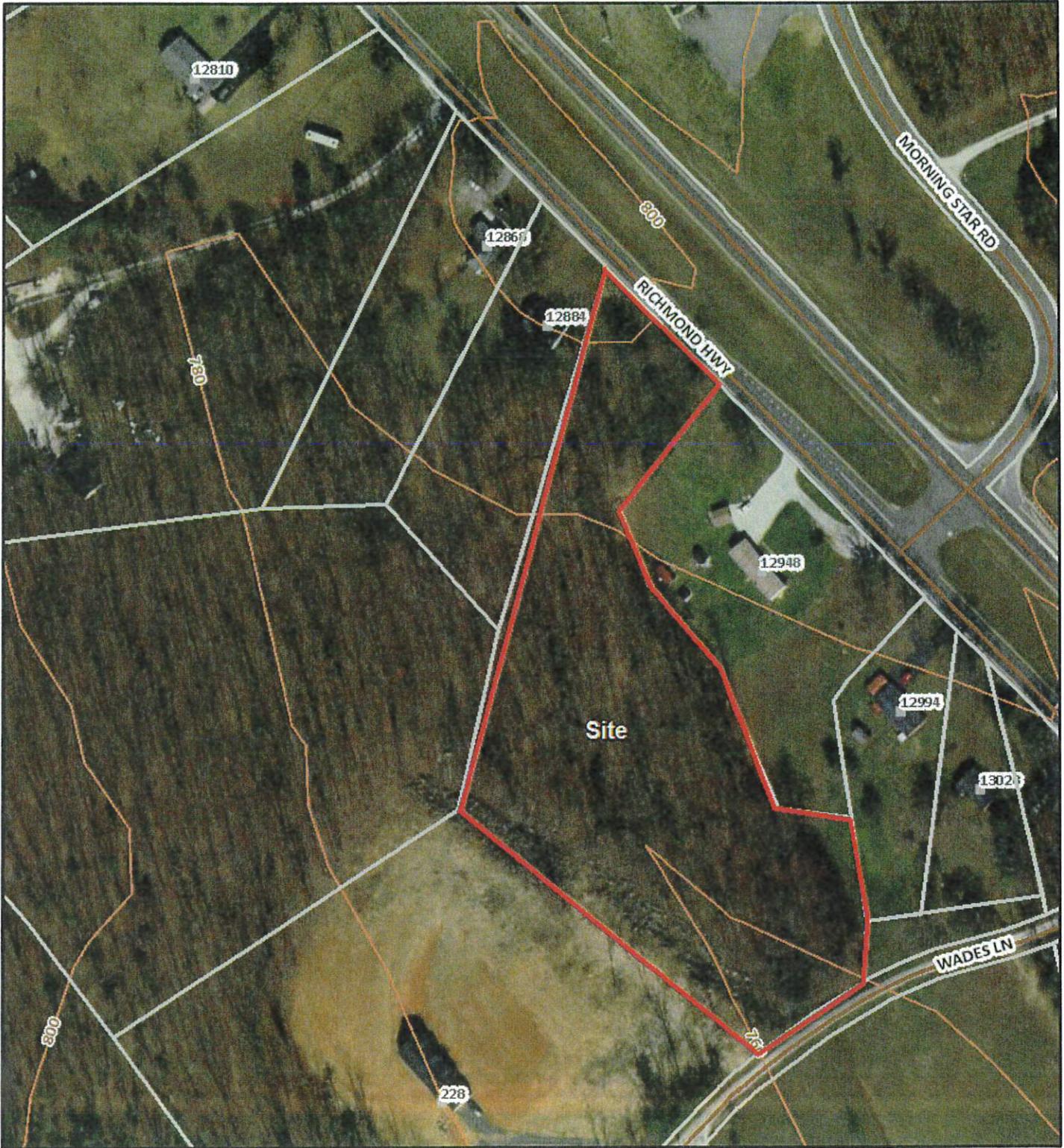
▭ Town Boundary

▭ County Boundary



Virginia Geographic Information Network (VGIN)

Contours_RZ190804



December 3, 2019

polylineLayer

 Override 1

 Parcels

 Structure

Structure Label

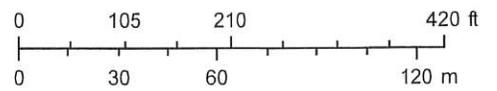
 Centerlines

 Contours

 Town Boundary

 County Boundary

1:2,257



§19.6-67 A-1, Agricultural District

A. Purpose

Generally this district covers portions of Appomattox County which are occupied by various open uses such as farms, forests or lakes. This district is established for the specific purpose of protecting existing and future farming operations, conservation of water and natural resources, reducing soil erosion, protection of watersheds and reducing hazards from flood, fire and traffic. While it is recognized that certain desirable rural areas may logically be expected to develop residentially, it is the intent, however, to discourage the random scattering of residential, commercial or industrial uses in this district. Non-farm residents should recognize that they are located in an agricultural environment where the right-to-farm has been established as a county policy. This district is intended to minimize the demand for unanticipated public improvements and services, such as public sewer, public water, and new roadways, by reducing development densities and discouraging large scale development.

B. Permitted Uses

- Accessory Apartment
- Accessory Uses/Structures
- Administrative Services
- Agriculture
- Agricultural Services
- Amateur Radio Tower
- Bed and Breakfast
- Club, Hunt
- Club, Private
- Commercial Feedlots
- Community Recreation
- Composting
- Crisis Center
- Custom Manufacturing
- Domestic Chickens
- Family Day Care Home
- Farm Employee Housing
- Fish Hatchery
- Forestry Operations
- Garden Center
- Home Beauty/Barber Salon
- Home Occupation, Type I
- Home Occupation, Type II
- Kennel, Commercial
- Kennel, Private
- Livestock Sales/Auction
- Manufactured Home
- Manufactured Home, Accessory

Park and Ride Facility
Post Office
Public Maintenance and Service Facility
Public Parks and Recreation Areas
Religious Assembly
Residential Human Care Facility
Single-Family Dwelling
Stable, Commercial
Stable, Private
Utility Services
Veterinary Hospital/Clinic
Wayside Stand
Winery

C. Conditional Uses

Automobile Graveyard
Aviation Facility, Private
Camps
Campgrounds
Cemetery
Correctional Facilities
Day Care Center
Educational Facilities, Primary/Secondary
Golf Course
Landfill, Sanitary
Landscaping & Lawn Care Services
Manufactured Home Park
Outdoor Gatherings
Planned Unit Development
Public Assembly
Recycling Center
Resource Extraction
Retreat/Lodge
Safety Services, Private
Sawmill
Scrap & Salvage Services
Second Dwelling
Shooting Range, Indoor
Shooting Range, Outdoor
Storage of Sewage Sludge
Transfer Station
Wind Energy System
Wireless Communication Facility

D. Site Development Regulations

a. Minimum Lot Requirements

- i. All lots regardless of sewer and water provisions
 1. Area: 1 acre (43,560 square feet)
 2. Frontage: 150 feet on a publicly owned and maintained street.

b. Minimum Setback Requirements

i. Principal Structure

1. Front: 50 feet from property line or 75 feet from centerline of public road, whichever is greater
2. Side: 25 feet
3. Rear: 35 feet

ii. Accessory Structure

1. Front: 75 feet from the centerline of public road or behind the front building line, whichever distance is less.
2. Side: 15 feet
3. Rear: 15 feet

c. Maximum Height of Structures

- i. All structures (except silos): 45 feet
- ii. Silos: 100 feet

d. Maximum Coverage

- i. Building Coverage: 10 percent of the total lot area
- ii. Lot Coverage: 25 percent of the total lot area



PUBLIC NOTICE
A PERMIT HAS BEEN GRANTED TO
CONDUCT WORK IN THE PUBLIC RIGHT-OF-WAY
IN THE COMMUNITY OF [REDACTED] BY
[REDACTED] ON [REDACTED].
FOR MORE INFORMATION, CONTACT [REDACTED]



LANDFILL
←

ANIMAL
SHELTER
→





