County of Appomattox
Department of Community Development
Staff Report

To: Planning Commission

From: Johnnie Roark
Director of Community Development

Date: March 11, 2020

RE: Conditional Rezoning Petition RZ200071-Timothy May

SYNOPSIS

Timothy May (Applicant/Agent), SMTM Properties LLC (property owner) is requesting to conditionally rezone land in order to utilize the property for a garden center and landscaping & lawn care services. The property is located on Ferguson Street (Route 641) between Morton Lane and Lee Grant Avenue. The property borders the Town of Appomattox boundary along Ferguson Street.

Specifics

Applicant:	Timothy May
Agent:	Same
Current Owner:	SMTM Properties LLC
Professional Engineer:	Patrick Proffitt, Hurt & Proffitt
Current Use:	Vacant , formerly residential
Proposed Use:	Garden Center and Landscaping & Lawn Care Services
Surrounding Uses:	Residential (SFD, Duplexes), Public (VDOT, primary school)
Parcel Size:	Approximately 4.01 acres
Current Zoning:	R-1, Low-Density Residential Zoning District
Proposed Zoning:	Conditional B-1, General Commercial Zoning District (Proffer Statement submitted)
Surrounding Zoning:	R-1, Low Density Residential and R-2, Medium-Density Residential in the County, R-3, General Residential, R-1, Limited Residential, and P-1, Public Use in the Town
Tax Map Number(s):	64 (A) 158

PROJECT IMPACTS

The applicant proposes to conditionally rezone the property to B-1, General Commercial in order to utilize the property for a garden center (retail) and for his landscaping and lawn care business. Mr. May intends to construct a prefabricated metal building (60' X 120') to house the office and two bays for the lawn care equipment. An additional storage areas (buildings) would be built (30' X 100') to the rear of the gravel area, near the rear (western) property line. There would be a gravel parking area with seven (7) spaces and mulch/stone containment bins would be located towards the rear of the property on the northern end (adjacent to the railroad). The developed area would be graveled with the residue area remaining in grass. Mr. May proposes to have a commercial entrance at the approximate location of the existing residential entrance. A secondary residential entrance currently exists near the railroad bridge and this would be used as well. Mr. May mentions in his application that the development would provide job growth. In discussions with Mr. May, he has mentioned plans to increase his workforce to approximately ten (10) people over time.

The property meets the minimum lot size for a parcel in the R-1, Low-Density Zoning District and the proposed B-1, General Commercial Zoning District. The proposed uses of the property as a Garden Center and Landscape and Lawn Care Services are Permitted Uses in the B-1, General Commercial Zoning District.

The petitioner is requesting to change the zoning for a commercial/light industrial type land use. This proposed land use is out of character for the existing land uses, as well as, the planned development pattern as designated in the 2016 Comprehensive Plan. The proposed land use would increase traffic along the Ferguson Street/Pumping Station Road corridor, injecting additional commercial traffic into an area that has periodic issues with congestion due to the proximity of the two secondary schools. Other potential issues are lighting, dust (proposed gravel lot) and noise (large commercial trucks, small equipment). The petitioner has proffered to plant a buffer strip along the southern border common to 135 Ferguson Street. Existing vegetation along the rear (western) boundary and the northern boundary (railroad) would provide some mitigation to noise and dust. In both cases, the existing vegetation appears to be mostly on the adjoining lots. However, the duplexes across Ferguson Street would be impacted by traffic, noise, lighting, and dust.

VDOT has reviewed the petition, but will need additional time to have a complete review. Preliminary comments related to the need to meet the requirements for a Standard Commercial Entrance have been received. According to the latest VDOT traffic counts, this segment of Ferguson Street has an AADT (Average Annual Daily Traffic) of 3,300 vehicles per day (vpd) with 2% being 2 Axle truck traffic (not vans or pickups). This AADT drops to 1,900 vpd on Pumping Station Road, after the Lee Grant Avenue intersection, heading out into the county. Lee Grant Avenue has an AADT of 950 vpd. Morton Lane, the closet residential street, has an AADT of 380 vpd. At the other end of the corridor, Court Street has an AADT of 7,400 vpd with 1% being 2 Axle truck traffic (not vans or pickups). This corridor is part of the vehicular and pedestrian network that connects the four schools within the Town of Appomattox. Appomattox Primary School and Appomattox Elementary School are both within a few hundred feet of this site. The location of the two schools causes a significant amount of congestion at points during the morning (7:30 a.m. to 8:30 a.m.) and during the afternoon (2:30 p.m. to 3:30 p.m.). During these brief periods, Ferguson Street experiences significant delays. Both schools employ traffic guards to assist with the flow of traffic through these areas during the start and close of the school day. The petitioner will have multiple lawn care crews that will enter/exit the property early in the day and then again later in the afternoon. The retail portion (mulch/stone) will have sporadic traffic (usually large trucks or pickups with trailers) at various times throughout the day. At this point, the number of trips per day is difficult to calculate so the overall impact to Ferguson Street can not be established.

The Virginia Health Department has reviewed the petition and offered the following comment. "Commercial buildings would need to provide us (VDH) with a wastewater characterization from a PE (Professional Engineer) along with a design package for the onsite sewage disposal system. I see they mention public water but no mention of sewage disposal or plumbing." As of this writing VDH has not been contacted directly regarding this development.

The project will require a local Land Disturbance Permit for erosion and sediment control and will most likely meet the threshold for needing a Virginia Stormwater Management Permit (VSMP) through the Virginia Department of Environmental Quality.

<u>Applicable sections of the Zoning Ordinance</u>
§19.6-50 refers all matters of zoning amendments 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 petitioner is proposing to rezone the property from R-1, Low-Density Residential Zoning District (Section 19.6-68) to B-1, General Commercial Zoning District (Section 19.6-72), with a Proffer Statement that would limit the number of permissible land uses.

The current R-1, Low-Density Residential Zoning District statement of purpose is as follows:

> "This district is composed of certain low concentrations of residential uses plus certain open areas where similar development is expected to occur. *The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to prohibit commercial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odor, smoke and other obnoxious influence.*" (emphasis added)

The B-1, General Business Zoning District statement of purpose is as follows:

> "The purpose of this district is to provide locations for a variety of commercial and service related activities within the suburban service area serving larger neighborhoods and the county in general. This district is intended for general application throughout the county. General Commercial Districts are *most appropriately found along major arterial thoroughfares which serve large segments of the county's population.*(emphasis added) This district provides a wide variety of retail and service related uses. "

The petitioner submitted a Proffer Statement with the application that would eliminate 18 Permitted Uses within the district, however, this would still leave 50 Permitted Uses and 33 Conditional Uses available should the property be rezoned to B-1, General Commercial Zoning District.

The Proffer Statement also addresses a buffer along the southern property line adjacent to a residential land use at 135 Ferguson Street and the Proffer Statement addresses the need for a full site plan, which is a requirement of the Zoning Ordinance.

ANALYSIS

The property is located on Ferguson Street (Route 1008) equal distance between Morton Lane and Lee Grant Avenue and adjacent to the Norfolk Southern Railroad that runs through the Town of Appomattox. The parcel is located in the county, just across the line for the Town of Appomattox, which runs through Ferguson Street. The parcel is currently vacant and is mainly open space, with a small buffer of trees to the rear (west) and north (along the railroad). Adjoining the parcel to the south, east and west are residential properties on varying size lots (from 0.8 acres up to 4 acre parcels). To the east, across Ferguson Street is a set of duplex apartments. To the north, is a railroad right of way, then VDOT has its area headquarters and residency. Also to the north and east are several single-family dwellings all located within the town limits. Within a tenth of a mile (0.1 mi) to the north is Appomattox Primary School and a tenth of a mile (0.1 mi) to the south on Lee Grant Avenue is

Appomattox Elementary School. The parcel has approximately 440 feet of road frontage and is approximately 385 feet deep. There are some existing trees to the rear (west) and along the railroad right of way (north), but the lot is mainly open space. The existing trees appear to be mostly on the adjoining property owners.

In the county, adjoining lands to the south are zoned R-1, Low Density Residential and R-2, Medium-Density Residential. Adjoining lands to the west (rear of the property) are all zoned R-2, Medium-Density Residential. As described in the Appomattox County Zoning Ordinance, the R-1, Low-Density district is composed of certain low concentrations of residential uses plus certain open areas where similar development is expected to occur. The regulations for this district are designed to promote and encourage family life and to prohibit commercial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odor, smoke and other obnoxious influences. The minimum lot size in this zoning district is 30,000 square feet (0.69 acre) if no public utility is available. The minimum is reduced to 20,000 square feet (0.46 acre) if public water or sewer is available. Public water is available to the property. Sewer is nearby, however with the property being in the county, public sewer may not be available unless an agreement can be reached with the Town of Appomattox. The R-2, Medium-Density Residential district is composed of medium-density residential areas plus certain open areas where similar development is expected to occur. The regulations for this district are designed to promote and encourage a suitable environment for family life and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against the encroachment of general commercial and industrial uses. Similar to R-1, the minimum lot size in this zoning district is 25,000 square feet (0.57 acre) if no public utility is available. The minimum is reduced to 15,000 square feet (0.34 acre) if either water or sewer is available and further reduced to 10,000 square feet (0.23 acre) if both water and sewer are available.

Under the current zoning designation and based on the amount of road frontage, the parcel could support three or four single-family dwelling lots or potentially other denser multi-family development such as duplexes or townhomes/apartments.

In the Town, adjoining lands to the east are zoned R-3, General Residential District and R-1, Limited Residential District. From the Town's Zoning Ordinance, the following is a general description of the R-3 district. The R-3 district is composed of certain medium to high concentrations of residential uses, ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The district is designed to stabilize and protect essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with some children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. This district is not completely residential as it includes public and semipublic uses, however, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses.

The R-1, Limited Residential District in the Town has the following description: " the R-1 Limited Residential District is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings, providing homes for the residents plus certain additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district."

The P-1, Public Use District is also found in the Town for nearby properties to the north (VDOT, Appomattox Elementary School). The P-1 district is intended to allow cultural, recreational, educational, and governmental

uses. It is the intent that this district primarily apply to governmentally owned property, but may apply to privately owned property being put to a similar use.

The property is approximately four acres (4.01 ac.) in size and is roughly rectangular in shape. The property has approximately 440 feet of road frontage on Ferguson Street. Until recently, the property had a two-story home that was used for residential purposes. The home was constructed in 1911 according to Commissioner of Revenue records. Per a telephone conversation with the immediate prior owner, the property has been occupied by renters into the fall of 2018, but has been vacant since that time. The Community Development office does not have any record of the property being used for commercial purposes (Antique Shop) as stated in the application.

The applicant submitted a Proffer Statement with his application. The Proffer Statement includes the following statements:

1. The drawing submitted for the rezoning is a concept intended to show the use of the site for a lawn care and landscape business use. A future site plan will be submitted to the County for approval prior to using the site for business.
2. We will plant an evergreen buffer along our adjoining property line with 135 Ferguson Street, Appomattox to protect our neighbors. The buffer will be planted prior to construction to begin growth as soon as possible.
3. The following uses allowed by the B-1 zoning will not be permitted on this site: Accessory Apartment, Amateur Radio Tower, Civic Clubs, Clinic, Convenience Store, Crisis Center, Domestic Chickens, Funeral Services, Gasoline Station (SMTM Properties will have fuel for private use), Hospital, Hotel/Motel/Motor Lodge, Commercial Kennel, Laundry, Pawn Shop, Post Office, Fine Arts Studio, Veterinary Hospital/Clinic, Wayside Stand

A review of the B-1 zoning district list of Permitted and Conditional Uses shows that after applying condition #3 of the Proffer Statement, the Conditional B-1 district would still have 63 Permitted Uses and 22 Conditional Uses available to develop the parcel. A sample (not all inclusive) of Permitted Uses still allowed, should the rezoning be approved includes Automobile Dealership, Construction Yard, Custom Manufacturing, Day Care Center, Financial Institutions, Medical Office, Mini Warehouse, Restaurant (General, Drive-In, Fast Food), Retail Sales, or Surplus Sales. A sample (not all inclusive) of Conditional Uses that would be available, with approval of a CUP, should the rezoning be approved includes Bed and Breakfast, Carwash, Flea Market, Industrial Manufacturing, Multi-Family Dwelling (townhomes/apartments), Recycling Center, Commercial Stable, Truck Terminal, Two-Family Dwelling (duplex). The Planning Commission, in studying the matter, should reflect on the questions posed in Section 19.6-50 regarding the impact the change will have to the character of the surrounding neighborhood.

COMPREHENSIVE PLAN

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 the 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 in a particular area or sub-area.

This parcel is part of a Suburban Growth Area, as delineated by the Future Land Use Map (2016 Comprehensive Plan). Suburban Growth Areas are dominated by existing single-family housing, duplexes,

townhomes, or multi-family development at a maximum planned density of 4 or more units per acre. Today, this area is substantially developed, however it has room for in-fill and/or redevelopment. It is characterized by its proximity to the Town Center (Town of Appomattox) and its ability to support public utilities. Land Uses are typically interspersed with a mixture of housing, recreational facilities, churches, and moderate commercial activity. These areas have a great deal of potential for redevelopment from low-density residential to high-density residential. The Suburban Growth Area extends from the border common to the Town of Appomattox out Pumping Station Road just past Falling River, north to Richmond Highway and south and east encapsulating the Town Center around to Redfields Road. This area includes major residential areas such as Cannon Oaks, Walton Place, Falling River Estates, Country Estates, Jonesfield, Morningside, Evergreen Avenue and portions of Red House Road and Redfields Road. This area also includes the Appomattox Elementary School and surrounds Appomattox High School. Ferguson Street becomes Pumping Station Road just south of this location. The Pumping Station Road Growth Corridor is a sub-area of the Suburban Growth Area and a Primary Growth Area. This sub-area was targeted for residential development due to its location and proximity to the Town Center and its high desirability by residential developers. A second Suburban Growth Area is located north of the Town of Appomattox encompassing the area between Oakville Road and Old Courthouse Road.

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.

The development is proposed in an area that is not designated for commercial development. The 2016 Comprehensive Plan designates areas along Richmond Highway, both east and west of the Town of Appomattox for commercial and/or industrial development. The location where this development is proposed has been designated for residential development since the implementation of zoning in 1988.

ECONOMIC DEVELOPMENT (ED) GOAL: ATTAIN AN ENVIRONMENTALLY SOUND, DIVERSIFIED, AND STABLE ECONOMY WHICH IMPROVES THE QUALITY OF LIFE AND LESSENS THE TAX BURDEN OF COUNTY RESIDENTS AND BUSINESSES.

The proposed development provides a service to the community that is not currently available (bulk mulch/stone), thus improving the quality of life for the residents of Appomattox County. The new establishment would also increase the tax base to some degree. thus lessening the tax burden to county residents and businesses. However, the lawn care business currently operates within the county and operates from a residential base as a Home Occupation. The proposed growth of the business (adding more lawn care and the retail function) makes continuing as a Home Occupation untenable. The petitioner has grown a home-based business to the point of needing to relocate to a larger facility.

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

The proposed development will have an impact to the quality of travel and safety along Ferguson Street and surrounding roads. The proposed building and site plan would be an enhancement from the roadway.

TOWN COMPREHENSIVE PLAN

Until the fall of 2015, the Town of Appomattox and the County of Appomattox shared a Comprehensive Plan as a joint planning document. In the fall of 2015, the Town embarked on its own comprehensive planning effort by adopting a Comprehensive Plan dedicated to issues impacting the Town.

The 2015 Town Comprehensive Plan has a Future Land Use Map showing the desired development pattern for the town. The area, across from the proposed development is designated as Residential, Low Density. Areas with this designation are primarily developed with single-family dwellings or vacant/undeveloped lots that for

reasons of size, location, topography or access are suitable for low density development. Supportive uses such as parks, schools, churches are common in these areas. Commercial areas are designated in the Central Business District (downtown), along Church Street, Confederate Boulevard, Old Courthouse Road and in the Richmond Highway by-pass area.

Planning Commission Action:

The following motions are available for the Planning Commission:

To approve:

For reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to accept the Proffer Statement submitted with the application and recommend approval of the CONDITIONAL REZONING petition of Timothy May (applicant), SMTM Properties, LLC (property owner) from R-1, Low-Density Residential Zoning District to B-1, General Commercial Zoning District.

To deny:

For reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend denial of the CONDITIONAL REZONING petition of Timothy May (applicant), SMTM Properties, LLC (property owner), as the petitioner has failed to show the following:

Attachments:

Application
Concept Sketch
Map of Surrounding Area
Map of Zoning
Map of Future Land Use
Map of Soil Types
Map of Topography
R-1 Low-Density Residential Zoning District Regulations
B-1, General Commercial Zoning District Regulations

Pd. $200.00
Cash - DB
20-0071

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

2/10/20 _____
Date Initials

CHECKED FOR COMPLETENESS

_____ _____
Date 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.

Garden Center + Lawn Care Service Site
PROJECT NAME

Falling River
ZONING DISTRICT

177 Ferguson Street Appomattox VA
ADDRESS, IF AVAILABLE, OR STREET LOCATION

4.01
TOTAL SITE ACRES

64 A 158
TAX MAP INDENTIFICATION NUMBER

APPLICANT/AGENT

☐ Agent
☑ Primary Contact

Timothy May
NAME

647 Soybean Drive | Appomattox | VA | 24522
ADDRESS | CITY | STATE | ZIP

434-665-0406
PHONE

Mayslawncarellc@gmail.com
EMAIL

OWNER (IF DIFFERENT)

☑ Same As Applicant

SMTM Properties LLC
NAME

647 Soybean Drive | Appomattox | VA | 24522
ADDRESS | CITY | STATE | ZIP

434-665-0406
PHONE

Mayslawncarellc@gmail.com
EMAIL

PROFESSIONAL (ENGINEER, SURVEYOR, ETC.)

☐ Primary Contact

Patrick Proffitt
NAME

Hurt + Proffitt
COMPANY

2524 Langhorne Rd | Lynchburg | VA | 24501
ADDRESS | CITY | STATE | ZIP

434-847-7796
PHONE

pproffitt@handp.com
EMAIL

PROJECT DESCRIPTION

CURRENT ZONING DISTRICT: R1

IF REZONING, PROPOSED ZONING DISTRICT: B-1

CURRENT LAND USE: Residental

PROPOSED LAND USE: Business Retail

PLEASE DESCRIBE THE PROJECT IN DETAIL:

Seek conditional use permit to construct prefab metal building to house vehicles, equipment, ~~se~~ ability to ~~s~~ service and maintain equipment. Have availability to warehouse landscaping and lawncare materials locality. Stock mulch and decorative stone in containment bins to sell to pudic and other consumers. Provide service and materials for many local consumers that have to shop at other counties or cities due to limited availability in the Appomattox area. Provide additional tax revenue as well as additional job growth to Appomattox County.

PROFFERS: (IF CONDITIONAL REZONING)

The applicant may proffer, in writing, reasonable conditions in addition to the requested zoning district regulations. All proffered conditions must be in writing, signed, and presented prior to the start of the Board of Supervisor's public hearing.

Are proffers being proposed? ☐ **YES** ☑ **NO**

(If yes, please submit proffer statement to staff.)

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.

Shown as in the Appomattox County Suburban growth area with moderate commerical activity. Property adjoins Towne of Appomattox and adjacent to VDOT. Previous owner, (deceased) operated antique shop out of existing dwelling.

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.

Operate just outside Town limits adjacent to VDOT to provide local consumers with materials and services. Additional job growth and more economic developement.

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.

Property has been an eyesore for years. Its been unoccupied for 5+ years and these improvements will beautify the neighborhood. Ulitize existing water line from Town / County. Our activities will not hinder local schools, Town, or VDOT services.

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.

	2/10/20	Timothy A. May
Signature of Owner/Agent	Date	Printed Name
Samantha May	2/10/20	Samantha May
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.

	2/10/20	Timothy A. May
Signature of Owner/Agent	Date	Printed Name
Samantha May	2/10/20	Samantha May
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.

OWNER'S AUTHORITY LETTER

STATE OF VIRGINIA
CITY/COUNTY OF Appomattox

This 11 day of February, 2020,

I, Timothy A. May, the owner of

64 A 158, 177 Ferguson Street Appomattox VA 24522
(*Describe land by Parcel Identification Number, address, etc.*)

make, constitute, and appoint Timothy A. May my true and lawful agent and in my name, place, and stead giving unto said person full power and authority to do and perform all acts and make all representation necessary, without any limitations whatsoever, to make application for said rezoning/conditional use permit.
(*circle one*)

The right, powers, and authority of said agent herein granted shall commence and be in full force and effect on February 11, 2020, and shall
(*date*)
remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested, is received by the Appomattox County Department of Community Development stating that the terms of this power have been revoked or modified.

Owner

COMMONWEALTH OF VIRGINIA:

County of Appomattox
Subscribed and sworn to before me this 11 day of Feb., in my County and State aforesaid, by the aforenamed Principal.

Donna Davis Sayre
Notary Public

My Commission Expires: 7-31-2020

DONNA DAVIS SAYRE
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7695877
MY COMM. EXPIRES 7-31-2020
NOTARY PUBLIC

LIST OF ADJOINING PROPERTY OWNERS

The applicant is required to provide a list of owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property to be rezoned or issued a Conditional Use Permit. This information can be found at the Commissioner of Revenue's office or by utilizing the County's GIS website. If necessary, use additional pages.

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

Tax Map Number: 64-6-74	Name: Frank L + Jennifer M. Claybrook
Mailing Address (Street, Post Office Box): 182 Crosstie Road	
City: Appomattox	State: VA / Zip: 24522

Tax Map Number: 64A4-1-A-1	Name: Rich Mary D ET ALS
Mailing Address (Street, Post Office Box): 1919 Harbor Circle	
City: Cape Coral	State: FL / Zip: 33914

ADJOINING PROPERTY OWNERS CONTINUED

64A4-A-1	RKM Investments
Tax Map Number	Name
P.O. Box 2492	
Mailing Address (Street, Post Office Box)	
Appomattox	VA 24522
City	State Zip

	Vito Demonte
Tax Map Number	Name
7791 Richmond Highway	
Mailing Address (Street, Post Office Box)	
Lynchburg	VA 24504
City	State Zip

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

Proffers for Tax Map #64-A-158

For the rezoning of TMP Parcel 64-A-158 from R-1 to B-1, at the address of 177 Ferguson Street in the County of Appomattox, VA 24522, we offer the following proffers:

1. The drawing submitted for rezoning is a concept intended to show the use of the site for a lawn care and landscape business use. A future site plan will be submitted to the County for approval prior to using the site for the business.

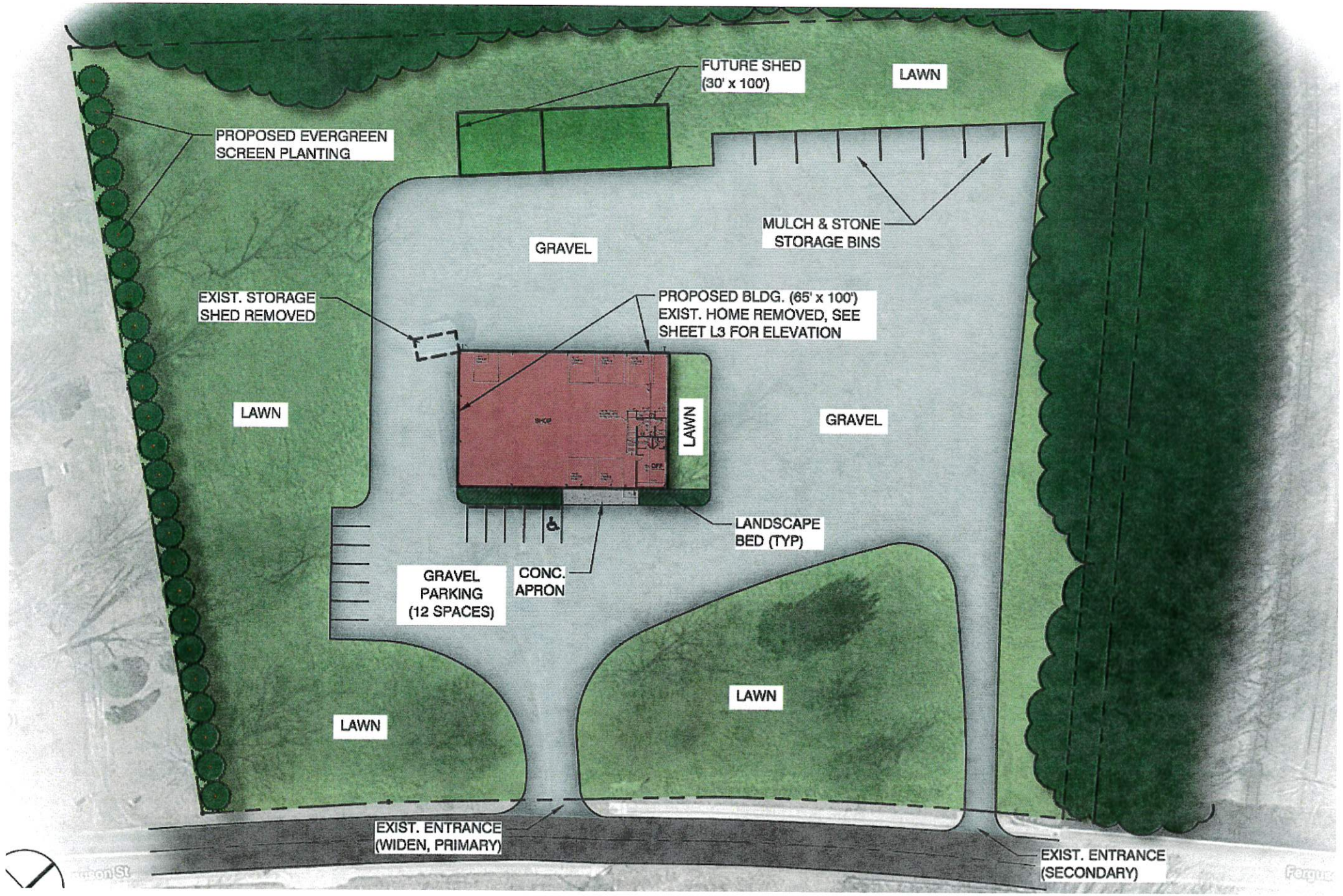
2. We will plant an evergreen buffer along our adjoining property line with 135 Ferguson Street, Appomattox to protect our neighbors. The buffer will be planted prior to construction, to begin growth as soon as possible.

3. The following uses allowed by normal B-1 zoning will not be permitted on this site:
   a. Accessory Apartment
   b. Amateur Radio Tower
   c. Civic Clubs
   d. Clinic
   e. Convenience Store
   f. Crisis Center
   g. Domestic Chickens
   h. Funeral Services
   i. Gasoline Station (SMTM Properties will have fuel for private use)
   j. Hospital
   k. Hotel/Motel/Motor Lodge
   l. Kennel, Commercial
   m. Laundry
   n. Pawn Shop
   o. Post Office
   p. Studio, Fine Arts
   q. Veterinary Hospital/Clinic
   r. Wayside Stand

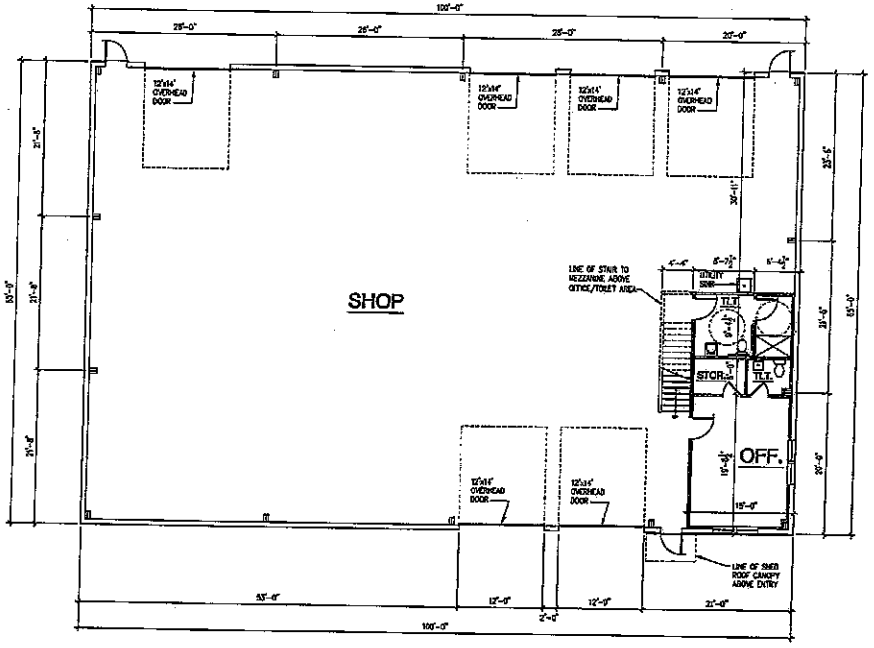
Signature: Owner, [redacted] SMTM Properties, LLC

Submitted 3/2/20

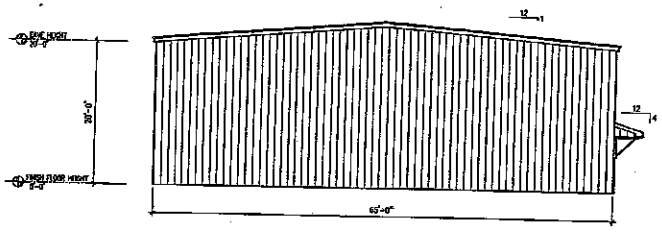
Submitted 3/2/20



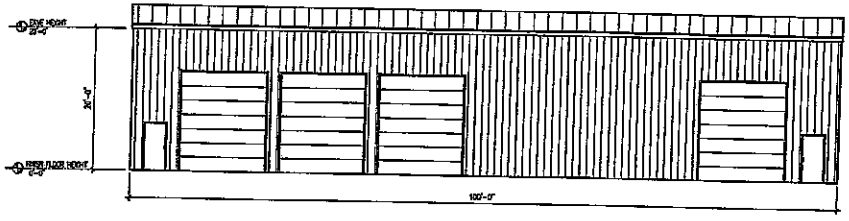
Submitted 3/2/20



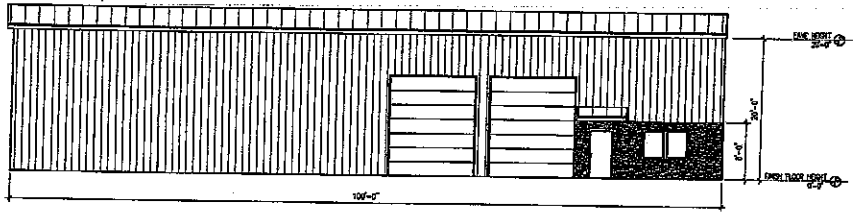
1 / A1.3 MAIN FLOOR PLAN
1/8" = 1'-0"



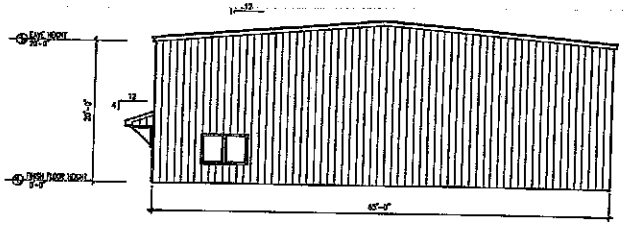
3 / A1.3 LEFT SIDE ELEVATION
1/8" = 1'-0"



4 / A1.3 REAR ELEVATION
1/8" = 1'-0"



2 / A1.3 FRONT ELEVATION
1/8" = 1'-0"



3 / A1.3 RIGHT SIDE ELEVATION
1/8" = 1'-0"

NOTE:
THIS IS A DESIGN/BUILD PROJECT. NOT ALL CONNECTIONS, FASTENERS, MOUNTING PRODUCTS, UNDERLAYMENTS, ETC. HAVE BEEN DETAILED. CONTACT THE GENERAL CONTRACTOR REGARDING COORDINATION OF MEANS AND METHODS OF CONSTRUCTION.

CONSULTING DESIGN ASSOCIATES

PROJECT NO. 17015

DRAWN BY: SPL

DATE
02.14.2018
03.05.2018
03.23.2018
04.13.2018
05.23.2018
02.13.2020

GENERAL CONTRACTOR
W.A. STRATTON CONSTRUCTION
P.O. BOX 1563
APPOMATTOX, VIRGINIA
Contact person:
Grant Bradford, Project Manager
Phone: (434) 352-5000

W.A. STRATTON CONSTRUCTION
MAY'S LAWN CARE BUILDING
APPOMATTOX, VIRGINIA

GREENPOINT
DESIGN & DEVELOPMENT, LLC

A1.1

Aerial

March 2, 2020

polylineLayer

- Override 1
- Parcels
- Structure
- Structure Label
- Centerlines
- Town Boundary
- County Boundary

1:1,128

0 50 100 200 ft

0 15 30 60 m

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Aerial

March 2, 2020

1:4,514

0 210 420 840 ft

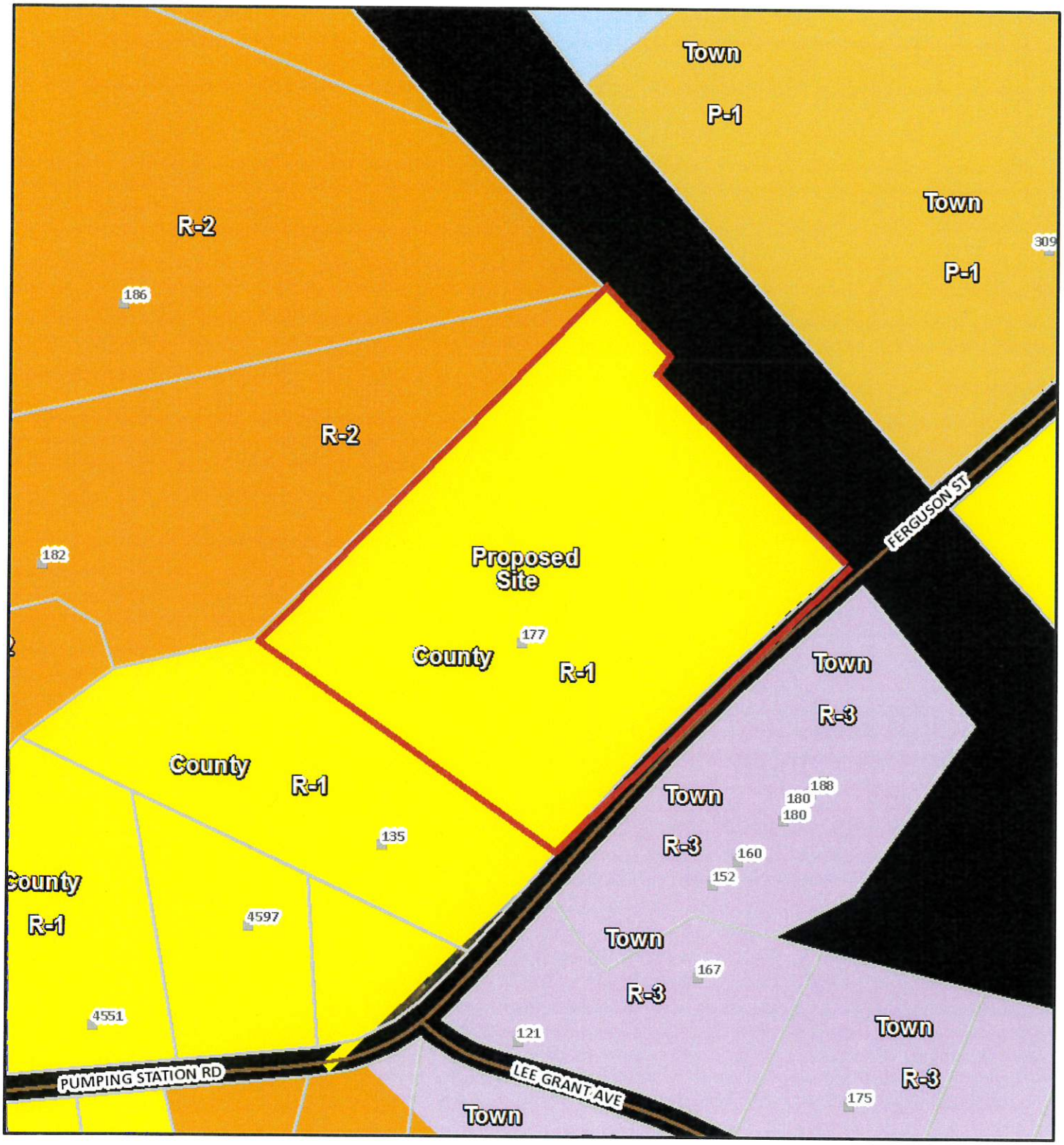
0 62.5 125 250 m

polylineLayer

- Override 1
- Parcels
- Structure
- Structure Label
- Centerlines
- Town Boundary
- County Boundary

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Zoning



March 2, 2020

1:2,257

0 105 210 420 ft

0 30 60 120 m

polylineLayer

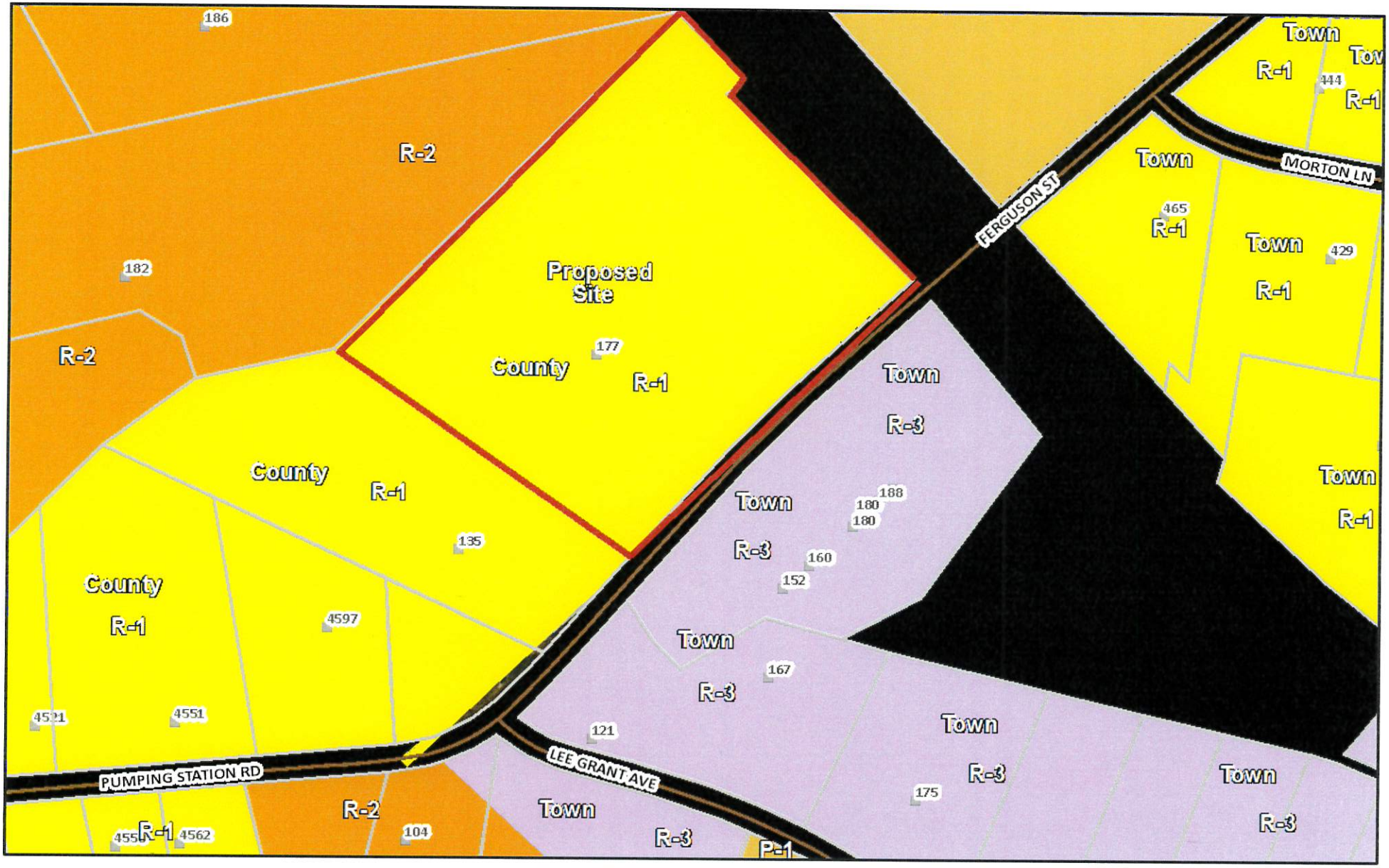
- Override 1
- Parcels
- Structure
- Structure Label
- Centerlines

Zoning

- A-1
- B-1
- B-2
- CZ
- H-1
- M-1
- M-IP
- MHP-1
- No Zoning
- P-1
- R-1
- R-2
- R-3
- V-1

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Zoning



March 2, 2020

polylineLayer

Override 1

Parcels

Structure

Structure Label

Centerlines

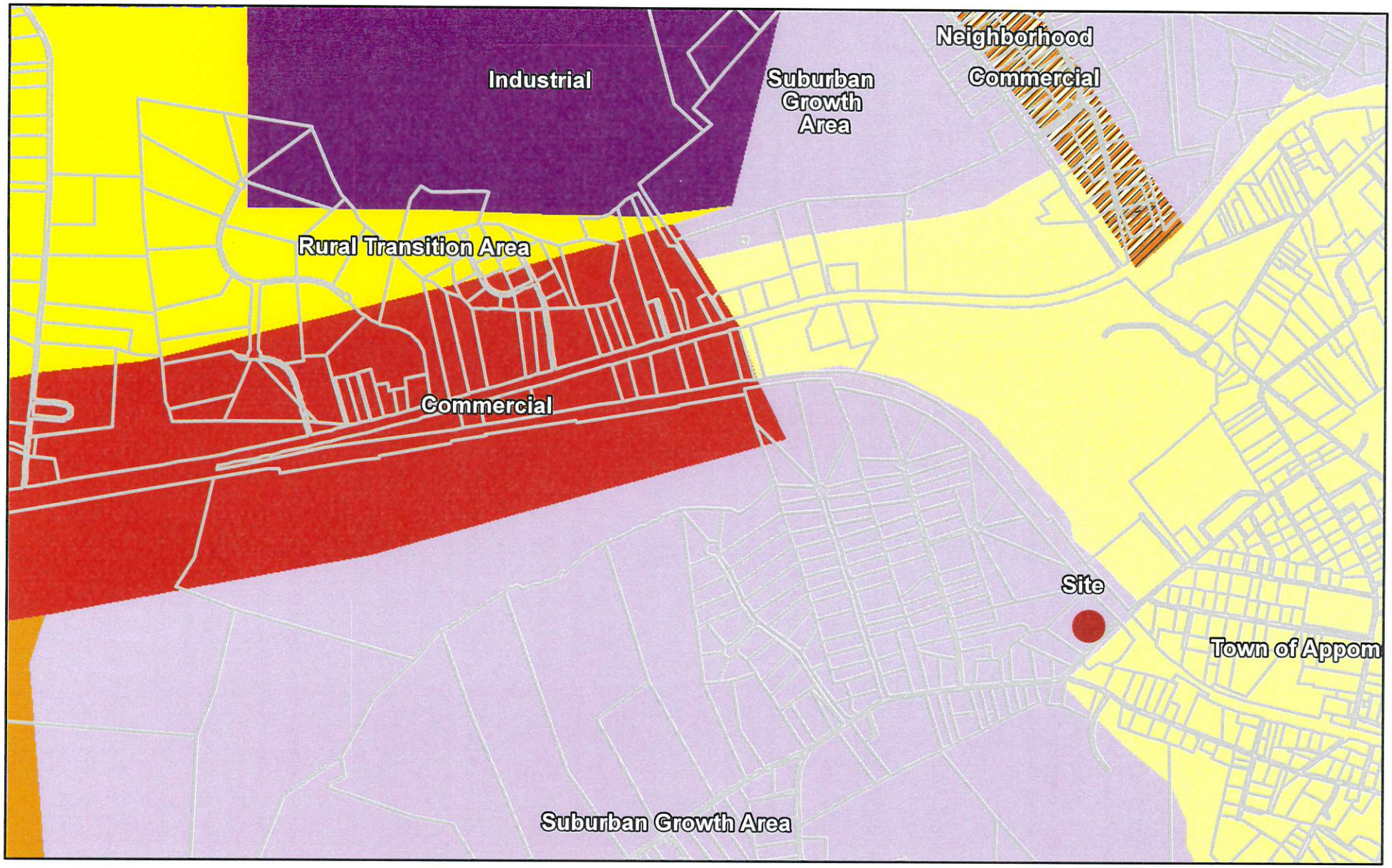
1:2,257

0 105 210 420 ft

0 30 60 120 m

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FLUM



March 2, 2020

Future Land Use

- Neighborhood Commercial
- Commercial
- Industrial
- Institutional
- Suburban Growth Area
- State Forest Protection Area
- Primary Conservation Area
- Primary Growth Area
- Rural Preservation Area
- Rural Transition Area

1:18,056

0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Soils

March 2, 2020

1:2,257

0 105 210 420 ft

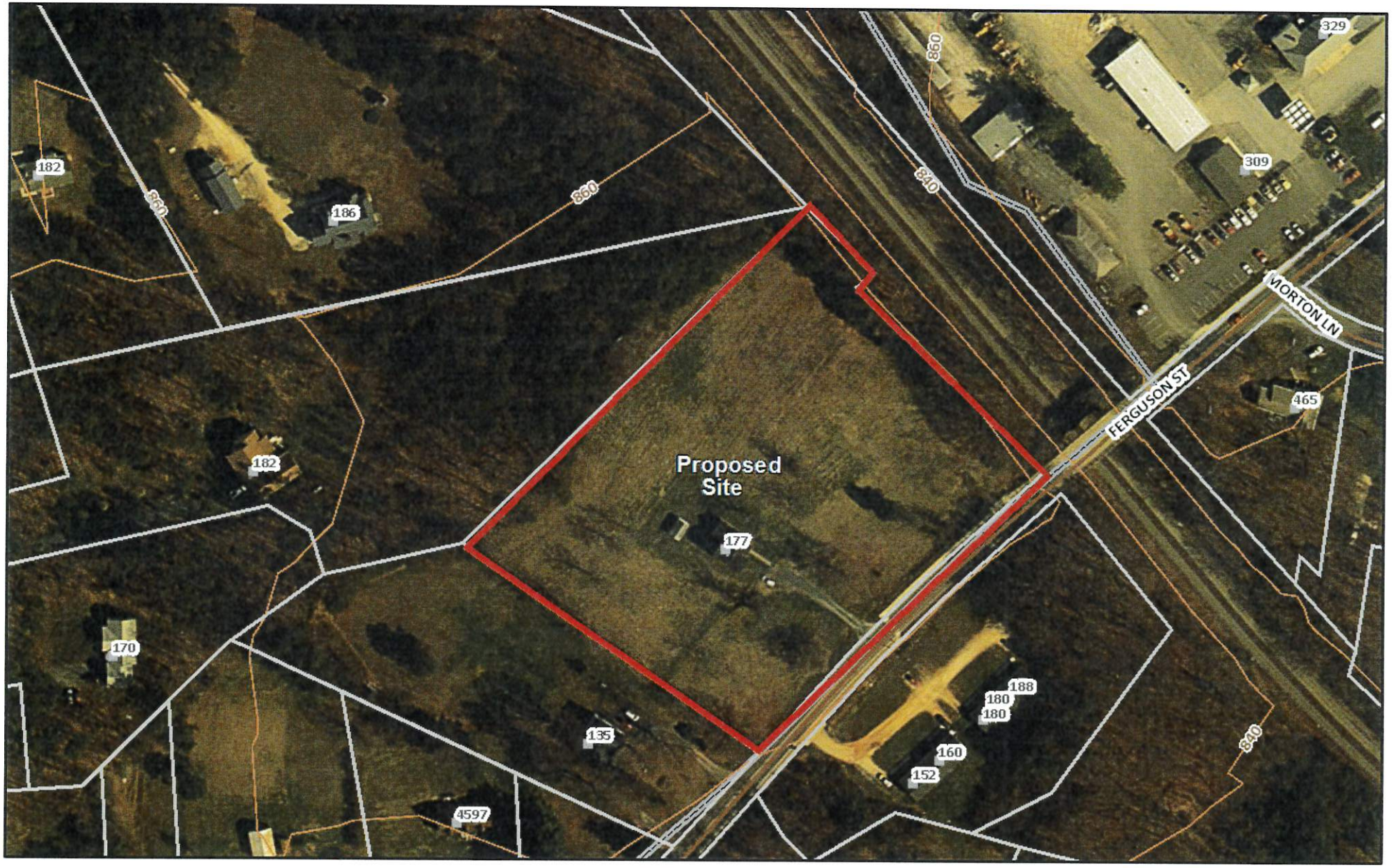
0 30 60 120 m

polylineLayer

- Override 1
- Parcels
- Structure
- Structure Label
- Centerlines
- Soils
- Town Boundary
- County Boundary

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Topography



March 2, 2020

polylineLayer

- Override 1
- Parcels
- Structure
- Structure Label
- Centerlines
- Contours
- Town Boundary
- County Boundary

1:2,257

0 105 210 420 ft

0 30 60 120 m

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

§19.6-68 R-1, Low-Density Residential District

A. Purpose

This district is composed of certain low concentrations of residential uses plus certain open areas where similar development is expected to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to prohibit commercial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odor, smoke and other obnoxious influence.

B. Permitted Uses

Accessory Apartment
Accessory Uses/Structures
Administrative Services
Amateur Radio Tower
Cemetery, Family or Church
Community Recreation
Crisis Center
Domestic Chickens
Family Day Care Home
Home Beauty/Barber Salon
Home Occupation, Type I
Park & Ride Facility
Post Office
Public Maintenance and Service Facility
Public Parks and Recreational Areas
Safety Services, Public
Single-Family Dwelling
Utility Services

C. Conditional Uses

Cemetery, Private, Association, For-Profit
Day Care Center
Educational Facilities, Primary/Secondary
Golf Course
Home for Adults
Kennel, Private
Outdoor Gatherings
Planned Unit Development
Religious Assembly
Safety Services, Private
Wind Energy System
Wireless Communication Facility

D. Site Development Regulations

a. Minimum Lot Requirements

i. Lots not served by public water or sewer
1. Area: 30,000 square feet (0.69 acre)
2. Frontage: 125 feet on a publicly owned and maintained street

ii. Lots served by either public water or sewer
1. Area: 20,000 square feet
2. Frontage: 110 feet on a publicly owned and maintained street

b. Minimum Setback Requirements

i. Principal Structure
1. Front 35 feet from property line or 60 feet from center of public road, whichever is greater
2. Side 15 feet
3. Rear 35 feet

ii. Accessory Structure
1. Front 35 feet from property line or behind the front building line, whichever distance is less
2. Side 15 feet
3. Rear 15 feet

iii. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

c. Maximum Height of Structures

i. All structures: 35 feet

d. Maximum Coverage
i. Building Coverage: 15 percent
ii. Lot Coverage: 35 percent

§19.6-72 B-1, General Commercial District

A. Purpose

The purpose of this district is to provide locations for a variety of commercial and service related activities within the suburban service area serving larger neighborhoods and the county in general. This district is intended for general application throughout the county. General Commercial Districts are most appropriately found along major arterial thoroughfares which serve large segments of the county's population. This district provides a wide variety of retail and service related uses.

B. Permitted Uses

* Proffered out by Petitioner

Accessory Apartment*
Accessory Uses/Structures
Administrative Services
Agricultural Services
Amateur Radio Tower*
Antique Shops
Automobile Dealership
Automobile Parts/Supply Retail
Automobile Repair Services
Automobile Rental/Leasing
Bed and Breakfast
Business or Trade School
Business Support Services
Campground
Carwash
Cemetery, Family or Church
Cemetery, Private, Association, For-Profit
Civic Clubs*
Clinic*
Commercial Indoor Amusement
Commercial Indoor Entertainment
Commercial Indoor Sports & Recreation
Commercial Outdoor Entertainment
Commercial Outdoor Sports & Recreation
Communications Services
Community Recreation
Construction Sales and Services
Construction Yard
Contractor Yard
Consumer Repair Services
Convenience Store*
Crisis Center*
Custom Manufacturing

Dance Hall
Day Care Center
Domestic Chickens
Educational Facilities, College/University
Educational Facilities, Primary/Secondary
Equipment Sales and Rental
Family Day Care Home
Financial Institutions
Funeral Services
Garden Center
Gasoline Station
General Office
Guidance Services
Home Beauty/Barber Salon
Home Occupation, Type I
Home Occupation, Type II
Hospital
Hotel/Motel/Motor Lodge
Landscaping & Lawn Care Services
Laundry
Manufactured Home Sales
Medical Office
Micro-Brewery
Mini Warehouse
Parking Facility
Park & Ride Facility
Pawn Shop
Personal Improvement Services
Personal Services
Post Office
Public Maintenance and Service Facility
Public Parks and Recreational Areas
Recreational Vehicle Sales and Service
Religious Assembly
Residential Human Care Facility
Restaurant, General/Drive-In/Fast Food
Retail Sales
Safety Services, Private
Safety Services, Public
Single-Family Dwelling
Studio, Fine Arts
Surplus Sales
Truck Stop
Utility Services
Veterinary Hospital/Clinic
Wayside Stand

Wireless Communication Facility

C. Conditional Uses

Adult Entertainment
Automobile Graveyard
Brewery
Distillery
Fish Hatchery
Flea Market
Halfway House
Home for Adults
Industrial Manufacturing
Kennel, Commercial
Laboratories
Multi-Family Dwelling
Outdoor Gathering
Planned Unit Development
Public Assembly
Recycling Center
Scrap & Salvage Services
Stable, Commercial
Transfer Station
Transportation Terminal
Truck Terminal
Two-Family Dwelling
Wind Energy System

D. Site Development Regulations

a. Minimum Lot Requirements

i. Lots not served by public water or sewer
1. Area: 1 acre (43,560) square feet
2. Frontage: 100 feet on a publicly owned and maintained street

ii. Lots served by either public water or sewer
1. Area: 15,000 square feet (0.34 acre)
2. Frontage: 80 feet on a publicly owned and maintained street

iii. Lots served by both public water and public sewer
1. Area: 10,000 square feet (0.23 acre)
2. Frontage: 80 feet on a publicly owned and maintained street

b. Minimum Setback Requirements

i. Principal Structure

1. Front 35 feet from property line or 60 feet from centerline of public road, whichever is greater
2. Side None, except when adjacent to a residential use, then 10 feet
3. Rear 15 feet

ii. Accessory Structure

1. Front 35 feet from property line or behind the front building line, whichever distance is less
2. Side 15 feet
3. Rear 5 feet

iii. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

c. Maximum Height of Structures

i. All structures: 45 feet

d. Maximum Coverage

i. Building Coverage: 50 percent
ii. Lot Coverage: 90 percent

View looking towards Ferguson Street

from site Looking SE

Looking South @ adjoining property

Looking towards SW- rear of Property

Rear from approximate building location

Looking towards Rear - NW property Corner

Looking North towards Railroad/VDOT

from NE corner looking SW

from corner adjacent to RR

Looking down line D RR

Across Ferguson Street

View from Ferguson Street

Existing Residential Entrance

From duplexes across street

Ferguson street from across street

Ferguson Street looking towards Lee Grant from across street

From South corner looking west

From South corner 100 King Northwest

Duplexes across from site

Looking N from entrance

Looking S from entrance

from middle of lot looking towards rear

Rear Property