

Planning Commission Summary Report

File #: P-10-2
Applicant: Rebecca Balderson Zehmer
Rezoning Request: Agricultural, General, A-2 to Business, General, B-2
Property Location: 11207 Doyle Blvd., McKenney
Tax Map Parcel #: 80A2-3-A
Property Size: 4.51 acres
Magisterial District: Sapony District
Planning Commission Mtgs.: May 12, 2010 (Tabled) & June 9, 2010

CASE OVERVIEW

The applicant, Rebecca Balderson Zehmer, is requesting to rezone with proffers property containing approximately 4.51 acres from Agricultural, General, A-2 to Business, General, B-2 in order to allow for potential business development and operation. The Business, General, B-2 zoning classification allows for general business pursuant to the Zoning Ordinance allowed density. The property is located at 11207 Doyle Blvd., McKenney on the southwest quadrant at the intersection of Interstate 85 and Route 40, and the property is further defined as Tax Map Parcel 80A2-3-A. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area, which recommends commercial and service development for this general area.

ATTACHMENTS

Attachment A - Rezoning Application
Attachment B - Statement of Proffers
Attachment C - Property Location Maps
Attachment D - Property Pictures

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding this land parcel include commercial land uses, single-family residential and open space land uses. The surrounding residential property to the south and southwest is zoned A-2, Agricultural, General in the County and R-1 in the Town of McKenney. To the west and northwest is Crews' manufactured home sales which is zoned C-2, Commercial in the Town of McKenney, and to the north across Doyle Boulevard (Hwy. 40) from the subject property is the gasoline sales business (Exxon service station) which is zoned A-2, Agricultural, General in the County, and the property to the east which is vacant VDOT right-of-way associated with the I-85 interchange is also zoned A-2, Agricultural, General in the County.

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 Study, the subject property is considered a part of the McKenney area interchange overlay focus area and commercial/ service development is identified for this interchange. Additionally, in the Comprehensive Land Use Plan the subject property is located within the Planned 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 between the interchanges of Hwy. 40 and I-85 and the Route 1 and Hwy. 40, 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 related to the rezoning of the subject property are dependent on the type of business being conducted on the subject property. Currently, the property is being leased to the Crews' manufactured homes sales business for the storage of inventory being sold or sold. The property owner and manufactured home sales business have been cited for general clutter on the property and for dismantling and renovating (salvaging) manufactured homes on the subject property which is not permitted under the current A-2 zoning.

Additionally, there is a vacant commercial building on the subject property that housed a gasoline service station that according to the County's land records was constructed in 1972. The underground storage tanks associated with this former use have and are still being remediated. Currently, there is no impact to the public utility system and future impacts will be dependent on the new use locating on the subject property. Any future development will be subject to governmental agency reviews and permitting. There is no impact on the public school system with the proposed rezoning. The potential impact on public safety will, again, be subject to the type of use that is developed on the property. The location of the property is well suited for responding to public safety related calls.

Transportation Impacts

With the current use of the property generating very few vehicle trips, the impacts on the existing transportation network are negligible. The subject property has direct access to Hwy. 40 and when there is a change of use on the property the access points and commercial entrance design will have to be evaluated by VDOT. 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 are required to handle the additional traffic generated by the proposed use.

PROFFER STATEMENT

The applicant did submit proffers as part of the rezoning request (see Attachment B). The Planning staff developed suggested proffer conditions for the applicant and Planning Commission to consider as part of the rezoning request. Staff's suggested proffer conditions are derived from current property conditions, potential impacts on the subject property, and from the Route 1 and Route 460 Corridor Enhancement Study recommendations. The following are staff's suggested proffer conditions:

1. Future development of the Property will comply with all VDOT entrance requirements, including but not limited to driveway entrance alignments and turning lanes.
2. Owner shall provide site lighting for security which shall be designed to cast inward and downward to the Property to eliminate light overflow beyond the Property. The County shall approve the plan for site lighting prior to installation.
3. Any future building constructed on the Property, including an accessory building, and any expansion of the existing building on the Property shall have a brick front façade and either brick or stucco sides.
4. Any future building constructed on the Property, including an accessory building, and any expansion of the existing building on the Property shall satisfy the County Zoning Ordinance setbacks and landscape/buffer requirements in effect as of the date of these Proffers.
5. All outdoor storage shall be located in the rear yard and shall be screened from view from public rights-of-way. Such storage shall be enclosed by an opaque fence, evergreen trees, shrubs, or any combination thereof a minimum of six feet in height for outdoor storage, not including inoperative vehicles, and a minimum of eight feet in height for storage of inoperative vehicles. The County shall approve the enclosure plan and all materials to be used prior to construction.
6. In case of conflict between any conditions imposed on the Property by the Board of Supervisors of the County pursuant to a conditional use permit and these proffers, the conditions of the conditional use permit shall control so long as the conditional use permit is valid and continuing in force.

The applicant proposed the following conditions as part of the proffer statement:

1. Future development of the Property will comply with all VDOT entrance requirements, including but not limited to driveway entrance alignments and turning lanes.
2. Owner shall provide site lighting for security which shall be designed to cast inward and downward to the Property to eliminate light overflow beyond the Property. The County shall approve the plan for site lighting prior to installation.
3. Any future building constructed on the Property, including an accessory building, and any expansion of the existing building on the Property shall have a brick front façade and either brick or stucco sides.

4. Any future building constructed on the Property, including an accessory building, and any expansion of the existing building on the Property shall satisfy the County Zoning Ordinance setbacks and landscape/buffer requirements in effect as of the date of these Proffers.
5. Property Owner will work with any property occupants or tenants to ensure all County outdoor storage ordinances or codes are addressed. In the event there are no occupants or tenants on the property, Property Owner will remove any outdoor storage building or units from public view or rights-of ways.
6. Property Owner will work with any property occupants or tenants to ensure all County inoperative vehicles ordinances or codes are addressed. In the event there are no occupants or tenants on the property, Property Owner will remove any inoperative vehicles from public view or rights-of ways.

Staff Recommendation:

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

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

1. The zoning classification requested, B-2, Business, General with proffers is compatible with the surrounding zoning pattern and surrounding land uses;
2. The requested zoning classification with proffers conforms to the underlying uses recommended in the Route 1 and Route 460 Corridor Enhancement Study and those uses recommended in the Planned Growth Area in the Comprehensive Land Use Plan for this general area.

PLANNING COMMISSION RECOMMENDATION

At the May 12 Planning Commission meeting where the subject rezoning request was heard and after much discussion concerning the condition and current operation of the manufactured home sales business on the subject property and the location of the manufactured homes set-up close to the edge of pavement along Hwy. 40 on the subject property, the Planning Commission tabled the request to give two Planning Commissioners, staff, and the applicant an opportunity to discuss the Planning Commissioners concerns. Planning staff did meet with the applicant prior to the June 9 Planning Commission meeting and discussed the Planning Commissioners concerns. The applicant indicated that she understood the concerns and indicated that she would be speaking with Ms. Crews the current tenant on the subject property.

At the June 9 Planning Commission meeting, during the Public Hearing period there was no one who signed up to speak, and no one was present to speak. As part of planning staff's presentation, staff explained to the Planning Commission how staff's recommended proffer conditions five and six differed from the applicant's proffer conditions five and six. For

condition five, in the staff report to the Planning Commission, staff did indicate that outdoor storage of property that was not for sale should be located in the rear yard of the subject property and screened from public view. In addition, staff indicated that storage in the rear of the property was the same for condition six concerning storage of inoperable vehicles. Staff indicated that the staff recommended proffer conditions recommended storage in the rear of the subject property and screened from public view. In the end, staff indicated to the Planning Commission that the applicant did submit different language for condition five and six, but staff did not have a problem with the proffer conditions proposed by the applicant.

Planning Commissioner Hayes did ask staff if the property on the eastside of the road, which is in the Town of McKenney, is zoned C-2 as a result of a recent zoning action on the part of the Town of McKenney. Staff indicated that they were not aware of any recent rezoning and staff explained that the property across the street has always been zoned C-2.

As questions of staff continued, Planning staff did express concerns generally about how the manufactured homes set up for sale are situated on the subject property and whether those are truly for sale or are they being repaired or stored there. Staff explained even if the subject property is rezoned to B-2, it cannot be used to salvage or perform any major repairs on manufactured homes on the subject property. Furthermore, staff explained that the business could only have manufactured homes for sales or display, and that the only Zoning in which they could salvage and repair manufactured homes would be in the Industrial zoning districts.

Staff also indicated to the Planning Commission that staff did talk to the applicant about how close to road (Hwy. 40) that some of the manufactured homes are set up, and there is not any setback in the Zoning Ordinance that addresses how far anything for sale or display has to be from the road right-of-way.

After, staff addressed the Planning Commissioners questions related to staff's report presentation, the applicant, Ms. Rebecca Zehmer, who resides at 3100 English Turn Court, Fredericksburg, VA said all she has are some recent pictures from the Ms. Crews showing how they have tried to make the subject property more presentable. Ms. Zehmer also said she thinks that the Crews business was repairing the manufactured homes on the subject property at one time, but they are not doing that anymore.

After the applicant spoke in favor of the rezoning request, Ms. Josephine Crews who resides at 20913 Boydton Plank Road, McKenney, VA said they (Crews Manufactured Home Sales) have not done repairs to manufactured homes on the subject property for eight or nine years. She said they are cleaning the manufactured homes out. She said when they are brought back to the sale lot they are full of junk and all kinds of possessions. She said you might see a generator outside the manufactured home, but it is there because they are power washing or vacuuming them out. She said some of them are sold, but when the customer abandons it, ninety (90) days have to go by before they can take possession of it and get rid of it. She said after they take possession of the manufactured homes they are taken to Shoesmith or Tony's Auto and they crush them. She said the only repairs that are done is some siding being replaced when the wind blows it off or when it comes off while being moved in transit.

After the Ms. Crews spoke, the Planning Commission discussed the current condition of the subject property and how the manufactured homes are set-up for display on the subject property. The Planning Commission indicated to the applicant that progress has been made on cleaning up the property and that they would like for the manufactured homes to be set back further from

edge of Hwy. 40. After much discussion and the Planning Commission agreeing that the B-2 zoning is an appropriate zoning for the property, Dr. Moore 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-10-2 be recommended for approval with proffers to the Board of Supervisors, and the motion was seconded by Mr. Blaha with Mr. Blaha, Mr. Lee, Dr. Moore voting "AYE" and Mr. McCray and Mr. Hayes voting "NO". P-10-2 was approved with proffers by a vote of 3-2 to the Board of Supervisors.

BOARD ACTION

Since this is a zoning matter, the standard statement regarding Board action 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-10-2 be (approved, approved with proffers, OR disapproved) by the Board of Supervisors.