

Planning Commission Meeting Report

File: P-22-1
Applicant/Owner: Mr. Michael Jason Archer
Request: Rezone from Residential, Rural, RR-1 to Agricultural, General, A-2
Property Address: Archangel Place, Dewitt, VA; Queen of Angels Estates
Tax Map & Parcel #: 54-30
Property Size: 54.5 acres
Magisterial District: Darvills
Previous Cases: P-98-3 (BOS Approved Rezoning to RR-1 May 6, 1998 Queen of Angels Estates Sec. 1, Nine (9) lots); P-05-11 (BOS Approved Rezoning to RR-1 Queen of Angels March 21, 2006 Estates Sec. 2, Fifteen (15) lots)
Planning Commission Mtg.: April 20, 2016, AP-16-1, Recommended Disapproval ; BOS Mtg.: May 17, 2016, Proffer Amendment Request, AP-16-1, Disapproved

CASE OVERVIEW

The applicant, Michael Jason Archer, is requesting to rezone property containing approximately 54.17 +/- acres from Residential, Rural, RR-1 with proffers to Agricultural, General, A-2. The A-2 zoning district allows single-family residential development at the Zoning Ordinance defined maximum density on a minimum of three-acre parcel with 400 feet of road frontage on a public road (VDOT Route). The property is located at the terminus of Archangel Pl., DeWitt, Virginia and is further defined as Tax Map Parcel No. 54-30. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Rural Conservation Area, which allows for low-density residential and agricultural uses for this general area.

INFORMATION INCLUDED

The following information is included for review:

- Rezoning Application
- Attachment A – Location Map
- Attachment B – Tentative Plan, Queen of Angels Estates Sec. 2
- Attachment C – Original Proffers, Adopted March 21, 2006

BACKGROUND INFORMATION

As part of rezoning Case P-05-11 for the development of Sec. 2 as part of Queen of Angels Estates subdivision, Case P-05-11 rezoned with proffers approximately 54.5 acres located on the north side of Scotts Road at the terminus of Archangel Place. The original proffers allowed for 15 lots as part on said land. The subject property was rezoned to Rural, Residential, RR-1, with proffers in March 2006 (please see the attached Original Proffers adopted March 21, 2006) as an extension of the existing subdivision, Queen of Angels Estates, to add fifteen (15) lots to the existing nine (9) lots that are part of Sec. 1, and it is connected to the State maintained road, Scotts Road (Route 645), by the existing subdivision road, Archangel Place. As part of the development of the subdivision, the owner/developer requested the following special exceptions

related to the road pavement width: the existing pavement width for Scotts Road is eighteen (18) feet and the pavement width for Archangel Place is eighteen (18) feet. In June of 1998, the applicant requested a four (4) foot reduction in the minimum pavement width reducing the pavement width from twenty-two (22) feet to eighteen (18) feet, and the Planning Commission denied that request. The applicant appealed the decision to the Board of Supervisors and the Board did approve the applicant's request for a special exception at their July 1, 1998 Board meeting. Again in November 2006, the applicant requested a reduction in the pavement width from twenty-two (22) feet to eighteen (18) feet for the extension of Archangel Place as part of the development of Sec. 2 of the subdivision, and it was approved by the Planning Commission. At this time, Queen of Angels Estates Sec. 1 is developed and built out while Sec. 2 is in the planning phase/construction plan phase and under review by the Land Development Committee (LDC).

In 2016, the original owner/developer, Mr. Patrick Casale, requested to amend the original rezoning proffers from 2006 to remove original proffer conditions eleven (11) and twelve (12), which require a per lot contribution of \$5,629.00 adjusted annually on each January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor; and by amending original proffer condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,700 square feet for a two-story residence and to 1,300 square feet for a one-story residence. In May 2016, the Board of Supervisors denied the applicant's request to amend the original proffers.

LAND USE/ZONING ANALYSIS

The adjacent properties to the north, south, east and, west are zoned Residential, limited, R-1 and are comprised of single-family dwellings on large lots, farmland and forestal land uses. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which encourages industrial uses for this general area.

Staff believes that the rezoning to Agricultural, general, A-2 is more consistent with the County's long-range plan of encouraging industrial uses because the Residential, limited, R-1 zoning district allows more dense residential development by right. The Agricultural, general, A-2 zoning district would restrict the development to open farmland, larger lot residential development and some commercial uses. The less dense residential development would be more fitting to transition to manufacturing uses if the market conditions change.

OVERVIEW OF DEVELOPMENT IMPACTS

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

This request would have no impact to the public utility system, as the existing utilities are handled on-site. There is no expected impact to the school system, as the rezoning would limit the potential for additional residential uses to one dwelling on the overall parcel. The potential impact on public safety will be subject to the type of use that is developed on the property.

Transportation Impacts

The applicant will utilize the existing entrance and any additional uses proposed on the subject property will require evaluation by VDOT.

Planning Staff Recommendation

The planning staff has reviewed the rezoning request and recommends APPROVAL of the request to rezone the subject property from Residential, Rural, RR-1 to A-2, Agricultural, General. Staff believes that the rezoning to Agricultural, General, A-2 zoning district is more consistent with the County's long-range plan of encouraging limited residential uses in this area, as the density and uses allowed in the Agricultural, General, A-2 are more conducive to the existing agricultural and limited residential uses in the area.

PLANNING COMMISSION RECOMMENDATION

Mr. Bassett asked if there were any questions from the Planning Commission.

Dr. Prosis asked if the property is approved for the down zoning to A-2 with a public road going into the property, how many lots could the owner get.

Mr. Bassett said with the new density rules that are in place for the A-2 zoning district, the maximum number of lots the owner could develop if a public road is constructed, would be four. With the current zoning on the property (RR-1) and if a public road is constructed, the owner could develop fifteen lots.

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

Mr. Michael Archer, 13114 Cox Road, Church Road VA said his only intention for this property is to build one single-family residence.

The Chairman said if there are no questions for the applicant, he is opening the public hearing portion of the case. He asked if anyone signed up to speak. He said since there is no one who signed up to speak, he is closing the public hearing for this case. He asked the Commissioners if they had anything additional to discuss before they voted.

There was some general conversation among the Planning Commissioners concerning the down zoning being the right choice for the property.

Mr. Hayes 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-22-1, as presented, be recommended for approval to the Board of Supervisors. It was seconded by Mr. Titmus and with Mr. Harvell, Mr. Cunningham, Mr. Hayes, Mr. Titmus, Mr. Simmons, Dr. Prosis and Mr. Tucker voting "AYE" P-22-1 is recommended to the Board of Supervisors for approval.

BOARD OF SUPERVISORS ACTION

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-22-1 as presented, be (approved OR disapproved) by the Board of Supervisors.