

Planning Commission Meeting Report

File #: P-22-2
Applicant: James G. Flowers, and his agent, Jamie S. Encinosa, with Rhetson Companies, Inc.
Rezoning Request: Agricultural, General, A-2 to Business, General, B-2 with Proffers
Property Location: Near the water tower across from the Wal-Mart Distribution Center on the northern side of Cox Rd., North Dinwiddie, Virginia
Tax Map Parcel #'s: Part of Tax Map Parcel No. 20-3
Property Size: 2.10 +/- acres
Magisterial District: Rohoic District
Planning Commission Mtg.: January 12, 2022
Board of supervisors Mtg.: February 15, 2022

CASE OVERVIEW

The applicant, James G. Flowers, and his agent, Jamie S. Encinosa, with Rhetson Companies, Inc., are requesting to rezone property containing approximately 2.10 +/- acres from Agricultural, General, A-2 to Business, General, B-2 with proffers. Under the Zoning Ordinance, the B-2 zoning district allows retail stores as a permitted use. The property is located near the water tower across from the Wal-Mart Distribution Center on the northern side of Cox Rd., North Dinwiddie, Virginia and is further defined as part of Tax Map Parcel No. 20-3. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows for industrial uses for this general area.

ATTACHMENTS

Rezoning Application, Location Map, Proffer Statement, Sutherland Plat & Legal Description, Conceptual Site Plan

LAND USE/ZONING ANALYSIS

The properties surrounding the subject property include a mix of vacant agricultural, industrial and residential land uses. The surrounding property is zoned A-2, Agricultural General, and the Wal-Mart Distribution Center property across Route 460 is zoned M-1, Industrial Limited. The adjoining undeveloped property to the north, east, and west is zoned A-2, Agricultural General. The Tindall concrete manufacturing property to the east is zoned M-2, Industrial General.

As set forth in the Zoning Ordinance, the Business, General, B-2 zoning classification 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. Given that the subject property fronts on Route 460 the subject property is well suited for general business uses requiring frequent vehicle access. The request to rezone the property to B-2, Business General, is appropriate given the property's location and it is a good transitional zoning between the industrial uses and zoning in the immediate area.

The subject and surrounding property is identified in the Route 1 and Route 460 Corridor Enhancement Study, and when the study was adopted in 2004 it became a part of the Comprehensive Plan. In the Corridor Enhancement Study, the subject property is considered a part of the Route 460 Business Focus Area and commercial/service development is identified for development in this general area. Additionally, in the Comprehensive Land Use Plan the subject property is located within the Urban Growth Area, which recommends industrial and commercial and service development for this general

area. The B-2 Zoning District does allow for commercial uses that are compatible with mixed use development as well as the existing light industrial use, such as the Wal-Mart Distribution Center. In addition to the Route 1 and Route 460 Corridor Enhancement Study, the development of the property will have to comply with the Route 1 and Route 460 Entrance Corridor Overlay design standards.

OVERVIEW OF IMPACTS

Public Utility and Public Safety Impacts

The impacts of the proposed commercial rezoning of the subject property are minimal. There are no negative impacts to the public utility system and future impacts will not require any major utility upgrades. Any future development will be subject to Dinwiddie County Water Authority (DCWA) reviews and utility connection agreements. The potential impact on public safety will be subject to the changes in the future use of the property, and there are no concerns with developing the property commercially. The location of the property is well suited for responding to public safety related calls.

Transportation Impacts

VDOT has worked with the applicant on preliminary design and layout of the commercial driveway entrance and additionally, at site plan review for the proposed development on the subject property, the commercial driveway access points and commercial entrance designs will 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 such as a taper or a turn lane is warranted to handle the additional traffic generated by the proposed use. The transportation related improvements will have to be designed and approved during the site plan review and approval process.

Staff Recommendation:

Applicant's Proffer Conditions:

1. Limiting uses allowed on the subject property.
2. Building materials used on the southern, western, and eastern elevations of any building constructed on the Property shall be a combination of brick and combination of brick and cementitious siding (or equivalent material, as determined by the Planning Department). The exterior of any accessory building or structure shall be compatible in architectural style, material, and color with the principal building.
3. Except for lighting inside the building(s), and lighting installed on the Property shall be directed downward and inward to the Property to avoid casting light on adjacent properties or into the night sky.

The planning staff has reviewed the rezoning request and staff recommends APPROVAL of the request to rezone the subject property to B-2, Business General, with the applicant's proposed proffers given that:

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

PLANNING COMMISSION RECOMMENDATION

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

Mr. Titmus said his biggest concern is with what the building will look like. The information that has been provided is very vague. That is what concerns me. This building is at the beginning of a residential corridor where the homes look nice and I would sure hate to see something built that would change that look. He wanted to know what we could do to ensure they build something nice or attractive for that area.

Mr. Prorise asked if this building will be subject for review by the Design Review Board.

Mr. Bassett said that is correct; the new building will have to be reviewed and approved by the Design Review Board.

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

Kerry Hutchinson, with the Law Firm of Rudy Coyner and Associates, 9910 Wagner's Way Chesterfield VA, who is the representative for the applicant Rhetsom Companies said the staff report has covered the matter very well.

Mr. Hayes said as a long time VDOT employee he knows that VDOT operates as a minimum requirement organization as it relates to requiring things needed to be done. Mr. Hayes commented that since there is already an established entrance by Walmart, he would like to see a commitment to having that one entrance as opposed to their being offset entrances.

Seth Efferson, 400 Cedar Ridge Terrace, South Boston VA, with Southern Engineering said Paul Hinson from VDOT does concur that having one entrance opposed to two is better for the project.

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

Michael Wilson, 21719 Cox Road, Sutherland VA said he is not in support of this rezoning. He said this area should be left alone for the purpose of building single-family homes. He does not want to see this area become another Jeff Davis Hwy. where businesses are the main stay and not single-family homes. He gave a list of the businesses that are already in the area and some of the concerns he has involving them. He said the process in which this is being done, seems to be flawed and backwards. He asked that the Planning Commission deny the rezoning request.

Mr. Wilson came to the Planning and Zoning Office on January 20, 2022, which was after the Public Hearing and provided me (Alvin Gurley) the written statement below. He asked that they be added to the meeting minutes.

1-20-22

Dr. Mark E. Moore, District I
Dinnwiddle Board of Supervisors

This is written to voice my disagreement to the recommended "approval" of a retail business to be located on route 460 west (Cox Road) across from the Walmart distribution center approximately $\frac{3}{4}$ of a mile from my residence.

I will not labor you with my opposition to the "approved decision" but with those facts which should not have pointed to the decision made: 1.) Retail store - At no place on the form submitted was the nature of the business revealed. A request was made at the meeting for this information and no one appeared to know, so how would we know what to discuss 2.) On the form is written recommended approval to which the commission did. How do you approve a project when no one appeared to know what the project is to be. Other questions asked and no reply given concerned property taxes, benefit to the immediate community and county as a whole.

Upon driving by the proposed site "x" marks and signs on the ground indicating construction is ready to begin.

At the conclusion of the meeting the attorney representing the company revealed the retail store to be of the Dollar Store variety, and how they want to be good neighbors. How can one be a good neighbor when you just sneaked into the neighborhood? The rest of 4600 up to Rt. 708 should have been included.

I observed a process which appears to be flawed yet adhered to which indicated to me the entire exercise was one of futility.

Confidence in government at one point was a given for me, but after observing the events of January 12, 2022 at that meeting the word "government" has lost a great deal luster.

Respectfully submitted
by
Henry M. Wilson
21719 Cox Road
Sutherland, Va. 23385
804 - 892 - 0883

copy
Mr. Gurley,
Recorder, Planning
Commission

Mr. Bassett mentioned to the Chairman that a letter of disapproval was emailed to him and he wanted to read it for the record. The following statement sent in via email is listed below:

Mr. Gurley,

I'm writing in opposition to the rezoning of land from agricultural to business located directly across from the Walmart distribution center in Sutherland Virginia.

Some may call this progress. Many of us see this as continued regression of land, higher taxes and noise pollution. Present traffic patterns ie exit traffic from Walmart Distribution Center and now this proposed new business will make it increasingly hard to make a safe U-Turn – returning home on Cox Road.

A traffic survey should be assessed (FROM THE RESIDENTS PERSPECTIVE) before any decision is made.

Some may call this progress. Progress should not pollute the air with noise, endanger driving for residents in the area and increase land degradation.

Thank you,
Terry Wilson

The Chairman said since there is no one else signed up to speak, he was closing the public hearing for this case. He asked the Commissioners if they had anything else.

Mr. Hutchinson asked the Chairman if he could respond to the comments made about this project and process. He said the primary goal of this project is to build a retail store. We chose to limit the uses on the property largely focusing our attention away from those uses that that would be noisy, smelly or otherwise obnoxious. Also, to address businesses being brought to a neighborhood area, this is Route 460 and it is one of the County's major thoroughfares. The County's Comprehensive Plan recognizes this

area as an area for business. If ever a business was going to be constructed in your County, this is the place for it. As for traffic, there is no better road to handle this traffic than Route 460.

The Chairman reminded everyone present that the Planning Commission is like a sounding board. We listen to citizen input and we make recommendations to the Board of Supervisors. I want to make clear that no one has approved anything at this point. Our purpose this evening is to gather information concerning and surrounding the request before us. It is necessary that citizens continue to speak up and share their feelings, wants and desires involving a case. That participation helps the County to better do its job. He thanked everyone who came out to share their concerns with the Planning Commission.

Mr. Simmons asked the applicant if they talked to any of the neighboring citizens about what they are proposing.

Mr. Hutchinson said they did not do that. However, it should be noted that we asked if that was customary and we were told it was not needed.

Dr. Prorise said anyone who is interested in obtaining information concerning a case coming before the Planning Commission has the right to get names and numbers to contact those involved. As for decisions being made, each Commissioner has one vote. Each Commissioner is encouraged to use that vote to ensure the best decision for the health and welfare of Dinwiddie County is being made concerning cases before us. If the citizens or applicant feels there is something still needing to be answered or done, please contact Mr. Bassett and I am sure he will provide you with what you may need or what you may want to know.

Mr. Cunningham said he is sure that when an applicant wants to put together a case that will be brought before us, Mr. Bassett provides them with everything they need. I am also sure that if Mr. Bassett makes a recommendation in the staff report for approval, he has done all the work necessary to confirm a business could be built where the applicant wants to build it. I do not believe cases are pre-approved before they are presented to the Planning Commission and Board of Supervisors. When he writes in the staff report the words "approval," he is saying based on the County's zoning regulations the applicant is authorized to do what they are proposing.

Mr. Hayes said Route 460 is known as an arterial corridor, which is very similar to Highway 85 in that respect. However, unlike Highway 85 Route 460 has characteristics like Route 1 or Jeff Davis Highway. The ultimate goal for Route 460 is a regional corridor running from Norfolk, Virginia to all points west. I just wanted you all to understand the context of Route 460. I believe a bigger issue is how are we going to address the growing residential growth coming from River Road. At some point there is going to be a need for a better corridor from River Road out to Route 460.

The Chairman said if there are no more comments from the Commissioners, staff or the applicant, he would entertain a vote.

Mr. Harvell 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-22-2 be recommended for approval with proffers to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Hayes, Mr. Simmons, Mr. Harvell, Mr. Cunningham, Dr. Prorise and Mr. Tucker voting "AYE" and with Mr. Titmus voting "NO" P-22-2 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 request, P-22-2, be (approved with proffers or disapproved) by the Board of Supervisors.