

Planning Commission Meeting Report

File #: P-22-3
Applicants: Donald & Laura Lamm
Rezoning Request: Residential, Limited, R-1 to Agricultural, General, A-2
Property Location: 9705 Squirrel Level Road, North Dinwiddie
Tax Map Parcel #: 35-34B
Property Size: 10.63 +/- acres
Magisterial District: Rohoic District
Planning Commission Mtg.: Feb. 9, 2022
Board of Supervisors Mtg.: March 15, 2022

CASE OVERVIEW

The applicants, Donald and Laura Lamm, are requesting to rezone property containing approximately 10.63 +/- acres from Residential, Limited, R-1 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 9705 Squirrel Level Road North Dinwiddie, Virginia and is further defined as Tax Map Parcel No. 35-34B. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area, which allows for low-density residential and agricultural uses for this general area.

ATTACHMENTS

Attachments - Rezoning Application, Property Location Map, Property Survey Plat

LAND USE/ZONING ANALYSIS

The subject property and the surrounding area, to include property along Squirrel Level Road (Rt. 613) and Vaughan Road (Rt. 675) and, were part of a mass rezoning of property from Agricultural, General, A-2 to Residential, Limited, R-1 in July of 1965. Despite the rezoning, more than 50 years later, a majority of the properties in the area continue to have farming and timber operations and those residential uses are on large lots. The residential lot sizes and uses in the area are more consistent with the Agricultural, General, A-2 District (the minimum lot size in the A-2 zoning classification is 3.0 acres).

There have been three similar rezoning cases, P-98-12, P-11-3, and P-18-2 within the general area of the subject property. In 1999, the Board of Supervisors granted the rezoning request to rezone property located just north of Fort Emory Road from R-1, Residential, Limited, to A-2, Agricultural, General, to allow for the continued use of an existing commercial business. Additionally, in 2011 property just north of the subject property was rezoned from R-1 to A-2 to allow for a commercial kennel to remain on a 8.82 acre parcel. Lastly, in 2018 a property was rezoned from R-1 to A-2 to allow for an agricultural use to continue.

The subject property for this rezoning request is surrounded by properties having single-family residential, open space, and forestal land uses. The surrounding property to the north of the subject property is former CSX rail line right-of-way. To the east at the rear of the subject property, is vacant open space (a 65 acre parcel), which is comprised of forestal area. On the west across Squirrel Level Road, is a single family dwelling, which is part of the large-lot

Whitetail Subdivision (a private road subdivision with prevailing lot sizes greater than three acres). The surrounding zoning pattern consists of R-1, Residential, Limited, zoned property for the adjoining properties.

In the Comprehensive Land Use Plan the subject property is located within the Planned Growth Area, which recommends agricultural, residential, and limited commercial and service development for this general area. This property is located at the southern end of the Planned Growth Area as well as at the southern end of the portion of the county that is zoned R-1.

Staff believes that the rezoning to Agricultural, General, A-2 is more consistent with the County's long-range plan of encouraging large-lot residential and agricultural uses for this part of the County. The Agricultural, General, A-2 zoning district would restrict the development to open farmland, larger lot residential development and some commercial/service uses. The less dense residential development would be more fitting transitioning to the more rural portion of the County.

OVERVIEW OF IMPACTS

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

Currently, there is no impact to the public utility system. There is no impact on the public school system with the proposed rezoning, as it is a downzoning, which will further limit the number of residential homes allowed to be developed on the property. There is no increased impact on public safety services. The location of the property is well suited for access and responding to public safety related calls.

Transportation Impacts

With the proposed use of the property generating very few vehicle trips, the impacts on the existing transportation network are negligible. Up to this point, there have not been any issues with the existing traffic generated at the subject property. The subject property has direct access to Squirrel Level Road and any future entrance improvements will have to be approved by VDOT.

Staff Recommendation:

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

1. The zoning classification requested, A-2, Agricultural, General, is compatible with the surrounding zoning pattern and surrounding land uses;
2. The requested zoning classification conforms to the underlying uses recommended in the Planned 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. Tucker asked what the minimum lot size is for the A-2 zoning.

Mr. Bassett said three acres.

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

Mr. Donald Lamm, who is the applicant, came forward and told the Commissioners his only reason for wanting to rezone the property is because he wanted to build a garage big enough to house his possessions, but the R-1 zoning he was under didn't allow for the size he wanted. He said Mr. Bassett mentioned to him that the A-2 was what he needed and here we are.

The Chairman asked if there were any more questions for the applicant. He said since there are none he was opening the public hearing portion of the case. He asked if anyone had signed up to speak. He said since there is no one who signed up to speak, he was closing the public hearing for this case. He asked the Commissioners if they had anything else to add and if not he would entertain a motion.

Mr. Cunningham 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-22-3 be recommended for approval to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Titmus, Mr. Cunningham, Mr. Simmons, Mr. Hayes, Mr. Harvell, Dr. Prorise and Mr. Tucker voting "AYE" case P-22-3 was recommended for approval to the Board of Supervisors.

BOARD OF SUPERVISORS ACTION

Since this is a zoning matter, the standard statement regarding the Board of Supervisors 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-22-3 as presented, be (approved OR disapproved) by the Board of Supervisors.