

# **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: 2.51 +/- acres  
Magisterial District: Rohoic District  
Planning Commission Mtg.: January 12, 2022  
Board of Supervisors Mtg.: February 15, 2022  
Planning Commission Mtg. Amended Application: May 11, 2022

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## **CASE OVERVIEW**

The original rezoning request has been amended to change the portion of the subject property to be rezoned. The amended request involves rezoning the eastern most portion of the property which encompasses 2.51 acres on the north side of Cox Rd. (Route 460), North Dinwiddie, Virginia across from the Wal-Mart Distribution Center employee entrance and is further defined as part of Tax Map Parcel No. 20-3. The applicant, James G. Flowers, and his agent, Jamie S. Encinosa, with Rhetson Companies, Inc., are requesting to rezone property containing approximately 2.51 +/- 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. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows for commercial and industrial uses for this general area.

## **ATTACHMENTS**

Rezoning Application, Location Map, Proffer Statement, Sutherland Rezoning Exhibit (Preliminary Site Plan), Exhibit A (Building Elevations/Renderings)

## **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**

The applicant has consulted with VDOT 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 standards 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 (Hardie Plank) 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. The building will comply with the Route 1 and Route 460 Corridor Overlay District design standards.
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.
4. Prior to site plan approval a survey of the Property shall be completed and approved by the Planning Department.

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 proffer conditions 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.

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

Kerry Hutcherson, with the Law Firm of Rudy Coyner and Associates, 9910 Wagner's Way Chesterfield VA, who is the representative for the applicant Rhetson Companies said the staff report has covered the matter very well. Mr. Hutchinson then presented the applicant's report outlining that the new location addresses concerns made by the Planning Commission and Board at the previous meetings.

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.

Mr. Hayes asked if a right-in/right-out entrance would work for this project.

Mr. Hutcherson indicated that the retail store will not develop a project unless there is a full access entrance to the store site.

Mr. Hayes asked a question about the store elevation and what is considered for this location.

Mr. Williams with Rhetson Co. indicated that the County's design standards drove how the store would be designed and what materials would be used.

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-22-2, as presented, be recommended for approval to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Harvell, Mr. Cunningham, Mr. Hayes, Mr. Simmons, Dr. Prosis and Mr. Tucker voting "AYE" 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, P-22-2 as presented, be (approved with proffers OR disapproved) by the Board of Supervisors.**