

# **Planning Commission Meeting Report**

File #: P-22-4  
Applicant: Marvin Copeland  
Rezoning Request: Residential, Limited, R-1 to Residential, Urban, R-U  
Property Location: Greenville Avenue, West Petersburg  
Tax Map Parcel #: 21A-1-260 & 21A-1-261  
Property Size: 0.11 +/- acres  
Magisterial District: Rohoic District  
P.C. Hearing Date: June 8, 2022  
Board of Supervisors Mtg.: June 21, 2022

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## **CASE OVERVIEW**

The applicant, Marvin Copeland, is requesting to rezone property containing approximately 0.11 +/- acres from Residential, Limited, R-1 to Residential, Urban, R-U. The R-U zoning district allows for single-family residential uses pursuant to the Zoning Ordinance allowed density. The property is located on the south side of Greenville Avenue in West Petersburg between the intersections with Roanoke Street and Potomac Street, and is further identified as Tax Map Parcel Nos. 21A-1-260 and 21A-1-261. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited residential uses for this general area.

## **ATTACHMENTS**

- Rezoning Application
- Property Location Map

## **LAND USE/ZONING ANALYSIS**

The subject property is located on the south side of Greenville Avenue in West Petersburg and is further identified as Tax Map Parcel Nos. 21A-1-260 and 21A-1-261. The applicant is seeking a rezoning of the 0.11 acre property from Residential, Limited, R-1 to Residential, Urban, R-U in order to combine the two aforementioned parcels and construct a new single-family residential dwelling. The R-U zoning classification allows for minimum lot sizes of 5,000 square feet with a minimum lot width of 50 feet. The proposed dwelling will be served by public water and sewer by the Dinwiddie County Water Authority (DCWA) water and sewer system.

There have been two previous and similar rezoning cases, P-16-2 and P-19-1, within the general area of the subject property. Both cases involved the rezoning of 0.12 acre properties on Surry Avenue from R-1, Residential, Limited, to R-U, Residential, Urban to allow for the construction of single-family residential dwellings. The Board of Supervisors granted approval of these rezoning cases in 2016 and 2019 respectively.

The surrounding land use around the property is predominately low-density established and stable single-family residential development. A civic use (church) is also located in close proximity to the property across Greenville Avenue. The surrounding area is zoned Residential, Limited, R-1. West Petersburg consists of lots that are 25 feet wide and 100 feet deep which are nonconforming with regard to the R-1 District requirements. The majority of existing homes in this neighborhood are situated across property lines and the remaining vacant lots do not accommodate further development on their own individually. The R-U zoning classification was

adopted with an intent of addressing these type nonconformities and issues in this general area. The subject rezoning request will permit for a new dwelling that is compatible with the size and character of the surrounding development.

The property under review is designated by the Comprehensive Land Use Plan (the “Plan”) as being within the Urban Area. As such, the general area is expected to accommodate future medium density residential development.

The composition and purpose statement within the R-U Zoning District states that *“In general, the “Residential, Urban” zoning district allows smaller lot sizes and setbacks than the county’s other residential zoning districts, giving areas zoned R-U a more urban feel. The district regulations are designed to reflect the urban nature of such neighborhoods as characterized by detached single-family dwellings situated on small lots with narrow yards and modest setbacks. The district regulations are intended to encourage continued improvement and efficient use of existing residential buildings and their accessory structures, while ensuring that infill development will be compatible with the established character of the district”*. The proposed development is in accordance with the purpose of the R-U District.

Chapter XI of the Plan outlines the policies, goals, and objectives of the County. Policy statement (3) identifies the County’s desire to *“maintain and enhance the County’s ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors.”* As previously mentioned, this general area is designated as Urban Area; thus, with the property being located in the existing West Petersburg neighborhood and having access to the DCWA water and sewer system, this general area may be considered a residential growth center.

## **OVERVIEW OF IMPACTS**

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

As public water and sewer is available in the area, the use of public water and sewer utilities is being utilized by the applicant. It is the intention of the applicant to combine the subject lots/properties so that a dwelling may be located on its own individual lot.

With the proposed lot consolidation allowing for the construction of a single-family residence, the impacts on public safety services should be minimal.

The impact on the public school system should be minimal based on the school system’s census information, which estimates 0.56 students per household, and at current build out (three to five years in normal economic housing market conditions) this proposed development would add one student to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school.

### **Transportation Impacts**

The impact on the existing transportation network from the proposed development would not warrant the construction of any turn lanes or tapers. The proposed development will only require a residential driveway entrance.

**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 of the request to rezone the subject property given that:

1. The requested zoning classification, Residential, Urban, R-U, is compatible with the surrounding zoning pattern and surrounding land uses. Additionally, the R-U Zoning District was created to accommodate further development of the existing lots within the Urban Area including the West Petersburg neighborhood.
2. The requested zoning classification, Residential, Urban, R-U, conforms to the underlying uses recommended for this general area as set forth in the Urban Area of the Comprehensive Land Use Plan.

**PLANNING COMMISSION RECOMMENDATION**

Mr. Robinson asked if there were any questions from the Planning Commission. The Chairman said since there are no questions for Mr. Robinson, would the applicant or their agent like to come forward and add anything.

Mr. Copeland, 600 Battery Ave, Suffolk VA said he didn't have anything to add. He wanted the Commissioners to know he did talk to Dr. Jeffery about the property, but he still wants to hear what the Commissioners are going to decide.

The Chairman asked the Commissioners if they had any 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.

Dr. Peter Jeffery, 11104 Warrick Drive, North Dinwiddie VA said he has been in contact with Mr. Copeland and we have agreed to come together and resolve this matter. We are working on the agreement of him selling the property or work out some other resolution. The consensus of the community is we are not in agreement with houses being built in the subdivision in close proximity to other houses. There has already been a conflict with neighbors on Surry Ave and Roanoke Street over who has the proper driveway. This is a real concern. If you start shoe-horning houses in this subdivision, you will have problems. Whatever you gain in tax revenue, you will lose in additional services to go in and resolve issues. I understand you have approved one before and maybe you were not aware of the dynamics I'm talking about, but now that we know what is going on we will be involved in any upcoming rezonings. I would like to make it clear that I'm not opposed to home ownership or someone selling what they have to make money, but I am concerned about the social fabric of that community. The community doesn't want to just maintain the peace they have, but they want it to be better.

Pamela Walker, 16402 Courthouse Road, Dinwiddie VA said she has taken to this situation because this subdivision was designed by her father Mr. Jimmy Hawks. I agree with Dr. Jeffery that putting more homes in the subdivision this way will cause problems. I'm asking that this property not get rezoned. She added that they are trying to do things and have programs in this subdivision so as to bring the people back together. When the people in the community work together it can help keep down all the calls to the Sheriff's Department as well as keep deputies from having to always be in the community.

The Chairman asked if there was anyone else signed up to speak. He said since there is no one he was closing the public hearing portion of the case. He asked the Commissioners if they had anything else they wanted to add.

Mr. Titmus asked Mr. Copeland if he was going to place a home there for himself or was he building a home for someone else.

Mr. Copeland said he was not building a home for himself. It would be for someone else.

There was some general conversation with the Commissioners and Mr. Bassett about setbacks for the current zoning and what the setbacks would be with the new zoning.

Dr. Prorise asked Dr. Jeffery what he meant by the social fabric of the community being affected or impacted because of this rezoning. If you have two vacant lots being replaced by one home, how does that impact the social fabric?

Dr. Jeffery stated we have been doing this work over thirty (30) years and to build on them, you had to get a variance. No variance was allowed for a twenty five (25) by one hundred (100) foot lot. So, there was never a possibility of a house being built on one of those lots. What this Commission is doing with the rezoning is not replacing the inability for something to be built; this Commission is replacing the minimum setback requirement. So, instead of having four lots needed to build on, you are now saying a person only needs two lots to build on. That means you are doubling the amount of homes that can be built in the subdivision. Doubling the amount of homes means doubling the amount of people and problems and that's the social fabric point I was talking about.

There was some general conversation with the Commissioners and Mr. Bassett about the mass R-U rezoning meeting that was held in the community some years prior and what the community opted to do.

The Chairman said if there are no more questions from the Commissioners, he would entertain a motion.

Dr. Prorise 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-22-4 be recommended for approval to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Titmus, Mr. Simmons, Mr. Cunningham, Mr. Hayes, Dr. Prorise, Mr. Tucker voting "AYE" and Mr. Harvell voting "NO".

### **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-22-4 as presented, be (approved OR disapproved) by the Board of Supervisors.**