

**CHARLES CITY COUNTY  
PLANNING COMMISSION MEETING  
November 22, 2016 @ 7:30 PM  
Government/School Board Administration Building  
Auditorium**



**AGENDA**

**I. CALL TO ORDER**

**II. JOINT PUBLIC HEARING**

- 1) #SUP-02-2015, New Lexington, LLC, November 2016 Amendment**  
Application requests amending Condition #1 to increase the megawatts of the natural gas power plant from 1,500 to 1,650.

**PUBLIC COMMENT**

**COMMISSION'S RECOMMENDATION TO THE BOARD OF SUPERVISORS**

- 2) #REZ-03-2016, Burlington Plantation, LLC**  
Application requests the rezoning of 9 acres of a 254± acre parcel (T.M. #54-93A) from Agriculture (A-1) to Tourist Business Zoning District (B-3) located at 13221 John Tyler Memorial Highway.

**PUBLIC COMMENT**

**COMMISSION'S RECOMMENDATION TO THE BOARD OF SUPERVISORS**

**VI. ADJOURNMENT**



**DEPARTMENT OF PLANNING  
STAFF REPORT  
November 22, 2016**

Rachel Chieppa  
Director Planning/Economic Development

**GENERAL INFORMATION**

**Applicant:** Tom Vosnick  
York River Realty Company  
P. O. Box 975  
West Point, VA 23181

**Owner:** New Lexington, LLC f/k/a The Lexington Corporation  
2300 Wilson Boulevard, 7<sup>th</sup> Floor  
Arlington, VA 22201

**Application:** #SUP-02-2015, November 2016 Amendment  
**Tax Map Parcel:** #8-1, #8-2  
**Acreage:** 186 acres

**SITE LOCATION:**

The properties are located on Chambers Road around the Chickahominy Substation.

**REQUESTED ACTION(S):**

Application #SUP-02-2015, November Amendment requests to amend Condition #1 to read:  
“The permit is for the construction and operation of a central utility system in conjunction with a right of way greater than or equal to 30 feet in width in order to operate up to a **1,650 megawatt** combined cycle natural gas power plant with incidental switching station and fuel storage, and/or a utility scaled solar farm in excess of 20 megawatt name plate capacity. The facility shall be constructed, operated, and maintained in accordance with all rules and regulations of the Charles City County Zoning Ordinance, with any and all terms and conditions of this special use permit, and in compliance with all federal, state, and other local laws and regulations for this use.”

**LAND USES:**

The existing land use is agricultural and heavy industrial; and the surrounding land uses are heavy industrial (Charles City Timber and Mat, Lacy Auto Parts, Virginia Natural Gas compressor station, and CoParts storage yard), business (Andy’s Storage, Bruce Howard

Contracting), agricultural and some residential. The nearest residence is 500 LF from the property line to the south-east. The property is buffered to the south and west by an existing row (roughly 200 feet in width) of pines and hardwood. The property surrounds the Chickahominy Substation, and has 115KV, 230KV and 500KV transmission lines and their respective easements transecting the property. In addition, the property has direct access to the 16" natural gas line that runs along its frontage on State Route 685 from the substation east.

### **ZONING:**

The parcels are currently zoned General Business (B-1), and Heavy Industrial (M-2). Surrounding parcels are zoned Agricultural District (A-1), Light Industrial (M-1), Heavy Industrial (M-2), and General Business (B-1).

### **COMPREHENSIVE PLAN:**

This parcel is in that portion of Charles City County that has traditionally been the County's industrial hub and major employment center. The tract is in the Roxbury Regional Development Area (Future Land Use Plan Map). The Comprehensive Plan (page 10-6) states:

*"The Roxbury Development Center, located on both sides of Roxbury Road (Route 106) in the northwest corner of the County, has traditionally been the County's industrial hub and one of the major employment centers. The County's industrial park as well as several other industrial activities is located in this development center.*

*Proximity and easy access to transportation systems such as roadways, railways and nearby shipping ports, and future installation of centralized water and sewer service make this an ideal location for business parks, industrial parks, and commercial businesses that support industrial development".*

The Comprehensive Plan's future land-use map also shows that a small portion along the parcel's western property line is included within the recommended State Route 106 (Roxbury Road) Industrial Corridor Overlay District. The overlay district is slated to extend 500 LF outward from the right-of-way center-line along State Route 106. In accordance with the plan, future overlay district guidelines will "encourage proper site design, traffic control, and planning standards". The plan further states that "Access management regulations that are conducive to maintaining traffic flow of industrial trucking will be key in protecting the economic viability of the corridor while providing for the blend of uses the County seeks to sustain along State Route 106".

### **SPECIAL INFORMATION**

**Public Services:** There are no public services (water or wastewater) currently serving the property.

**Transportation:** This Property is served by a public road (State Route 685). Any additional development of the property would be reviewed by the Virginia Department of Transportation to ensure that entrances and site-distances are adequate for anticipated traffic generation.

**Sensitive Features:** According to the County's Environmental Constraint Map a small portion of the property along Chambers Road contains wetlands and Chesapeake Bay Preservation Act (CBPA) features. An environmental phase 1 study has been completed for the property.

**DISCUSSION:**

Natural Gas Generating Plant Discussion:

New Lexington is requesting an amendment to the existing special use permit to increase the megawatt of the natural gas power plant from 1,500 to 1,650.

**CONCLUSION:** The approved special use on the given property is supported by the County's Comprehensive Plan and Economic Development Strategic Plan. From an economic development standpoint, the property has all of the main infrastructure needs for such a power plant and/or solar farm (gas, transmission, size, roadway, and zoning). The County's Economic Development Plan highlights the energy sector potential of the County due to the location of the Chickahominy Substation, which is a major regional substation.

**The following Conditions as amended are recommended to apply to #SUP-02-2015; Adopted 5/28/2015; Proposed November 2016 Amendment:**

General:

1. This permit is for the construction and operation of a central utility system in conjunction with a right of way greater than or equal to 30 feet in width in order to operate up to a ~~1,000~~ **1,650 megawatt** natural gas power plant with incidental switching station and fuel storage, and/or a utility scaled solar farm. The facility shall be constructed, operated, and maintained in accordance with all rules and regulations of the Charles City County Zoning Ordinance, with any and all terms and conditions of this special use permit, and in compliance with all federal, state and other local laws and regulations for this use.
2. Prior to the issuance of a Building Permit for the proposed facility or any accessory structures and/or equipment, the permittee shall submit a site plan for County approval in accordance with the provisions of the County's Site Plan Ordinance.
3. A copy of any and all permits, and/or licenses from VADEQ, EPA, and any other governmental agency regulating this use must be on file with the County prior to issuance of the Building Permit.
4. Permittee shall secure and maintain all federal, state, and local licenses and certificates required to do business in the Commonwealth of Virginia, and Charles City County.
5. Permittee shall submit to the County all proposed design, construction and operational plans, permit applications and other documents that are submitted to local, state, and federal agencies in connection with the facility.

6. This special use permit shall expire if the use of the site as a power generation facility ceases for 2 years and/or a power generation facility is not under construction on the property within 6 years of the date of its approval.
7. These conditions shall be binding on any person, entity, including the permittee, its assigns, successors, and any subsequent assignee(s), successor(s), owner(s), operator(s), or lessee(s), owning, operating, or leasing the power generation facility and accessory facilities situated on subject property.

Right to Entry and Inspection of Premises:

8. Permittee shall allow designated County representatives or employees access to the facility at any time for inspection purposes. Reports of such inspections shall be provided to the Planning Director to determine compliance with permit.

Light:

9. All exterior, permanent lights shall be arranged and installed so that the direct or reflected illumination is minimized at the property line.
10. All permanent light sources (except emergency and/or safety lighting) shall be directional and shielded fixtures that cast light downward.

Site:

11. Permanent entrance ways and parking areas (excluding onsite travel ways) shall have asphalt surface or better and shall be maintained in a manner that will keep dust to a minimum so as not to adversely impact adjacent properties.
12. A security fence a minimum of 6 feet in height with an anti-climbing device shall be placed around the perimeter of the facility.
13. Signage shall meet Section 16 of the Zoning Ordinance.
14. Landscaping shall meet the requirements of Section 17 of the Zoning Ordinance. There shall be a minimum 100 foot setback from all property lines and public road ways for all structures, except for fences, gates, roads, guardhouses, and utilities and related equipment. Existing trees and vegetation shall be preserved within the setback except where removal is needed for fences, gates, roads, guardhouses, utilities and related equipment. A landscaping plan shall be submitted to the Planning Director for review and approval to ensure that this condition is being met. Nothing herein shall prohibit the removal of diseased or dying trees within the setback area.

Traffic Management:

15. The submitted Site Plan shall be forwarded to VDOT for their review and approval. The Site Plan shall also include a construction management element to ensure that

construction entrances and access roads are provided appropriately, to reduce the impact from wide-load and large trucks on the public roadway and the surrounding community.

16. Prior to County approval of the site plan, the permittee shall provide a copy of an approved commercial entrance permit for all proposed accesses to the subject property from VDOT.
17. Construction traffic shall not be permitted to use State Route 609.
18. Any permanent access road shall be paved.

Environment:

19. Prior to commencing land disturbing activities on the subject property, the permittee shall submit to the County for review and approval an Erosion and Sediment Control Plan and Stormwater Management Plan in accordance with the provisions of the Charles City County Combined Stormwater Ordinance and the Virginia Erosion and Sediment Control Handbook and Regulations.
- 20: A copy of any and all permits, and/or licenses from VADEQ, EPA, and any other governmental agency regulating this use must be on file with the County prior to issuance of the Building Permit.
21. The facility shall utilize Best Available Control Technology (BACT) as determined by VADEQ in order to minimize impacts on air quality.
22. Water usage for the facility shall be approved by VADEQ and/or VDH.
23. The permittee shall operate at or below the emissions established in its VADEQ and/or EPA permits. The permit criteria and limits shall be established by VADEQ and EPA.
24. Noise levels at the property lines and public streets shall not exceed 85 decibels. (Amended 9/27/2016)

Compliance:

25. Violation of any local, state, or federal law, regulation, or ordinance or violation of any condition of this permit shall be grounds for revocation of this permit by the County.
26. In the event the permittee is notified of any violations of applicable laws, regulations or permit conditions at the facility, permittee shall notify the County and shall promptly and diligently cooperate with the applicable regulatory agency and take other reasonable actions in an attempt to cure the violation. Permittee shall promptly notify the County thereof and shall provide the County with all information pertinent thereto and details of the applicant's action to remedy said violation.

27. All complaints received by the County will be referred directly to the permittee which shall give them prompt and courteous attention and shall advise the County of the disposition of such complaints within 30 days of the complaint referral.

Safety:

28. The facility and all accessory structures shall be designed and constructed to meet all requirements of the Virginia Uniform Statewide Building Code pertaining to fire prevention measures.
29. Permittee shall comply with all federal, state, and local regulations related to the use, storage and transportation of chemicals used at the facility.



## CHARLES CITY COUNTY

Special Use Permit Application

Application #SUP-02-2015, November Amendment

Date November 2016

Fee \$1,000

### TO THE ZONING ADMINISTRATOR:

The Applicant New Lexington, LLC f/k/a The Lexington Corporation is (are) the lessee (owner) of property situated on Chambers Road surrounding the existing substation near the intersection of Roxbury Road and Chambers Road. Exact Legal Description (Lot, Block and Tract) of said property being Tax Map Parcel #8-1 & #8-2.

(A map of which and property owner's list are hereto attached and made a part of this application.)

- A) Above described property was acquired by Applicant on January 12, 2005 (TM #8-1) and July 21, 2005 (TM #8-2).
- B) What original deed restrictions concerning type of improvements permitted, if any, were placed on the property involved? Give date said restrictions expire N/A. (You may attach copy of original printed restrictions in answer to this question after properly underscoring those features governing the type of class of uses permitted thereby.)
- C) Request: The applicant requests that you approve the location of the following use on the above described property: (Use this space ONLY to state exactly what is intended to be done on, or with the property. Use space on Page 2 for circumstances pertaining to this request. If a building is involved, a sketch or plan, with photographic or other suitable description should accompany this application.)

### REQUIREMENTS AND INSTRUCTIONS FOR FILING APPLICATION FOR SPECIAL USE PERMIT

- 1) The Application Form must be filled out completely with full answers to every statement and question. The application MAY NOT be signed by an agent or attorney but MUST be signed by the lessee, owner, or owners before a Notary Public in the space provided on Applicant's Affidavit. Signatures of adjacent property owners who approve the request may be signed in the space provided on Applicant's Affidavit. If space is not sufficient, a supplemental sheet may be added to the petition. Such signatures are desirable but are not absolutely required.
- 2) The FILING FEE in the amount of \$1,000 payable to County Treasurer, must be paid at the time of filing application.

## GENERAL INFORMATION

- 1) Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

A request per Section 12-2 (2) for a “central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width” for a 1,650 MW combined cycle natural gas plant and/or utility scaled solar generation.

- 2) Why does applicant believe the location of the use in question on the particular property is essential or desirable for the public convenience or welfare and will not be detrimental to the immediate neighborhood?

Properties create a tract that surrounds the Chickahominy Substation which has access to a regional transmission grid and a natural gas line. The property is located in an area that is supported for this type of use in the Comprehensive Plan and Economic Development Strategic Plan. A special use permit was approved for this property on May 28, 2015, Amended on September 27, 2016 to permit a 1,500 MW combined cycle natural gas plant and/or utility scaled solar generation.

- 3) Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property and the neighborhood.

Any development will be required to meet the County’s Site Plan, Landscaping, Development Standards, ESC, and Stormwater Ordinances and regulations. The Zoning Administrator shall have the authority to require buffers and screening if deemed necessary. Access will need to be approved by VDOT; water will need to be approved by DEQ and/or VDH (whichever applicable); and sewer will need to be approved by VDH and/or the County’s Director of Public Works (whichever applicable). Any development would also meet strict State and Federal regulations (SCC, NERC, FERC, EPA, DHR, etc.).

- 4) Furnish plot plan showing boundaries and dimensions of property, width of boundary streets, location and size of buildings on the site, roadways, walks, off street parking and loading space, landscaping and the like. Architect’s sketches showing elevations of proposed buildings and complete plans are also desirable and if available should be filed with application.

Plat and aerial included. Development Plans would be provided to Zoning Administrator/Planning Director at time of proposed development. All local, State, and Federal regulations, laws, and reviews would be required to be met.

Application # SUP-02-2015, November Amendment  
Date \_\_\_\_\_

Proposed use of property “Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width” for a 1,650 MW natural gas and/or utility scaled solar generation.

Give exact location of property 500 LF east of Chambers Road/Roxbury Road intersection on Chambers Road; surrounding Dominion Substation, continuing to Virginia Natural Gas compressor station property.

County Tax Map Parcel #8-1, 8-2  
Total Acreage 186 acres Acreage under permit 186 acres

Owner of Property New Lexington LLC, f/k/a The Lexington Corporation  
Address 2300 Wilson Blvd., 7<sup>th</sup> Floor, Arlington, VA 22201  
Daytime Phone (703) 525-4000 Cell \_\_\_\_\_

Applicant/Agent Tom Vosnick, York River Realty Company  
Address P.O. Box 975, West Point, VA 23181  
Daytime Phone (804) 843-4707 Cell \_\_\_\_\_

I do hereby certify that to the best of my knowledge, all information contained within this application is true and correct. I have attached a survey plat of the area proposed for rezoning and the following additional materials.

**OWNERS SIGNATURE**

**DATE**

NEW LEXINGTON LLC 10-26-2016  
By JON C. KINNEY PRESIDENT JCK  
PRESIDENT

**APPLICANT/AGENT SIGNATURE**

\_\_\_\_\_

Application # SUP-02-2015, November Amendment

Date \_\_\_\_\_

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OWNERS SIGNATURE

DATE

NEW LEXINGTON LLC

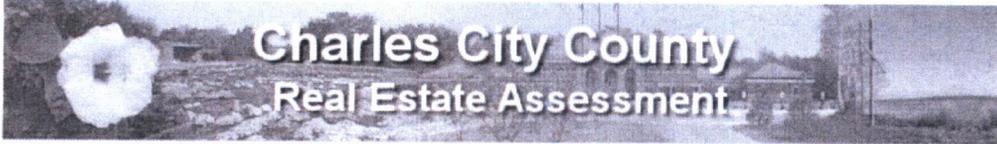
10-26-2016

By JON C. WINNEY PRESIDENT

*[Signature]*  
PRESIDENT

APPLICANT/AGENT SIGNATURE

*Tom Vosnick*



[View Parcel Map](#)     
 [Return to Parcel Results](#)     
 [Return to Main Search Page](#)     
 [Commissioner of The Revenue Home](#)

Map #: 8 1  
 Acct #: 000000443-001  
 Address:  
 City/St:

THE LEXINGTON CORPORATION  
 2300 WILSON BOULEVARD 7TH FL  
 ARLINGTON, VA 22201

NANCES SHOP  
 PS#40, WB 14-234  
 DB 76-495

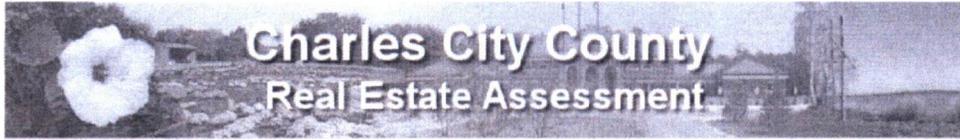
Occupancy: VACANT  
 Dwl Type: MH/Type: /  
 Use/Class: /AGR.- 100 AC OR MORE  
 Year Assd: 2014  
 Zoning: BUSINESS  
 Dist: 01 HARRISON  
 Year Built:  
 Year Rmld:  
 Year Effct:  
 Condition:  
 On Site Date: (RH ) 8/13/2013  
 Review Date: ( )

Deed Bk/Pg: 253/1536  
 Plat Bk/Pg: 0000/  
 Acreage: 131.570  
 Land Use:  
 Total Mineral:  
 Total Land: 463900  
 Total Imp:  
 Total Value: 463900

Improvement Description		Land Valuation	
Exterior	Interior	Site	
		STRT-OFF ROAD	
M Cls	Desc	G	Size Dpth Rate FV/Pct Value
A 21	OPEN-PAVED J		75.57 4500.00 340065
A 68	WASTE K		10.00 420.00 4200
A 31	WOODS-PAVE J		46.00 2400.00 110400
A 97	TIMBER-MIX H		46.00 200.00 9200
Total Land Value			131.570 463900

Comments  
 ALSO HAS WETLAND AND PLANNED DEV. ZONING  
 105.78 AC. TO LACY BROS.,DB230-388,PS#352,2/1/2001  
 Total Property Value 463900

Sec	Type	Str	Description	Area
		Cur. Value	Prev. Value	%Chg.
Land		463900	344500	35%
Improvements				
Total		463900	344500	35%
Average Price Per Acre			3456	
Sale Date/Amount		2/14/2005	532000	



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Map #: 8 2      THE LEXINGTON CORPORATION      NANCES SHOP  
 Acct #: 000000444-001      2300 WILSON BLVD 7TH FLOOR      PART OF PARCEL B-RESIDUE  
 Address:      ARLINGTON, VA 22201      INST.NO.08-1145,1191  
 City/St:           PS#40,80-314,76-495 R/W  
 Deed Bk/Pg: 256/ 924  
 Plat Bk/Pg: 0000/

Occupancy: IMPROVE      Year Built:      Acreage: 54.800  
 Dwl Type:      MH/Type: /      Year Rmld:      Land Use:  
 Use/Class: /AGRICULTURAL- 20-100 AC      Year Effct:      Total Mineral:  
 Year Assd: 2014      Condition:      Total Land: 182200  
 Zoning: AGRICULTURAL      On Site Date: (RH ) 8/13/2013      Total Imp: 6600  
 Dist: 01 HARRISON      Review Date: ( )      Total Value: 188800

----- Other Improvements Valuation -----

Desc	Length	Width	Size	Grade	Rate	FV/Pct	Value
GRAIN BIN	1.0	3.0	3				3600
SHED	16.0	10.0	160		10.00		1600
WOOD DECK	12.0	10.0	120		12.00		1440
<b>Total Imp Value</b>							<b>6600</b>

----- Land Valuation -----

M Cls	Desc	G	Size	Dpth	Rate	FV/Pct	Value
A 21	OPEN-PAVED M		16.00		5500.00		88000
A 31	WOODS-PAVE M		28.80		2900.00		83520
A 68	WASTE K		10.00		420.00		4200
A 97	TIMBER-MIX I		28.80		225.00		6480
<b>Total Land Value</b>			<b>54.800</b>				<b>182200</b>

----- Comments -----

GOOD RD FRONTAGE.  
 RECONNECT ELECTRICITY FOR 1997  
 55.88 AC. TO THE LEXINGTON CORPORATION, DB253-1540  
 2/14/2005,DBS.14.58 AC. TO VA NATURAL GAS INC,  
 8-2D, INST.NO.08-1191, 12/23/2008.  
 FIELD CHECK:GAS PLANT PICKED UP ON 8-2D 1/27/2010

Total Property Value		188800	Sec	Type	Str/Ht	Description	Area		
						Cur. Value	Prev. Value	%Chg.	
						Land	182200	147200	24%
						Improvements	6600	3600	83%
						<b>Total</b>	<b>188800</b>	<b>150800</b>	<b>25%</b>
						Average Price Per Acre		3207	
						Sale Date/Amount	7/29/2005		400000

# CHARLES CITY COUNTY



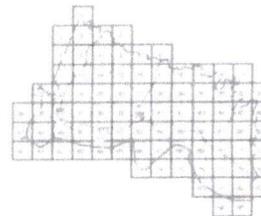
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Printed 09/20/2012



### LEGEND

- |                 |                    |                          |                         |
|-----------------|--------------------|--------------------------|-------------------------|
| County Boundary | Lots               | Cemetery                 | Government - State Land |
| Roads           | Sections           | Church                   | Driveways               |
| Streams         | Adjacent Maps Lots | Courthouse / County Seal | Districts               |
| Water Bodies    | Swamp              | School                   |                         |



Harris District

SECTION 7

### CHARLES CITY COUNTY



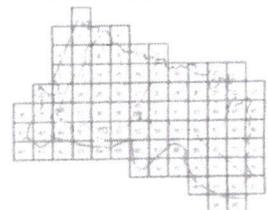
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Printed: 09/20/2012



**LEGEND**

- |                 |                    |                          |                         |
|-----------------|--------------------|--------------------------|-------------------------|
| County Boundary | Lots               | Cemetery                 | Government / State Land |
| Roads           | Sections           | Church                   | Driveways               |
| Streams         | Adjacent Maps Lots | Courthouse / County Seat | Districts               |
| Water Bodies    | Swamp              | School                   |                         |



Harris District

SECTION 8

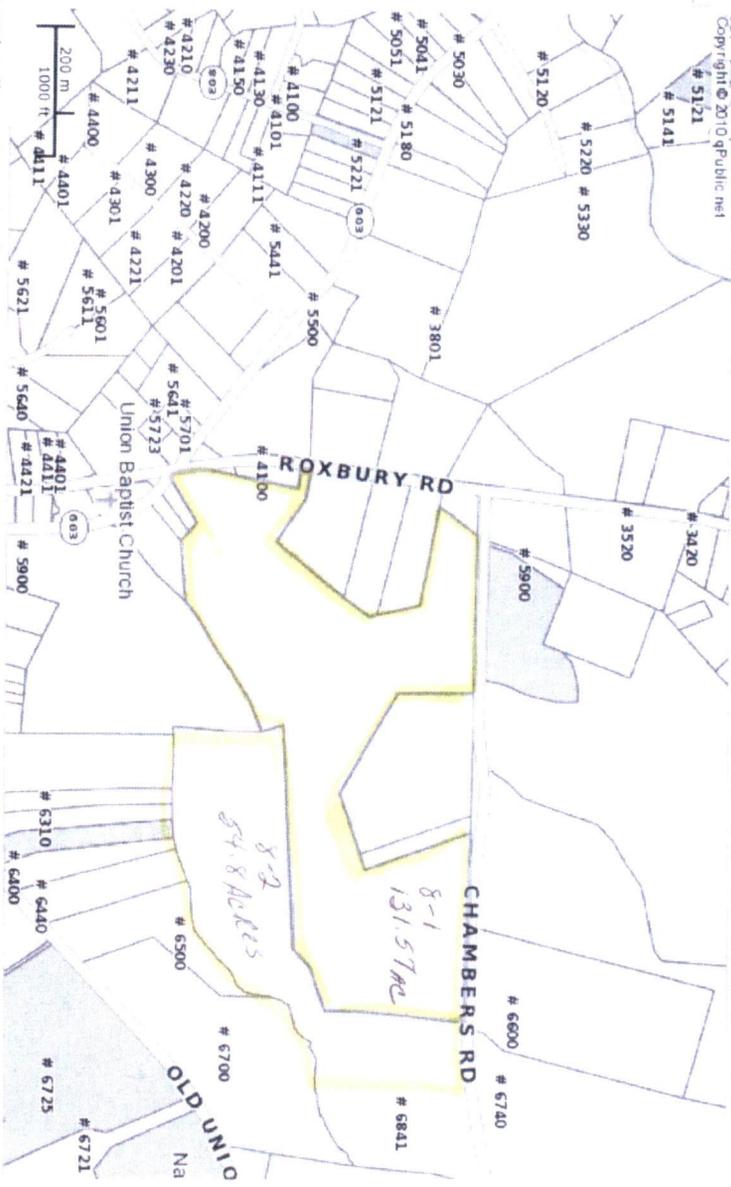
- Zoom In
- Zoom Out
- Zoom To
- Zoom Parcel
- Center On
- Map Layers
- Aerial Photos
- Search
- Additional Options

Controls

- Available Layers
- Map Index
- Districts
- Parcels
- Parcel Numbers
- Address Numbers
- Yearly Sales
- Roads
- Lakes & Rivers
- Aerial Photos



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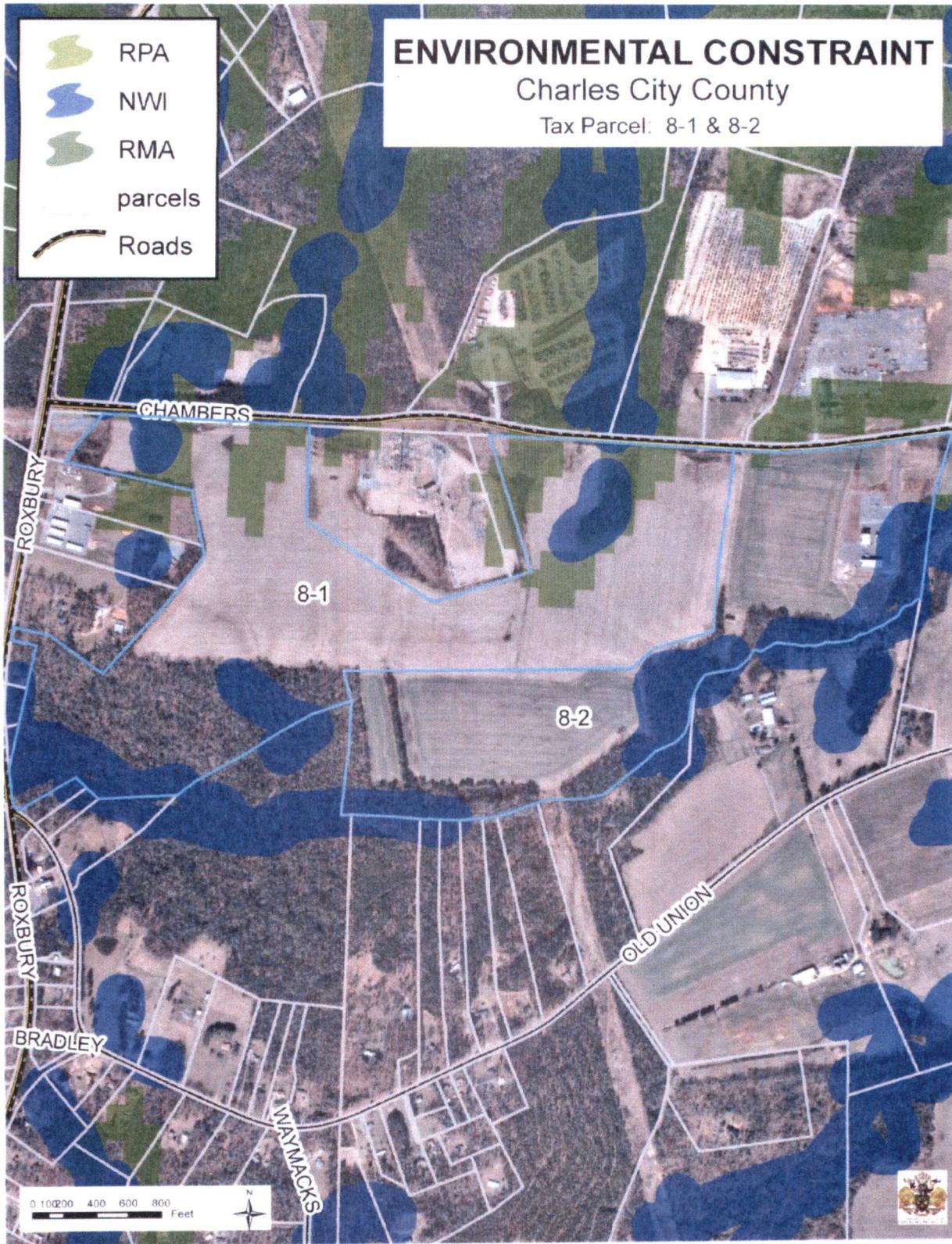
Charles City makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. subject to change before the next certified taxroll.

# ENVIRONMENTAL CONSTRAINT

Charles City County

Tax Parcel: 8-1 & 8-2

- RPA
- NWI
- RMA
- parcels
- Roads





COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY

**#SUP-02-2015, New Lexington, LLC (T.M. #8-1, #8-2)  
Conditions Adopted 5/28/2015; Amended 9/27/2016**

The following Conditions as amended are recommended to apply to #SUP-02-2015:

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1. This permit is for the construction and operation of a central utility system in conjunction with a right of way greater than or equal to 30 feet in width in order to operate up to a ~~1,000-1,500~~ **1,650** megawatt natural gas power plant with incidental switching station and fuel storage, and/or a utility scaled solar farm in excess of 20 megawatt name plate capacity. The facility shall be constructed, operated, and maintained in accordance with all rules and regulations of the Charles City County Zoning Ordinance, with any and all terms and conditions of this special use permit, and in compliance with all federal, state and other local laws and regulations for this use. **(Amended 9/27/2016) Proposed Amendment**
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7. These conditions shall be binding on any person, entity, including the permittee, its assigns, successors, and any subsequent assignee(s), successor(s), owner(s), operator(s), or lessee(s), owning, operating, or leasing the power generation facility and accessory facilities situated on subject property.

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12. A security fence a minimum of 6 feet in height with an anti-climbing device shall be placed around the perimeter of the facility.
13. Signage shall meet Section 16 of the Zoning Ordinance.
14. Landscaping shall meet the requirements of Section 17 of the Zoning Ordinance. There shall be a minimum 100 foot setback from all property lines and public road ways for all structures, except for fences, gates, roads, guardhouses, and utilities and related equipment. Existing trees and vegetation shall be preserved within the setback except where removal is needed for fences, gates, roads, guardhouses, utilities and related equipment. A landscaping plan shall be submitted to the Planning Director for review and approval to ensure that this condition is being met. Nothing herein shall prohibit the removal of diseased or dying trees within the setback area.

Traffic Management:

15. The submitted Site Plan shall be forwarded to VDOT for their review and approval. The Site Plan shall also include a construction management element to ensure that construction entrances and access roads are provided appropriately, to reduce the impact from wide-load and large trucks on the

public roadway and the surrounding community.

16. Prior to County approval of the site plan, the permittee shall provide a copy of an approved commercial entrance permit for all proposed accesses to the subject property from VDOT.
17. Construction traffic shall not be permitted to use State Route 609.
18. Any permanent access road shall be paved.

Environment:

19. Prior to commencing land disturbing activities on the subject property, the permittee shall submit to the County for review and approval an Erosion and Sediment Control Plan and Stormwater Management Plan in accordance with the provisions of the Charles City County Combined Stormwater Ordinance and the Virginia Erosion and Sediment Control Handbook and Regulations.
- 20: A copy of any and all permits, and/or licenses from VADEQ, EPA, and any other governmental agency regulating this use must be on file with the County prior to issuance of the Building Permit.
21. The facility shall utilize Best Available Control Technology (BACT) as determined by VADEQ in order to minimize impacts on air quality.
22. Water usage for the facility shall be approved by VADEQ and/or VDH.
23. The permittee shall operate at or below the emissions established in its VADEQ and/or EPA permits. The permit criteria and limits shall be established by VADEQ and EPA.
24. Noise levels at the property lines **and public streets** shall not exceed ~~55~~ **85** decibels. (Amended 9/27/2016)

Compliance:

25. Violation of any Local, State, or Federal law, regulation, or ordinance or violation of any condition of this permit shall be grounds for revocation of this permit by the County.
26. In the event the permittee is notified of any violations of applicable laws, regulations or permit conditions at the facility, permittee shall notify the County and shall promptly and diligently cooperate with the applicable regulatory agency and take other reasonable actions in an attempt to cure the violation. Permittee shall promptly notify the County thereof and shall provide the County with all information pertinent thereto and details of the applicant's action to remedy said violation.

27. All complaints received by the County will be referred directly to the permittee which shall give them prompt and courteous attention and shall advise the County of the disposition of such complaints within 30 days of the complaint referral.

Safety:

28. The facility and all accessory structures shall be designed and constructed to meet all requirements of the Virginia Uniform Statewide Building Code pertaining to fire prevention measures.
29. Permittee shall comply with all Federal, State, and Local regulations related to the use, storage and transportation of chemicals used at the facility.



DEPARTMENT OF  
PLANNING/ECONOMIC DEVELOPMENT  
Rachel Chieppa, Director

**GENERAL INFORMATION**

**Applicant:** Burlington Plantation, LLC  
Mr. David Tiller, P.E.  
6740 Chambers Road  
Charles City, VA 23030

**Owner:** Burlington Plantation, LLC  
Bruce L. & Betty H. Howard  
6740 Chambers Road  
Charles City, VA 23030

**Application:** #REZ-03-2016, Burlington Plantation, LLC

**Tax Map Parcel:** #54-93A

**Acreage:** 9 Acres (total parcel 254.92 acres)

**SITE LOCATION:**

Property is located at 13221 John Tyler Memorial Highway

**REQUESTED ACTION:**

Application #REZ-03-2016 requests to rezone 9 acres of a 254.94 acre parcel from Agricultural (A-1) to Tourist Business District (B-3).

**ZONING & LAND USE:**

The parcel is currently zoned Agricultural. The property is currently being farmed and there is an existing residence on the property.

The surrounding uses and zoning is agricultural and residential.

**COMPREHENSIVE PLAN:**

This parcel is located just outside of the Courthouse Development Center and is designated as Rural. Rural areas consist of typically large tracts of land dedicated to forestry and agricultural uses, conservation lands and similar dedicated easements. Where development is permitted, it

must be undertaken with a very deliberate and professionally responsive recognition of the value of rural areas and their contribution to quality of life.

The County's rich history, cultural, and scenic qualities is a great asset to the business community. Historic commercial business (i.e. B & B establishments, plantations, and related businesses) are expected to increase because of the growing popularity and promotion of tourism and ecotourism in the County and across the State.

**ECONOMIC DEVELOPMENT STRATEGIC PLAN:**

The Economic Development Plan specifically mentions in Section 5.5 under Initiative #4 *Diversify and Expand Tourism*, that historic plantations have shifted their focus to other activities such as weddings, meeting sites, and lodging. This shift has showed the need for diversifying business in a changing tourism market. The Plan focuses on bicycle tourism and its potential. Burlington Plantation is uniquely situated along Route 5 and directly across the road from the Virginia Capital Trail, offering future bicycle related tourism and exposure.

**SPECIAL INFORMATION:**

**Public Services:** There are no public services (water or wastewater) currently serving the property.

**Transportation:** This property is served by a public road (State Route 5). Any additional development of the property would be reviewed by the Virginia Department of Transportation to ensure that entrances and site-distances are adequate for anticipated traffic generation.

**Sensitive Features:** There are no sensitive features located within the area to be rezoned.

**DISCUSSION/CONCLUSION:**

The applicant proposes to construct an addition to an existing garage in order to operate an event facility to host weddings, company dinners, and other private functions. The tourist Business Zoning District is designed to provide locations that are not appropriate for General Business zoning for tourist related commercial activities. This use would be classified as a "Convention Facility".

COMMONWEALTH OF VIRGINIA  
CHARLES CITY COUNTY



Rezoning Application

Application # REZ-13-2016  
Date 13 OCT 16  
Fee \$1000

County Tax Map Parcel # 54-93A Total Acreage 254.94  
Street Location: Route 5 Magisterial District: Tyler

Owner: Betty Howard, Burlington Plantation, LLC  
Address: 6740 Chambers Road  
Daytime Phone 804-966-5825 Cell 804-337-1897

Applicant/Agent David Tillar, P.E.  
Address: 6740 Chambers Road  
Daytime Phone 804 966 5825 Cell 804 840 2151

Engineer/Land Surveyor: Todd Lenning  
Address: 2126 Lewiston Plank Rd Daytime Phone 434 767 9940  
Burkeville VA 23922

REZONING REQUEST: (If this request is Conditional Rezoning please attach a signed and dated Proffer Sheet to this application.)

Rezone 9 acres FROM A-1 Zoning District  
TO B-3 Zoning District.

Please provide information relating to the nature of this request which would assist the Board of Supervisors and Planning Commission in their review.

The Owner request 9 acres around the dwellings on the property  
be rezoned from A-1 To B-3 To accommodate proposed  
improvements and the construction of an event facility  
capable of hosting weddings and business functions. The  
proposed improvements are a 4980 GSF addition to an  
existing garage and includes gravel access drives and  
Turf parking spaces.

Application # REZ-03-2016  
Date 13 OCT 16

LIST OF ADJACENT PROPERTY OWNERS:

Adjacent property owners shall be notified by the applicant of this request at least six (6) days prior to the date of the public hearing. Notification shall be by registered mail or hand delivered. Approved acknowledgement of hand delivered notification shall be by signature of the owner. Notification should explain where and when this request will be considered and have attached to it a copy of this application and a location map.

The following are all of the owners of property adjacent to or across the street from the property sought to be rezoned (from records of the Commissioner of Revenue):

County Tax Map Parcel # Owner Name/Address

\_\_\_\_\_  
\_\_\_\_\_  
*See Attached*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I do hereby certify that to the best of my knowledge, all information contained within this application is true and correct. I have attached a survey plat of the area proposed for rezoning and the following additional materials:

\_\_\_\_\_  
\_\_\_\_\_

OWNERS SIGNATURE

DATE

*Betty Hawa*

*10/13/2016*

APPLICANT/AGENT SIGNATURE

*Betty Hawa*

*10/13/2016*

*Dan Tillan*

*13 OCT 16*

Burlington Plantation, LLC  
Route 5, John Tyler Highway  
Charles City County VA 23030



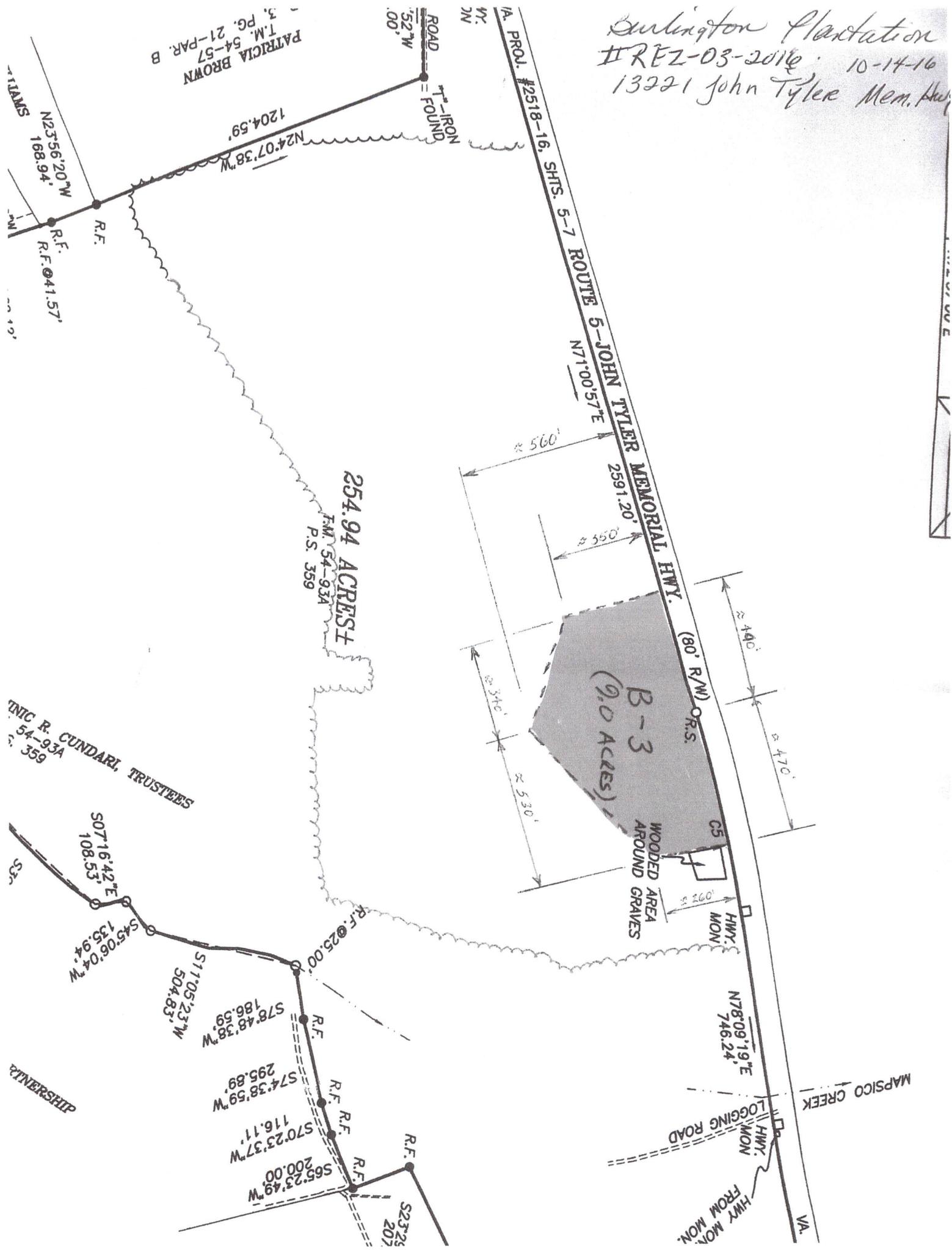
### **Plan of Operation**

\*Primary use-private weddings, special events, and corporate retreats/events. No bed and breakfast planned at this time\*

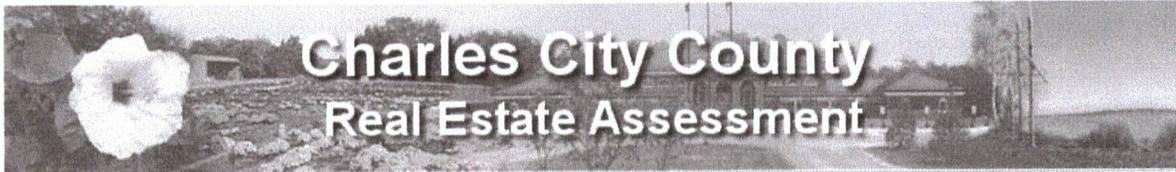
- A) Average event size 100-200
- B) Event time cut-off, 12 midnight
- C) No alcohol will be sold or stored on-site beyond that which is allowed by an ABC Banquet license for day of event. Any/all alcohol consumed on property will require an ABC Banquet license and administered through a licensed and insured caterer who also holds an ABC license for serving alcohol
- D) T-shirts, glasses, gift shop items may be sold on premises
- E) Proper insurance and county licenses will be obtained
- F) All county ordinances will be adhered to
- G) All tax laws will be complied with
- H) All events will be private
- I) Any public use of property for events/otherwise, owner will apply for special event permit and comply with county ordinances
- J) There will be no restaurant or food sales at this time. All food will be cooked/prepared in off-site approved commercial kitchens by licensed, insured caterers and brought in for consumption within the time frame allowed by Virginia Health/National food safety standards. No food will be stored on premises and will be disposed of nightly.
- K) We welcome property/event checks by local law enforcement
- L) Sufficient lighting will be provided at all points and especially for parking, pathways, ingress/egress, etc.
- M) All facilities will be climate controlled and have adequate restrooms
- N) Use of automatic emergency propane generators will ensure emergency lighting

- O) All new building construction will be ADA compliant
- P) All Fair Labor Law practices will be followed for employing workers
- Q) All fire codes will be adhered to-with smoke detectors and fire extinguishers available as required
- R) All codes will be followed for the collection and disposal of refuse
- S) Proper sanitation of all facilities will be strictly adhered to
- T) There will be full-time and part-time staff working on-site according to weekly schedules/demands
- U) There will be sufficient parking to accommodate the maximum number of guests for total building occupancies

Burlington Plantation  
 #REZ-03-2016 10-14-16  
 13221 John Tyler Mem. Hwy







[View Parcel Map](#)     
 [Return to Parcel Results](#)     
 [Return to Main Search Page](#)     
 [Commissioner of The Revenue Home](#)

Map #: 54 93A WEST VIEW PROPERTIES LLC PART OF BURLINGTON  
 Acct #: 000007150-001 P.O. BOX 492 PS#359 DB232-972,232-975  
 Address: 013221 JOHN TYLER MEMORIAL HWY PROVIDENCE FORGE VA 23140  
 City/St: CHARLES CITY, VA 23030

Occupancy: DWELLING Year Built: 1930 Inst#: 2014 0000242  
 Dwl Type: MH/Type: / Year Rmld: 2005 Acreage: 254.700  
 Use/Class: /AGR.- 100 AC OR MORE Year Effct: 1930 Land Use:  
 Year Assd: 2014 Condition: AVERAGE Total Mineral:  
 Zoning: On Site Date: (MD) 8/15/2013 Total Land: 577400  
 Dist: 02 TYLER Review Date: ( ) Total Imp: 300900  
 Total Value: 878300

Improvement Description		Site	
Exterior	Interior		
EXTR-WD FRAME	NO. ROOMS - 3	STRT-PAVED	
FNDT-CONCRETE BLK	NO. BEDROOMS - 2	TOPO-LEVEL	+++5---+
FUEL-ELECTRIC	NO. BATHS - 1	UTIL-ELECTRIC	40FP 4
FUEL-UNKNOWN	WALL-DRYWALL	UTIL-SEPTIC SYSTEM	+-----18-----+---5-8---+
RFMT-COMP SHINGLE		UTIL-WELL	:
RFTY-GABLE			:

Dwelling Valuation				
Item	Size	Rate	Value	
DWELLING	688	70.00	48160	: +-----14-----+
BATH-FULL	1	3000.00	3000 20	:
PRCH-OP FR	20	18.00	360	:
PRCH-OP FR	70	18.00	1260	: 12:
Grade Factor ( C )			1.00	:
Replacement Cost New			52800	:
Phys Depr. % (.560) 1930 - AVG			29568 :DWL	: +-----14-----+
Total Bldg. Value			23200	: +-----20---10-----+---6---1

Other Improvements Valuation				
DRAWING #2	F	t	Value	
STG FR 1.0 3.0 3			218600	: +---10-----+
COTTAGE/C 20.0 20.0 400			30000	
GAR-FR FI 48.0 24.0 1152	25.00		28800	
Total Imp Value			277700	

Land Valuation										
M Cls	Desc	G	Size	Dpth	Rate	FV/Pct	Value	Cur. Value	Prev. Value	%Chg.
A 1	PAV-SITE	G	3.00		17000.00		51000			
A 91	WELL&SEPTI	J	2.00		4800.00		9600	Land	577400	621200 ( 7%)
A 98	TIMBER-PIN	L	55.00		400.00		22000	Improvements	300900	283600 386%
A 98	TIMBER-PIN	K	35.00		350.00		12250	Total	878300	904800 ( 3%)
A 21	OPEN-PAVED	F	70.00		3000.00		210000	Average Price Per Acre	2095	

Property Identification Run Dt: 12/12/2015 Owner Name/Address Legal Description  
 Map #: 54 93A WEST VIEW PROPERTIES LLC PART OF BURLINGTON  
 Acct #: 000007150-001 P.O. BOX 492 PS#359 DB232-972,232-975  
 Address: 013221 JOHN TYLER MEMORIAL HWY PROVIDENCE FORGE VA 23140  
 City/St: CHARLES CITY, VA 23030

A 31 WOODS-PAVE A 181.70 1500.00 272550 Sale Date/Amount 5/01/2014 1670000  
 Total Land Value 254.700 577400

Comments  
 DETACHED ICE HOUSE REMODELED FOR 2007, PERMIT NO. 5344-06.  
 BURLINGTON PLANTATION

Total Property Value 878300  
 Map #: 54 93A WEST VIEW PROPERTIES LLC PART OF BURLINGTON  
 Acct #: 000007150-002 P.O. BOX 492 PS#359 DB232-972,232-975  
 Address: 013221 JOHN TYLER MEMORIAL HWY PROVIDENCE FORGE VA 23140  
 City/St: CHARLES CITY, VA 23030

Occupancy: DWELLING Year Built: 1800 Inst#: 2014 0000242  
 Dwl Type: MH/Type: / Year Rmld: 2005 Acreage: 254.700  
 Use/Class: /AGR.- 100 AC OR MORE Year Effct: 1995 Land Use:  
 Total Mineral:

Year Assd: 2014 Condition: GOOD Total Land: 218600  
 Zoning: On Site Date: (MD ) 8/15/2013 Total Imp: 218600  
 Dist: 02 TYLER Review Date: ( ) Total Value: 218600

Improvement Description		Site
Exterior	Interior	
EXTR-CED/RED/CYP	NO. ROOMS - 3	UTIL-ELECTRIC
EXTR-WD FRAME	NO. BEDROOMS - 2	UTIL-SEPTIC SYSTEM
FNDT-BRICK	NO. BATHS - 2	UTIL-WELL
FUEL-ELECTRIC	FIREPLACE - 2	
RFMT-WOOD SHAKES	CHIMNEY - 2	
RFTY-GABLE	FLOR-PINE	
	FLOR-VINYL	+-----40-----+
	WALL-DRYWALL	10 :
	WALL-PANEL	+-----31-----+ 16
	WALL-PLASTER	: DWL PTO
		: +10+-----30-----+---20----
		20 410DWL :

Dwelling Valuation			
Item	Size	Rate	Value
DWELLING	1350	67.46	91071
HEAT CTRL	2320	2.50	5800
AIR COND	2320	2.50	5800
FRPL	2	3500.00	7000
CHIMNEY	2	600.00	1200
BATH-FULL	2	3000.00	6000
WOOD DECK	40	12.00	480
PATIO	640	5.00	3200
DWELLING	40	67.00	2680
DWELLING	930	67.46	62737

Grade Factor	Sec	Type	Str	Description	Area
( B+ 5)	1.25	DWL DWELLING	1.50	E18E8E24N18W20W30	1350
Replacement Cost New	232500			S4S14	
Phys Depr. % (.060 ) 1995 - GOOD	13950	WD WOOD DECK	1.00	S5E8N5W8	40
Total Bldg. Value	218600	PTO PATIO	1.00	N16W40S10S6E10E30	640
		DWL DWELLING	1.00	W10S4E10N4	40
		DWL DWELLING	1.50	W31S20E31N10N4N6	930

Comments -----  
 7/05 OLD DWELLING REMODELED

Total Property Value	Land	Improvements	Cur. Value	Prev. Value	%Chg.
218600		218600	221700		( 1%)

Property Identification	Run Dt:	12/12/2015	Owner Name/Address	Legal Description
Map #: 54 93A			WEST VIEW PROPERTIES LLC	002 of 02
Acct #: 000007150-002			P.O. BOX 492	PART OF BURLINGTON
Address: 013221 JOHN TYLER MEMORIAL HWY			PROVIDENCE FORGE VA 23140	PS#359 DB232-972,232-975
City/St: CHARLES CITY, VA 23030				

Total	Inst#:	2014 0000242
218600		221700 ( 1%)
Average Price Per Acre		
Sale Date/Amount 5/01/2014 1670000		



Charles City makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment info