

2020 REZONING & SPECIAL USE PERMIT APPLICATION PACKET



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REZONING/SPECIAL USE PERMIT PROCESS

Introduction - Rezoning and Special Use Permits

If the use intended for your property is not permitted as a matter of right in the Zoning Ordinance, and the Zoning Administrator cannot reasonably determine your proposal is not within an existing category by performing a zoning interpretation - THEN you will need to apply for a rezoning or a special use permit. The County's ordinance has specific development standards required. Whether a rezoning or a special use, the application and any proffers or conditions become a separate layer of zoning restrictions applied to the property. Violation of the proffers or conditions are managed like any other zoning ordinance violation.

If your property was previously rezoned or you have an existing use permit and you wish to amend or change the conditions placed on the property you will need to file for a modification of conditions. The modifications of the conditions are considered a new application and are subject to the same process as any rezoning/special use permit application.

Pre-Application Meeting

Prior to filing an application, applicants are encouraged to contact the Department of Community Development to schedule a preliminary review of their land use or development proposal. The purpose of the preliminary review is to ensure that the proposed use is permitted and that all required supporting information is included with the application when it is submitted.

Zoning Authority

The power to zone stems from the inherent power vested by the State General Assembly in the Charles City Board of Supervisors (BOS). The zoning regulations for Charles City have been enacted by the BOS in the form of Zoning and Subdivision Ordinances. The general purpose of these ordinances is to control and order the growth and development of the County in accordance with the Comprehensive Plan. The Comprehensive Plan is required by State law to be updated every five (5) years.

What is the Planning Commission?

The Planning Commission (PC) is a body established by State law. The mission of the PC is to promote the orderly development of the County and its environs. The PC serves in an advisory capacity to the BOS. The PC must always abide by and comply with the powers granted to it by the State-enabling act. The Planning Commission has no administrative authority by State Code.

Who are the members of the Planning Commission?

The Planning Commission consists of residents of Charles City County appointed by the Board of Supervisors. The members shall be qualified by knowledge and experience to make decisions on community growth and development. There is no limit on the number of terms that a member may serve unless limited by the BOS or the Planning Commission's By-Laws.

What is the Planning Commission empowered to do?

The Planning Commission is empowered by Section 15.2-2160 - 2307 of the State Code to perform these functions:

1. Exercise general supervision of, and make regulations for, the administration of its affairs (i.e. by-laws);
2. Authorize the development of studies and surveys for the preparation of a comprehensive plan;
3. Appoint subcommittees and/or advisory committees;
4. Review and/or adopt a comprehensive plan every 5 years;
5. To review and submit an annual capital improvement plan to the Board of Supervisors;
6. To review and recommend adoption of Subdivision, Zoning, Chesapeake Bay and other land development regulations.

Where do I file my application?

File your completed application with the Department of Community Development by close of business on first day of each month. A schedule of meeting dates and application deadline dates for the current year is available:

Step 1 – Once the application is filed the applicant shall be required to hold a community meeting to present their proposal to the surrounding property owners.

Step 2 – Staff will send the application to internal and external review agencies, like VDOT, DOH, DEQ, Building Official, Fire and Rescue, Sherriff's Office and others. These agencies are allowed approximately 3-weeks or 21 business days to submit comments back to staff.

Step 3 – Once comments are received staff will send a summary letter containing comments and/or place comments as recommended conditions at the conclusion of the staff report.

Step 4- Staff will prepare the staff report, issue the public notice and notify the applicant that they need to post a sign on the property providing notice to the public. The applicant must send a photograph of the posted sign back to Community Development.

Step 5- Staff will assist in preparation of proffers and/or develop conditions based upon the complexity of the application

Step 6 – Staff will send out adjoining property owner letters notifying them of the proposed land use action.

Step 7 – Staff prepares and distributes planning commission packet with staff reports and other documents as necessary one week prior to the Planning Commission meeting.

Who is the Director of Community Development and what does he/she do?

The Director of Community Development (DCD) is a member of the Charles City governmental staff. He/She is the individual authorized to administer and process zoning applications on behalf of the Board of Supervisors.

Is there a filing fee?

Yes. There is a non-refundable filing fee which must be paid when you file your application. Fees vary based upon the application ask for a copy of the current fee schedule.

What is and when is a limited Power of Attorney required?

A Limited Power of Attorney (LPOA) is a document that authorizes an individual to act on the behalf of another person. A LPOA is needed to accompany your application in the following circumstances:

1. If property is being purchased subject to obtaining county approval, the contract should give you the right to apply for county approval in the name of the seller. In this situation you will need a LPOA from the property owner stating that he has authorized you to act on his behalf as it relates to the application.
2. If you have decided to have an agent represent you during the Public Hearing, then a LPOA will then be needed which authorizes your agent to represent your interests as it relates to the application.

What happens at the Planning Commission public hearing?

The Chairman will call the meeting to order, welcome the attendees, have the PC attendance noted by the Secretary, ensure a quorum is present, and then introduce the Commission members, staff and legal advisor (if applicable). Following this, the Chairman will present procedural information to aid applicants and interested parties in their presentations and outline of the procedure used for the public hearing. For each application the Planning Staff will provide a verbal summary of the application and present other data about the proposal. Then the applicant will be provided the opportunity to appear in his own behalf or be represented by an agent. The Chairman will then open the public hearing. General public will then be given an opportunity to express their views regarding the proposal. This is not a question and answer session. The case is advertised weeks in advance and allows ample opportunity for the public to visit the Community Development office for more information and to ask questions of staff. The applicant will then be given an opportunity for a rebuttal or summary. The Chairman will close the public hearing and the PC will deliberate and provide a decision in the form of a council paper (resolution) approved by a majority of the members of the PC. Any resolution to approve or disapprove needs to contain the phrase "that public necessity, convenience,

general welfare and good zoning practice would be served by the recommending approval/disapproval” of the matter before the Commission. This advice is based upon advice from legal staff.

Planning Commission's Role

Each case that comes before the Planning Commission is considered based on its own unique issues. However, there are three (3) issues that are standard for every case:

1. Is the use in accordance with the comprehensive plan?
2. Is it compatible with the current surrounding uses?
3. What impact will the use have on the County's roads, schools, public facilities and services?

The Planning Commission's decision should always be based on these three (3) central issues, hence the recommended issues referenced above. The Planning Commission makes a recommendation to the Board of Supervisors based on these three (3) central issues.

Do I have to attend the public hearing?

Yes, you as the applicant and anyone representing you have to be present at the hearing.

Do I need a lawyer or other professional representative?

There is a "yes" or "no" answer to this question. Many individual property owners appear in their own behalf, but if you are more comfortable with professional representation to assist with your application and answer questions on your behalf that is certainly satisfactory (see LPOA on page 5).

How long do I have to wait on a decision?

As soon as the public hearing for your request is ended, the PC will start its deliberating and begin weighing the evidence presented. If the proposal is extremely complex, the PC may vote to continue the public hearing until another meeting provided the PC has not passed the 100-day rule. The 100-day rule states that the PC has 100-days from submission to make a decision or the proposal moves forward automatically with a positive recommendation.

Will County staff support my application?

The decision of the Staff to recommend the granting or denial of an application is made by the Director of Community development in consultation with his/her staff. This decision is not made until after the application has been filed and advertised for public hearing.

Will the lack of support by the Community Development Director weigh heavily against approval of my application?

In considering an application, the PC will take all aspects of a case into consideration before reaching a final decision. The recommendation of the Community Development Director is only one of many things considered. However, having staff support of your request is an important factor to gain approval by the PC.

After PC action what is next?

Staff will revise the staff report to reflect the PC recommendation and prepares the public notice and send out letters to adjoining owners again.

How long do I have to wait on a decision?

As soon as the public hearing for your request is ended, the BOS will start its deliberating and begin weighing the evidence presented. If the proposal is extremely complex, the BOS may vote to continue the public hearing until another meeting. The BOS has an entire year before it must act on such an application. Normally, the BOS makes a decision within 60-days or less following the public hearing.

If my application is denied can it be appealed?

Yes, if you disagree with the BOS's decision, you have the right to appeal to the Circuit Court. You must exercise your right to appeal no later than 30-days after the BOS has filed its decision.

Can I ask the Board to reconsider my application?

If your application is denied, the Ordinance does not permit the same application to be considered by the PC and/or BOS for one-year (1) from the date of action. Once the BOS makes a decision, only the Circuit Court has the authority to act.

Other pertinent information

Exhibits and photographs can be beneficial to the graphical presentation of your request. Petitions and written statements of support from adjacent property owners can be submitted. The planning staff will include these items as part of the public record.

Rezoning/Special Use Permit Application Checklist



In order to ensure your application is complete please provide the following documents:

1. Land Development Permit Application (attached)
2. Application fee
3. Six Copies (6) copies of a (color keyed – preferred) general development plan (GDP), which shall contain one or more sheets no small than 11 by 17 and not to exceed 32 X 36 inches in size, folded. A Thumb drive or other digital version preferred.
4. Limited Power of Attorney (optional)
5. Signed and dated Proffer Statement (rezoning only)
6. Traffic Impact Assessment (Rezoning – VDOT Requirement)

GENERAL DEVELOPMENT PLAN CHECK LIST THE FOLLOWING ITEMS SHALL BE SHOWN ON THE GENERAL DEVELOPMENT PLAN

As warranted the Community Development Director may waive some of these requirements based on the discussion during the pre-application meeting.

1. The GDP shall show;
 - a. A title block denoting the type of application, name of project, tax map reference and street address
 - b. The name, address, email, and telephone and fax number of the applicant
 - c. The name, address, email, telephone and fax number, signature and registration number of the plan preparer, and the preparation date of the plan
 - d. Vicinity map at a scale of not less than one-inch equals two thousand feet (1" = 2000')
 - e. The identification of and approximate distance to all major intersections within one-half mile of the proposed development
 - f. The present zoning and principle use of subject parcel and all adjoining parcels
 - g. The boundaries of any lakes, rivers, and/or streams
 - h. The location and dimensions of all access points from the state road and inter-parcel connections and on-site pedestrian walkways or bicycle paths and connections to adjacent property
 - i. Any known historic buildings, sites, and/or cemetery(s)

- j. The boundaries of any overlay districts
- k. The general locations, dimensions, height, number of floors, and setbacks of all existing and proposed buildings, structures and other improvements
- l. The general location, size, and design of all sign(s)
- m. The estimated daily vehicular trips generated by the proposed use
- n. If public water and sewer are to be used, the location of water and sewer mains along with proposed points of connection
- o. If private wells and septic systems are to be used, the location of the well and septic field along with the required reserve area are to be shown
- p. The approximate limits of any 100-year floodplains, wetlands and Chesapeake Bay Preservation Areas
- q. Identification of the Resource Protection Area (RPA) if applicable
- r. A plat notation regarding the retention of an undisturbed vegetated 100-foot buffer along all water dependent features.
- s. Delineation of the buildable area on each lot shown on the general development plan.
- t. The location and functional relationship of all land uses including the types, density, and number of units for each phase within the development
- u. The location of roads, streets and travel ways to provide vehicular traffic circulation, and proposed classification of streets and right-of-way requirements
- v. The general location of proposed open space and the type of ownership proposed
- w. The type and general location of all required active recreational areas and the location of passive recreational areas to include trails, lakes and parks
- x. The proposed phasing and sequence of the development plan for each phase, the residential density, approximate type and number of dwelling units, the percentage of each land-bay to be occupied by structures and the types, floor area ratio and the general design standards for all commercial or industrial uses.
- y. Topographic information with maximum contour intervals of two (2) feet at a scale to be approved by the Director
- z. The approximate limits of clearing and grading for each separate tract or development sub area
- aa. A general landscaping plan including plans for landscaping, buffering and screening from adjacent properties if there are use or visual conflicts
- bb. The approximate locations and identification of all significant natural or noteworthy features including but not limited to historical, archaeological sites, cemeteries, and existing trees with a trunk diameter greater than six (6) inches DBH.
- cc. Street address and/or tax map number of the subject property.
- dd. The size and location of all proposed new construction and all existing buildings on site, drawn to scale and in accordance with an accurate boundary line survey.
- ee. The distance to and identification of the nearest street intersection.
- ff. Distances and setbacks from the lot lines.
- gg. Established street grades and proposed finished grades.
- hh. Elevation of lowest floor and maximum building height in feet.
- ii. The location of all trees on site that are six (6) inches or greater in diameter at breast height.
- jj. The location, design, size and material of all drives and parking areas.
- kk. In the case of demolition, all construction to be demolished and the location and size of all existing buildings and construction to remain on site.
- ll. In the case of new construction, points of connection to water and sewer.

- mm. Area of land proposed for consideration, in square feet and acres;
- nn. Scale and north point;
- oo. Names of boundary roads or streets and widths of existing rights of ways;
- pp. Proposed building/parking additions, including any increases of impervious surfaces and improvements to the site;

- 3. A copy of architectural renderings and/or exterior elevations.
- 4. Where an application contains conditions proffered in accordance with Section 15.2-2298 of the Code of Virginia, the application shall contain the conditions and be in a form acceptable to the County Attorney (if applicable).
- 5. A filing fee, in the amount established by the County Board of Supervisors.
- 6. **The Director may waive or modify the requirements above based upon the complexity, intensity, scope and/or impact of the proposed rezoning.**

In addition to the submission requirements above, the Director, Planning Commission or Board of Supervisors may require all or part of the following information to be provided by the applicant, based upon size, intensity, scope and impact of a proposed rezoning.

- 1. A Phase I environmental and/or archeology study showing the inventory of environmental, cultural and/or historic resources on the property and a written narrative describing how the resources will be affected or protected.
- 2. A Traffic Impact Analysis in accordance with VDOT requirements
- 3. A fiscal impact analysis of the revenues and costs of the development to the County.

Other materials may be deemed necessary by the Department of Community Development.

NARRATIVE: ANSWERS TO THESE QUESTIONS SHALL BE REQUIRED FOR ALL REZONING AND SPECIAL USE PERMITS. PLEASE USE A SEPARATE PIECE OF PAPER WITH ANSWERS TYPED OR NEATLY PRINTED.

- 1. The applicant must demonstrate that the rezoning request promotes the public health, safety, convenience and general welfare of the citizens of the County in accordance with Sections 15.2-2200 and 2283 (Code of Virginia, 1950, as amended), and the goals and objectives and action strategies of the adopted Comprehensive Plan of the County. Such demonstration shall be accomplished by providing a narrative which addresses each of these issues.
- 2. Describe the effect of this request on (a) adjacent properties, (b) the neighborhood, and C) the County in general. Include information concerning: (a) effects on public schools, (b) traffic, (c) public utilities, (d) public health, (e) hours of operation, (f) environmental impacts and (g) existing and future development of the County.
- 4. Describe any existing zoning or conditional use permits and/or variances previously granted to this property.

LAND DEVELOPMENT & ZONING APPLICATION



Charles City County
Department of Community Development
www.co.charles-city.va.us

Application for (please check one) - a plat or site plan must accompany this application

- | | |
|--|---|
| <input type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Site Plan, Major |
| <input type="checkbox"/> Lot Consolidation | <input type="checkbox"/> Site Plan, Minor |
| <input type="checkbox"/> Subdivision, Minor (includes Family) | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Subdivision, Major | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Preliminary | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Final | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Subdivision, Large Lot | <input type="checkbox"/> Administrative Appeal |
| <input type="checkbox"/> Subdivision, Commercial | <input type="checkbox"/> Administrative Variance |
| <input type="checkbox"/> Preliminary | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Final | <input type="checkbox"/> WQIA, Major/Minor |
| <input type="checkbox"/> Bay Act Exception/Administrative Waiver | <input type="checkbox"/> Land Disturbance |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Zoning |

This application must be completed in its entirety. Please list all owners and applicants. Use additional sheets if needed.

General Project Information:

1. Project Title: _____
2. Property Location: _____
3. Tax Map Number(s): _____
4. Total Acreage: _____
5. Acreage to be Developed: _____
6. Acreage to be Disturbed: _____
7. Responsible Land Disturber (RLD): _____ RLD #: _____
8. Expiration Date of RLD Certificate: _____
9. Current Number of Lots: _____
10. Proposed Number of Lots: _____
11. Current Zoning: _____
12. Proposed Zoning: _____
13. Current Use(s): _____

LAND DEVELOPMENT & ZONING APPLICATION- (Continued)

14. Proposed Use(s): _____

Contact Information:

15. Property Owner: _____

16. Owner Address: _____

17. Owner Telephone: _____ Email: _____

18. Applicant: _____

19. Applicant Address: _____

20. Applicant Telephone: _____ Email: _____

21. Representative: _____

22. Representative Address: _____

23. Representative Telephone: _____ Email: _____

24. Correspondence to be sent to: Applicant ___ CDP ___ Owner ___

25. Preferred form of Contact: E-mail ___ US Mail ___

Zoning Setback Information:

Front: _____ Feet

Left Side: _____ Feet

Right Side: _____ Feet

Rear: _____ Feet

From other structure(s): _____ Feet

Other Information/Description: _____

Owner Affidavit:

I have read this application, understand its intent, and freely consent to its filing. The information provided is complete and accurate to the best of my knowledge and capabilities. I understand that the county may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission for county officials or other governmental officials on official business to enter the property to make such investigations and inspections as they deem necessary to process this application and to ensure all requirements, conditions, codes, and proffers are met and continue to be met in perpetually.

Owner's Signature

Date

Owner's Signature

Date

Applicant/Agent's Signature

Date

Applicant/Agent's Signature

Date

For Office Use Only:

Application Number: _____

Submission Date: _____

Completeness Date: _____

Application Fee: _____ Date Paid: _____

Taxes Paid? Yes No

Environmental Review: Floodplain Wetlands Highly Erodible Soils

Resource Protection Resource Management

Additional Review Req.: WQIA CBPA Board Wetland/Bay Board

Outcome: Denied Approved Conditionally Approved



LIST OF CERTIFIED DESIGN PROFESSIONALS (CDP)

Engineers & Surveyors Licensed by the Commonwealth of Virginia

This list is provided as a courtesy and the County cannot recommend or not recommend any firm on this list. All have performed work in Charles City County in the past.

Accurate Consulting Services,
LLC 8467 Cedon Road
Woodford, VA 22580
804-448-3708

AES Consulting Engineers
5248 Old Towne Road,
Ste. 1
Williamsburg, VA 23188
757-253-0040

A.G. Harocopos &
Associates 4920 Millridge
Pkwy E, Ste. 200 Midlothian,
VA 23112
804-744-2630

C. E. Duncan &
Associates 2609 Rocky
Oak Road Powthan, VA
23139
804-598-8240

Draper Aden Associates
1030 Wilmer Avenue, Ste. 100
Richmond, VA 23227
804-264-2228

E. D. Lewis & Associates
2116 Spencer Road
Richmond, VA 23230 804-
285-3848

Engineering & Design
Associates 5625 S. Laburnum
Avenue Henrico, VA 23231
804-236-0190

Gardy & Associates
PO Box 15
New Kent, VA 23124
804-370-2551

January 2020

Harvey L. Parks
4508 West Hundred Road
Chester, VA 23831
804-748-8641

Ironwood Surveying 7349
Diascund Creek Way New
Kent, VA 23124
540-645-5708

Landtech Resources, Inc.
3925 Midlands Road
Williamsburg, VA 23188
757-565-1677

Michael L. Parrish & Associates,
Inc. 2700 Courthouse Circle
Goochland, VA 23063
804-556-3900

Resource International,
Ltd. 9560 Kings Charter
Drive Ashland, VA
23005
804-550-9200

Steven B. Kent & Associates
1521 Brook Road
Richmond, VA 23220
804-643-6113

GeoEnvironmental Services, Inc.
PO Box 1555
Mechanicsville, VA 23116
(804) 730-8220

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