

**REZ 23.12 SPRIG  
BRANCH, LLC**



## Powhatan County Planning Commission Agenda Item

Meeting Date: October 3, 2023

---

Agenda Item Title: **23-12-REZ: Spring Branch, LLC** Powhatan County Planning Department has received an application for rezoning of the parcel at Tax Map #39-78 located in the central part of Powhatan County from Agricultural 10 (A-10) to Commerce Center (CC) and amendment of the zoning district map of approximately 36.84 acres. The property is located on the west-bound side of Anderson Highway, on the north-east corner between Anderson Highway and Branch Forest Way. The County's 2021 Comprehensive Plan designates the subject property as Gateway Business on the Countywide Future Land Use Map.

Motion: In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Spring Branch LLC to rezone parcel Tax Map #39-78.

Dates Previously  
Considered by PC: none

Summary of Item: The Planning Department has received an application for rezoning of the parcel at Tax Map #39-78 located in the central part of Powhatan County from Agricultural 10 (A-10) to Commerce Center (CC) and amendment of the zoning district map of approximately 36.84 acres. The property is located on the west-bound side of Anderson Highway, on the north-east corner between Anderson Highway and Branch Forest Way. The County's 2021 Comprehensive Plan designates the subject property as Gateway Business on the Countywide Future Land Use Map.

Attachments: Staff Report  
Application  
VDOT Agency Letter  
Traffic Impact  
Concept Plan Maps  
Neighborhood Meeting Notes  
Comprehensive Plan  
Proffer Statement

Staff/Contact: Michael Ciriello, AICP. MLA Planning Director  
(804) 598-5621 x6000  
[mciriello@powhatanva.gov](mailto:mciriello@powhatanva.gov)

*If Planning Commission members have questions, please call the staff / contact prior to the meeting.*



### Case #23-12 Spring Branch LLC

Staff Report Prepared for the Planning Commission  
October 3, 2023

*Submitted by Michael Ciriello, Planning and Zoning Director*

## I. PUBLIC HEARINGS

Planning Commission                      October 3, 2023                      Public Hearing

## II. IDENTIFICATION AND LOCATIONAL INFORMATION

Request	Rezone to Commerce Center
Existing Zoning	Agricultural 10 (A-10)
Parcel Size	36.84 +/- acres
Parcel ID#	39-78
Proposed Density	NA
Proposed Uses	Commercial, including Senior and Medical Care
Applicant	Spring Branch, LLC
Owner	Spring Branch, LLC
Location of Property	3845 Old Buckingham Road
Electoral District	(3) Bethesda
2021 Land Use Plan Recommendation	Gateway Business
Zoning of	North: Ag-10 / <i>Rural</i> / Residential
Adjacent Properties /	South: Ag-10 / <i>Rural</i> / US60 and Vacant
<i>Future Land Use</i> / Current	East: Commerce Center / <i>Gateway Business</i> / Office Commercial
Land Use	West: Ag-10 / <i>Gateway Business</i> / Public Road and Vacant

## III. EXECUTIVE SUMMARY

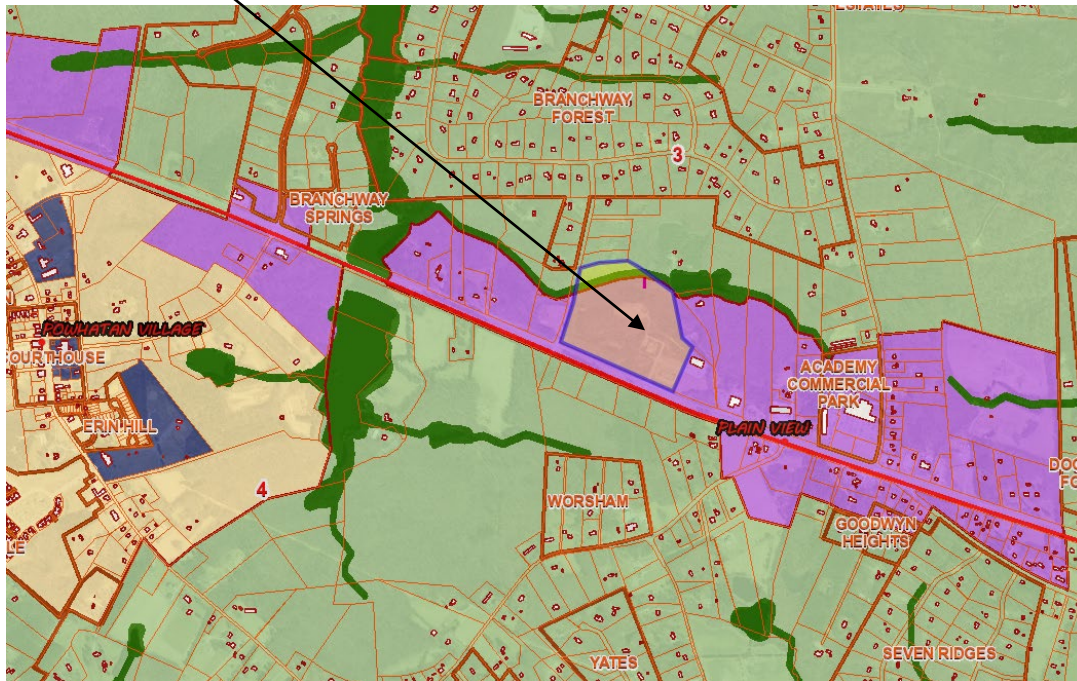
The Planning Department has received an application for rezoning of the parcel at Tax Map #39-78 located in the central part of Powhatan County from Agricultural 10 (A-10) to Commerce Center (CC) and amendment of the zoning district map of approximately 36.84 acres. The property is located on the west-bound side of Anderson Highway, on the north-east corner between Anderson Highway and Branch Forest Way. The County's 2021 Comprehensive Plan designates the subject property as Gateway Business on the Countywide Future Land Use Map. It is also located in the **Village Special Planning Area**. Located on US60 there are concerns

about the impact of development on the function of US60. There were also concerns raised by the adjacent residential area about the impact of development on their area. The applicant worked diligently with neighborhood and VDOT representatives on the concerns.

#### IV. PROPERTY DESCRIPTION

##### Location

North-East Corner Lot between Branch Forest Way and Anderson Highway



##### Existing Conditions

The property runs along US60 with approximately 1500' of road frontage. It is currently vacant; however, infrastructure improvements have been made to the site including streets. The internal street and existing driveway serve a medical office building on an adjacent lot. A dense vegetative riparian corridor separates the site from the adjacent residential area.

##### Community Character

Projects should have a coordinated architectural form and spatial feel, which should relate to surrounding developments. There should be cohesive signage, lighting, and landscaping. New developments shall employ site and building design techniques that reduce their visual presence and scale. Design techniques include:

- High-quality landscaping (including wooded buffers and/or berms);
- Building designs that appear as collections of smaller buildings rather than a single large building.
- Building colors and siting that help large structures blend in with its surroundings; and
- Low-visibility parking locations.
- Parks and open space should be integrated into these developments, creating attractive places to work and visit.



## V. LAND USE ANALYSIS

### Current Zoning

The subject property is zoned Agricultural 10 (A-10).

### Requested Zoning

The applicant is proposing to rezone the subject property to **Commerce Center** which is a **Village Growth Area District**:

The **village growth area base districts** established in this article are intended to establish within the village growth areas designated in the comprehensive plan a compact pattern of urban and suburban development characterized by mixed-use village centers and commerce centers surrounded by diverse residential neighborhoods. The purpose of the **Commerce Center (CC)** District is to accommodate a wide range of retail, service, office, and institutional uses that provide goods and services serving the residents and businesses in the community at large (e.g., most retail sales and services uses, small- to medium-sized shopping centers, restaurants, office buildings, recreational and entertainment uses, hotels, places of worship, medical clinics). The district is also intended to accommodate low-impact light industrial uses. Design standards are intended to ensure uses and development are pedestrian-friendly and relate to the street and are compatible with surrounding development.

Intensity and Dimensional Standards [Sec. 83-240]	
Lot Area (Minimum)	10,000 sq.ft.
Lot Width (Minimum)	60 ft.
Density (Maximum)	N/A
Lot Coverage (Maximum)	60%
Structure Height (Maximum)	35 ft.
Front Yard Depth (Minimum) Along major arterials	75 ft.
Side Yard Depth (Minimum)	n/a
Rear Yard Depth (Minimum)	10 ft.
Corner lot yard depth (Minimum)	10 ft.

### Transportation

Roadway Characteristic	
Functional Classification: VDOT	Major Thoroughfare
Functional Classification: Powhatan Co. Major Thoroughfare Plan	Major Thoroughfare
Traffic Volume (AADT)	26,000

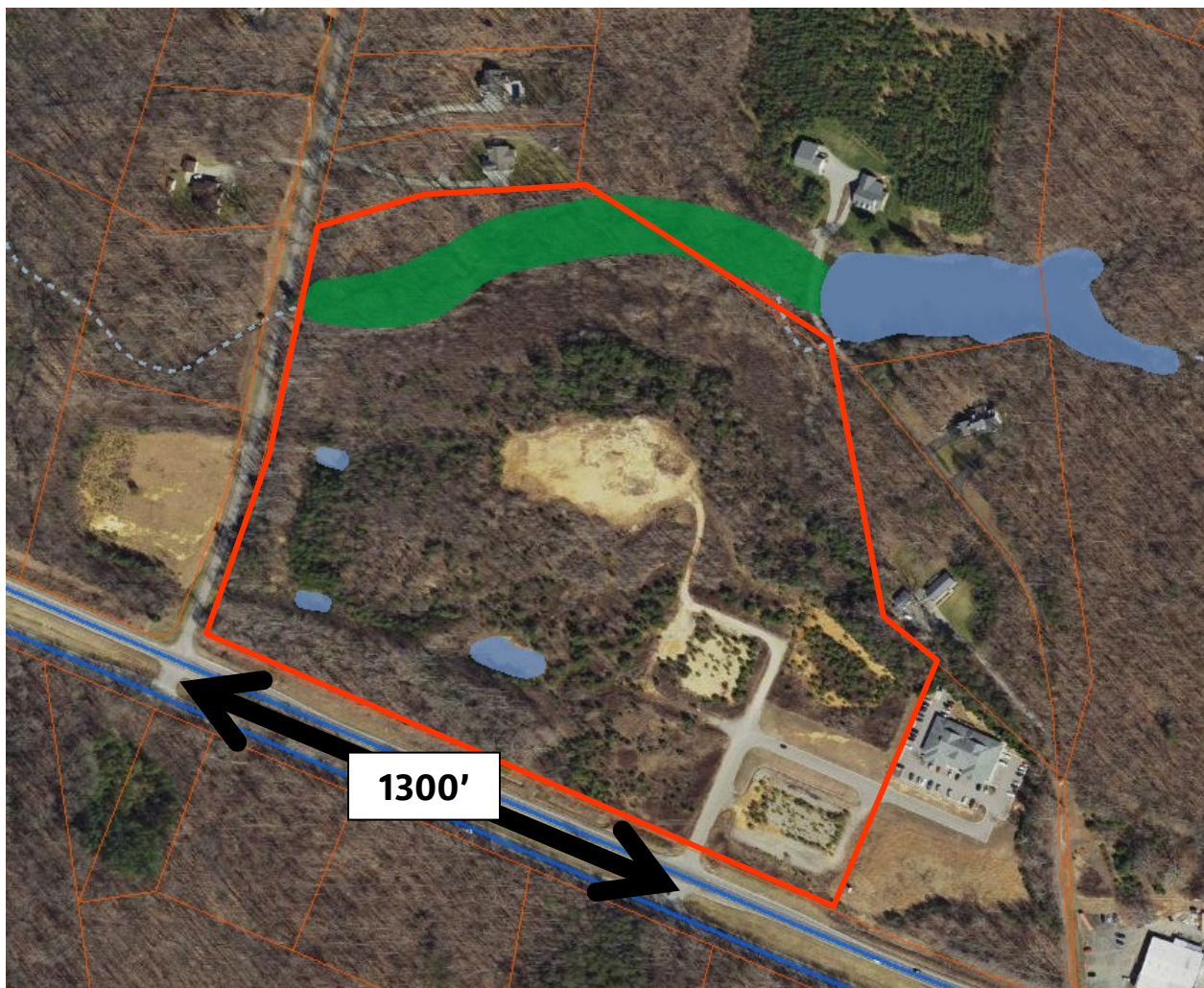
Vehicular access should be designed to maximize efficiency and minimize negative impacts on levels-of-service of adjacent roads. Impacts to major thoroughfares can be reduced by minimizing access points, providing a network of on-site internal streets, providing shared entrances, and/or providing entrances from side streets with a lower functional classification.

Local roadways should be designed to separate retail/commercial passenger traffic flows with delivery and distribution truck traffic generated in mixed retail/industrial areas.

Local roadways should be designed and built to standards to accommodate heavy truck traffic, including load bearing and turning radius dimensions.

Vehicular and pedestrian connections should be provided between various uses to provide allow travel between adjacent development, helping reduce impacts on nearby major thoroughfares.

The street pattern should be consistent and coordinated between phases of projects.



## **Development Requirements and Standards**

### *Development Review: Next Steps*

- *Site Plan Approval*

Project is subject to the design standards located in Section 83-477 of the Zoning Ordinance. These standards are carefully crafted to ensure that the design of site and buildings and the function of the site are consistent with the high standards of the County's comprehensive plans.

Prior to issuance of a building permit for new development, the applicant will be required to submit a site plan(s) for review and approval for all uses [Sec. 83-123(g)]. The site plan will include greater detail regarding site improvements than the conceptual plan.

All site plans are evaluated to ensure that proposed development adheres to standards set forth in Article VIII (Development Standards) of the zoning ordinance. These standards address several components of the development, including:

- Vehicular Access and Circulation [Sec. 68-175(e)];
- Off-Street Parking and Loading [Sec. 83-455];
- Landscaping and Buffers [Sec. 83-461];
- Exterior Lighting [Sec. 83-469];
- Open Space [Sec. 83-470];
- ***Institutional, Commercial and Mixed-Use Development Standards [Sec. 83-477];***
- Signage [Sec. 83-488].

Site plan applications are reviewed by the Planning Department.

## **VI. PUBLIC SERVICE ANALYSIS**

### **Review by County Agencies/Departments**

#### ***Building Department***

1. Road signs and addresses must be in place prior to any inspections for future building permits.
2. A soil analysis with engineered footing design will be required for any new structures located within a moderate or high shrink/swell soil area based on the County GIS unless the structures are exempt by the building code.
3. Additional comments may be noted once permits are applied for, but no issues are noted that would hold up the request by the Building Department.

#### ***Department of Public Works***

The department has no review comments.

### **Review by State Agencies/Departments**

#### ***Health Department***

No Comments.

#### ***Department of Transportation***

The Virginia Department of Transportation has reviewed the request submitted By Spring Branch LLC for rezoning of the parcel at TM #39-78 from Agricultural 10 (A-10) to Commerce

Center (CC). The subject properties are in the center part of the county, approximately 2.57 miles east of Maidens Road and 9.41 miles west of the Powhatan-Chesterfield County line. The applicant intends to rezone the parcel and amend the zoning district map of approximately 36.84 acres. The County's 2021 Comprehensive Plan designates the subject property as Gateway Business on the Countywide Future Land Use Map.

The conceptual plan shows a proposed right-in/right-out commercial entrance along Anderson Highway, approximately 600 feet east of Branchway Forest Way (Route 1092) and 585 feet west of Water Spring Drive (private road). The proposed spacing appears to exceed the minimum 495 feet required by the VDOT Access Management Regulation for commercial entrances with partial access points along a 55 MPH Principal Arterial.

The trip generation analysis provided by the applicant indicates that the site will include the following land uses:

Assisted Living (ITE Code 254)- 177,205 square feet

Health-Fitness Center (ITE Code 492) 30,950 square feet Office (ITE Code 710) - 78,250 square feet

Medical Office (ITE Code 720) - 8,100 square feet Retail (ITE Code 822) - 10,850 square feet Restaurant (ITE Code 932)- 13,383 square feet

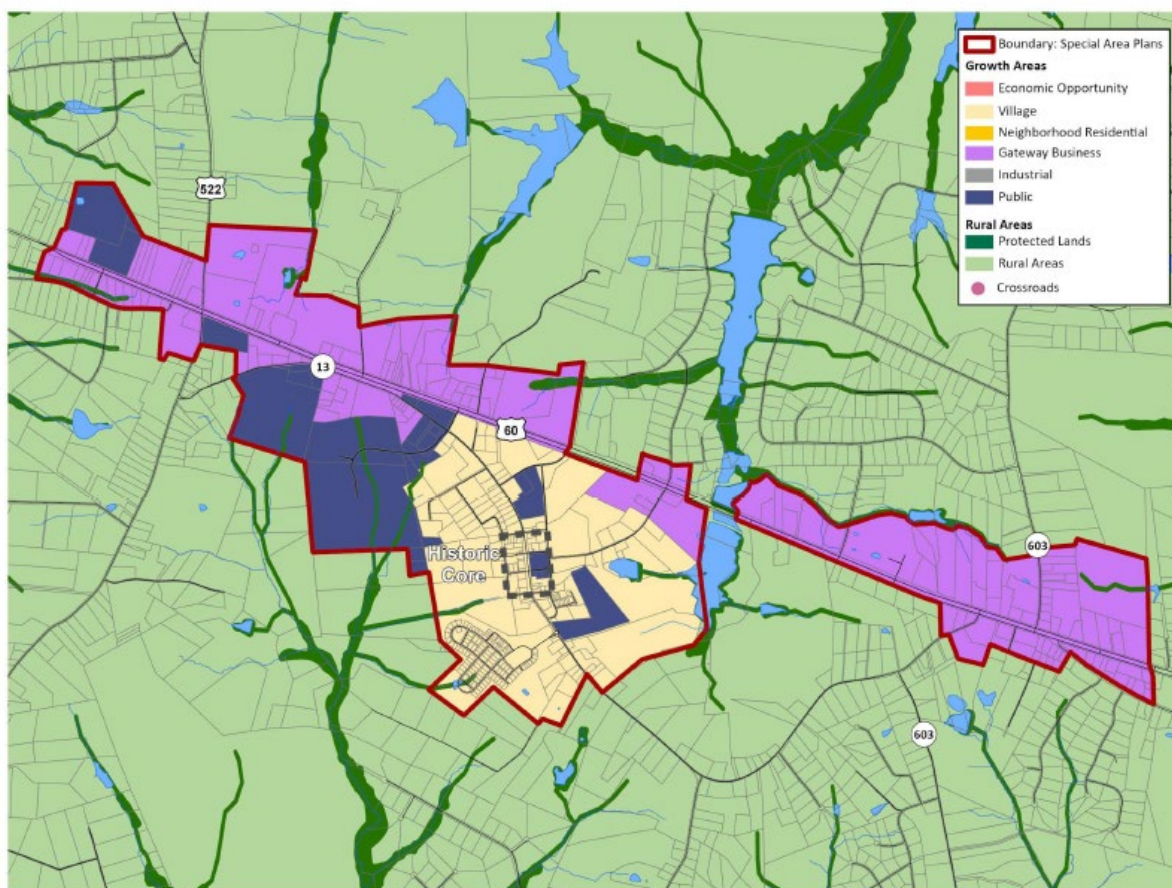
Overall, the site is projected to generate under 5,000 vehicle trips per day, so a formal Traffic Impact Analysis (TIA) report is not warranted. VDOT will require the applicant to provide turn lane warrants for both the existing full-access commercial entrance and the proposed right-in/right-out restricted entrance on Anderson Highway. It appears that the existing left turn lane on eastbound Anderson Highway at the existing crossover does not meet current VDOT Standards. While a detailed traffic analysis was not provided with the zoning application, the Residency recommends that the applicant improve the existing left turn lane to meet current standards. A left turn lane warrant based on site traffic will determine if a longer storage length is needed beyond the minimum 200-foot-long storage required by VDOT standards.

The property frontage along Anderson Highway, between the existing commercial entrance and Branch Forest Way has two sections of guardrail that may be impacted by the proposed site entrance and right turn lane. Please note that any impacts to the guardrail will need to meet VDOT standards, in accordance with the VDOT Road Design Manual and VDOT Road and Bridge Standards.

The Virginia Department of Transportation takes no exception to this request to amend the conditions for the identified proposed use of this property. A VDOT Land Use Permit shall be required for any work within the Right-of-Way. VDOT recommends that the County require a site plan to detail the proposed improvements along Anderson Highway, including the proposed partial access commercial entrance.



## VII. COMPREHENSIVE PLAN ANALYSIS



### Countywide Future Land Use

The 2021 *Long-Range Comprehensive Plan* designates the subject property as **Gateway Business within the Village Special Plan Area**. Areas designated *Gateway Business* are appropriate for offices and light industrial development (clean manufacturing, research and development, and similar light industrial uses) along or near major thoroughfares. Complementary commercial uses (retail stores, restaurants, lodging, etc.) may be appropriate near major intersections or incorporated into master-planned developments.

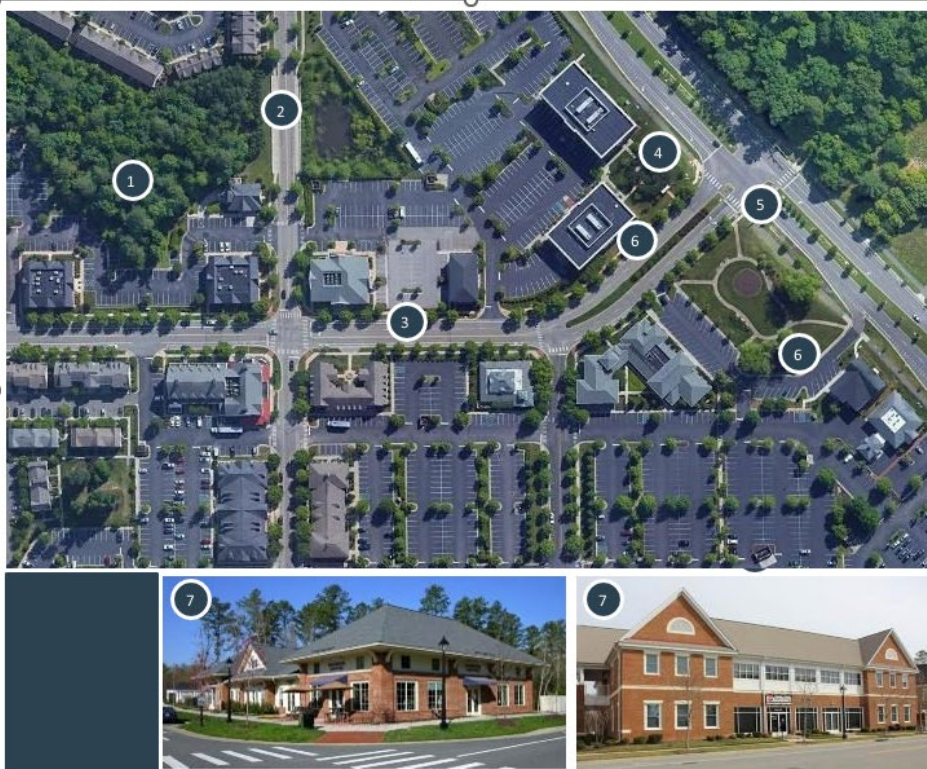
While large-scale development is preferred, consolidating existing small parcels along major thoroughfares may be difficult. Smaller-scale development may be appropriate, if designed with architectural features and landscaping that coordinates with surrounding properties.

Due to their location along major thoroughfares, developments within areas designated *Gateway Business* should be carefully designed to create an attractive gateway to Powhatan County and minimize negative impacts to the local transportation network. High-quality architectural features and landscaping that reflect the area's rural character help create a positive image for those visiting and traveling through Powhatan County.

Where appropriate, sidewalks and trails should connect businesses with nearby destinations, allowing employees and customers to walk for short trips and/or exercise. Parks and open space should be integrated into these developments, creating attractive places to work and visit.

### Example Layout

Below is an aerial photo of an existing development that demonstrates the design features encouraged within areas designated *Gateway Business*.



Existing mature trees provide a buffer between commercial and residential development.

2 Connections to adjacent residential neighborhoods provide routes for vehicular and pedestrian movement.

3 Buildings are oriented to the street, with most parking to the side or rear of the buildings.

4 Sidewalks and shared-use paths provide pedestrian connectivity.

5 Access to existing major thoroughfares is limited, with an interconnected internal street network providing circulation.

6 Plazas, parks and open spaces are scattered throughout the

7 Buildings utilize traditional materials.

### Residential Densities

Not Applicable  
(No Residential Uses Permitted)

### Mix of Uses

Commercial and/or Light Industrial Uses: 100% of Project Area. Specific uses:

- Offices
- Clean Manufacturing
- Research and Development
- Retail
- Restaurants
- Services
- Hotels and Lodging
- Institutional Uses (Examples: Schools, Churches, Public Safety Facilities, and Similar Uses)

### Minimum Open Space

Not Applicable



### **Open Space Features**

Open space, such as plazas, small parks, squares, and greens, is encouraged and should be dispersed throughout the project. These public spaces should be usable areas that include trees, landscaping, water features, and/or outdoor activities. These spaces may be naturalized or more formal in design.

Walking trails are encouraged. Trails should connect to regional trail networks (if nearby).

Natural water features (including lakes, ponds, rivers, streams, wetlands, and other riparian areas), riparian buffers, flood hazard areas, steep slopes (15% or greater slopes), and wildlife habitat areas should be preserved as open space.

### **Landscaping and Buffers**

Site configuration, landscaping, and maintenance of existing tree cover and topography should be used to screen buildings and parking areas from adjacent development and major thoroughfares.

Existing vegetation along Route 60 and other major thoroughfares should be preserved and supplemented to create a wooded buffer that maintains the area's natural character.

Outside of **commercial nodes**, buffer areas should be wider and/or more densely planted. Inside **commercial nodes**, buffer areas may be less densely planted and/or have a more manicured design.

To help create a cohesive streetscape, plant species and landscape design within buffer areas should coordinate with buffers on adjacent properties.

### **Environmental Design**

Environmentally-friendly features should be incorporated into the design of new buildings and surrounding sites. Examples of such features include rain gardens, permeable pavement, green roofs, and native landscaping.

Projects should have coordinated stormwater management plans. This includes ensuring stormwater impacts of individual developments are properly mitigated, while coordinating local stormwater management efforts with countywide projects.

## **STAFF RECOMMENDATION**

The Planning and Zoning Department is concerned with the impact of development generally along US60, with connectivity, and the general health, safety, and welfare of our residents. In some ways, this project does not meet the guidelines outlined in the Comprehensive Plan for Gateway Business, for example, there are no pedestrian connections to adjacent residential areas or internal sidewalks shown, but this is in response to neighborhood concerns. The rezoning request should also demonstrate that there is adequate public facilities currently or that these will be built prior to Certificate of Occupancy. Overall, we feel the County's design standards, the design review process, and oversight from VDOT and the County's Department of Public Works, result in a product that is consistent with the County's long-range vision and will positively contribute to the County. Therefore, staff **recommend approval of this rezoning with proffers**.

## PROPOSED RESOLUTION

In accordance with Section 83-123(f)(4) of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Spring Branch, to rezone Parcel #39-78 from Agricultural 10 (A-10) to Commerce Center (CC) and amendment of the zoning district map of approximately 36.84 acres. The property is located on the west-bound side of Anderson Highway, on the north-east corner between Anderson Highway and Branch Forest Way. The County's 2021 Comprehensive Plan designates the subject property as **Gateway Business** on the Countywide Future Land Use Map. It is also located in the **Village Special Planning Area**.

## VIII. PLANNING COMMISSION VOTE

AYE	NAY	Ms. Hurt, District 1
AYE	NAY	Ms. Bowlin, District 2
AYE	NAY	Mr. Hall, District 3
AYE	NAY	Ms. Pendergast, District 4
AYE	NAY	Dr. Brown, District 5

# APPLICATION



**County of Powhatan,  
Virginia**  
Rezoning Application

**For Office Use Only**

Case Number

Powhatan County, Virginia  
Department of Community Development  
3834 Old Buckingham Road: Suite F  
Powhatan, VA 23139

**Applicant Information**

Name of Applicant	Spring Branch llc
Mailing Address	3203 Hawthorne Avenue Richmond Va 23222
Phone Number	804-305-0608
Email Address	jnmelton@comcast.net

**Owner Information**

(Complete this section if the applicant is not the current property owner)

Name of Owner	SAME AS ABOVE
Mailing Address	
Phone Number	
Email Address	

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

If there are multiple owners, all owners must sign the application or provide other documentation consenting to the application (see form entitled *Ownership Disclosure*).

**Applicant Representative**

(Complete this section if correspondence should be directed to someone other than the applicant)

Name of Representative	Bill Melton
Mailing Address	4855 Old Buckingham Rd Powhatan Virginia 23139
Phone Number	804-317-3185
Email Address	bill.melton@penfedrealty.com

<b>Parcel Information</b>	
Tax Map Number	039-78
Physical Address	0 Anderson Highway
General Description of Property Location	36.84 acres on Route 60 - located at Rt 60 and Branch Forest Way- aproximate address 3500 Anderson Highway
Election District	3
Total Acreage	36.84
Current Zoning	Agriculture
Requested Zoning	CC
Acreage to Be Rezoned	36.84
Countywide Future Land Use: Land Use Designation	Gateway Business

<b>Proposed Use</b>	
Describe Proposed Use	Would like to rezone the parcel to CC. The adjoining 4 acre parcel was cut off the original tract of land which is now zoned CC
Amount of Dedicated Open Space (Acreage + % of Site)	
If this request is approved, will new lots be created?	No
If this request is approved, will new structures be constructed?	Yes
Are there existing structures on the subject property?	No- adjoining piece was cut off in 2007/2008 which has a 2.4M operating medical facility
Will the proposed use connect to public water and/or sewer?	Yes, The parcel currently has water and sewer to the parcel

A conceptual plan that shows the general configuration of the proposed development, including land uses, general building types, density/intensity, resource protection areas, pedestrian and vehicular circulation, open space, public facilities, and phasing, should be submitted with the application.

<b>Review Checklist (For Office Use Only)</b>		
This form will be completed by the Department of Community Development as the application is reviewed.		
<b>Action</b>	<b>Date of Action</b>	
Application Submitted		
Application Deemed Complete		
Application Routed to Reviewing Agencies		
Comments Received from Reviewing Agencies	Building Inspections	
	Environmental	
	Public Works	
	Sheriff	
	Fire	
	Health	
	Transportation	
	Other	
Planning Commission: Notice in Newspaper		
Planning Commission: Letters Sent to Adjoining Property Owners		
Planning Commission: Public Hearing		
Planning Commission: Recommendation Made		
Board of Supervisors: Notice in Newspaper		
Board of Supervisors: Letters Sent to Adjoining Property Owners		
Board of Supervisors: Public Hearing		
Board of Supervisors: Recommendation Made		



**Planned Development Districts: Proposed Standards**



(Complete this section only if requesting rezoning to one of the Village Growth Area: Planned Development Districts, which include VR-PD, VC-PD, and CC-PD. All of this information should also be included within the PD master plan and/or textual statement.)

Proposed Density		
Amount of Dedicated Open Space (Acreage + % of Site)		
<b><i>Dimensional Standards</i></b>		
Floor Area Ratio (FAR): Max.		
Lot Area: Min. (Sq. Ft.)		
Lot Width: Min. (Ft.)		
Impervious Surfaces: Max. (% of District Area)		
Individual Building Size: Max. (Sq. Ft.)		
Building Height: Max. (Ft.)		
Yard Depths or Setbacks: Min. (Ft.)	Front	
	Side	
	Rear	
Setback from Abutting Single-Family Residential Uses: Min. (Ft.)		
Permitted Uses	Provide a list of all permitted uses with the PD District.	
Master Plan	A master plan that shows the general configuration of the proposed development, including land uses, general building types, density/intensity, resource protection areas, pedestrian and vehicular circulation, open space, public facilities, and phasing, should be submitted with the application.	

## List of Adjacent Property Owners

<b>Tax Map No.</b>	<b>Owner Name</b>	<b>Mailing Address</b>
027-22	Clifford Hardy and Margaret R TRS	P O Box 156 Powhatan Va 23139
027-22E	Anthony L Daniel and Laura P Daniel	2440 Branch Forest Way Powhatan Va 23139
027-24	James and Michele Riverbank	2240 Anderson Highway Powhatan Va 23139
039-78A	Red Clay Realty LLC, C/O Cathy Brown	13332 Midlothian Tnpk Midlothian Va 23113
039-76	Easter Holding LLC	11103 Trade Rd North Chesterfield Va 23236
039-75	Elelyn Hancock	1801 Hancock Rd Powhatan Va 23139
039-74	Tilley Perry and Beth H	2011 Swamp Fox Rd Midlothian , Va 23112
039-73	Dorwood G Robinson	9105 Cold Water Circle Chesterfield Va 23832
039-72A and 039-72B	Anderson Land Trust C/O East Cost Marketing	6933 Commons Place #801 Chesterfield Va 23832
027-23A	Joesph Paul and Mary Elizabeth Whitney TRS	15 Knots Bend Dr Hampstead NC 28443
027-23B and 027A-4-3	Edmond B Jr/ Helen S Reynolds TRS	2241 Branch Forest Way Powhatan Va 23139

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

Proffer Statement	
<p>In accordance with § 15.2-2303 and Article II of the Powhatan County Zoning Ordinance, I do hereby voluntarily proffer, as the owner of record of the property or the applicant of this rezoning request, the conditions listed below. I hereby acknowledge that the rezoning of the subject property gives rise to the need for these conditions.</p> <p>(Note: If text for all proffered conditions does not fit on this page, additional proffered conditions may be attached to the application as separate pages.)</p>	
Proffer #1	We will proffer to remove the following uses from 83-241. #1, #6, #14, #27, #32, #35, #53, #65, #66, #70, #73, #78, #79, #82. We proffer to remove the following conditional uses from 83-242. #8, #9, #14, #15, #16, #17, #19. We proffer to remove the following accessory uses from 83-243. <u>#4, #15</u> , #20, #21, #23.
Proffer #2	<del>#18</del> - Wm
Proffer #3	
Proffer #4	
Signature of Applicant	<i>Joseph N. Melton</i> <i>Elwood C. May</i>
Name of Applicant (Printed)	<del>William E Melton</del> Joseph N. MELTON JR Elwood C May -
<p>Commonwealth of Virginia  County of <u>PAW</u> Powhatan, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Joseph Melton &amp; Elwood May</u>, whose name is signed to the above, on this <u>3</u> day of <u>April</u>, 20<u>23</u>.</p>	
Notary Public	
Commission Expires	10/31/25
Notary Number	7739345
<p>Seal</p> 	

**Statement of Validity of Information**

Every applicant shall sign the following document to substantiate the validity of submitted information.

I, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will provide written certification from the owner granting me the right to submit this application.

I declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

**Signature of Applicant**

*Joseph N. Melton Jr* *Elwood C. May*

**Name of Applicant (Printed)**

Joseph N Melton Jr Elwood C May

Commonwealth of Virginia

County of Powhatan, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Joseph Melton Jr & Elwood May, whose name is signed to the above, on this 3 day of April 2023.

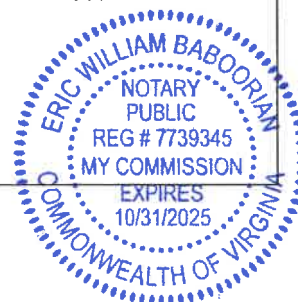
**Notary Public**

**Commission Expires**

10/31/25

**Notary Number**

7739345

**Seal**

**Ownership Disclosure**

List below the names and addresses of all owners or parties in interest of the land subject to this request.

If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

Name	Address
Elwood (Jack) C May	1825 Genito Princess DR Powhatan Va 23139
Joseph N Melton Jr	3203 Hawthorne Ave. Richmond Va 23222

I, \_\_\_\_\_, do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting rezoning for Tax Map \_\_\_\_\_.

If the information listed above changes at any time while this request is being considered, I will provide Powhatan County with an updated list of owners.

**Signature of Applicant**

**Name of Applicant (Printed)**

*Joseph N. Melton Jr Elwood C. May*  
 Joseph N Melton Jr, Elwood C May

Commonwealth of Virginia

County of Powhatan, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Joseph N Melton Jr & Elwood May, whose name is signed to the above, on this 3 day of April 2023.

**Notary Public**

**Commission Expires**

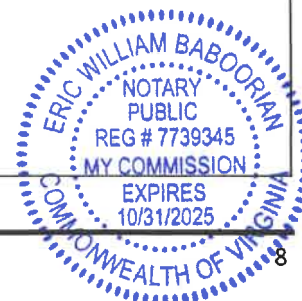
**Notary Number**

*[Signature]*

10/31/25

7739345

**Seal**



**Consent of Owner(s) to Rezoning Request**

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the rezoning application and that the applicant may submit proffered conditions on the property owner's

I, Elwood C May and Joesph N Melton Jr, am the owner of the property subject to this rezoning request and consent to the request submitted by William E Melton (Applicant) to rezone Tax Map 039-78 from Agriculture (Current Zoning District) to CC (Requested Zoning District).

**Signature of Owner****Name of Owner (Printed)**

*Joseph N. Melton Jr* *Elwood C. May*  
Joseph N Melton Jr, Elwood C May

Commonwealth of Virginia

County of Powhatan, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Joseph Melton Jr & Elwood May, whose name is signed to the above, on this 3 day of April 2023.

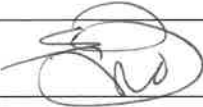
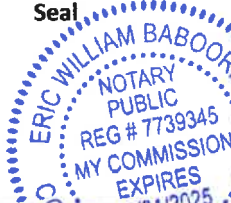
**Notary Public****Commission Expires****Notary Number**

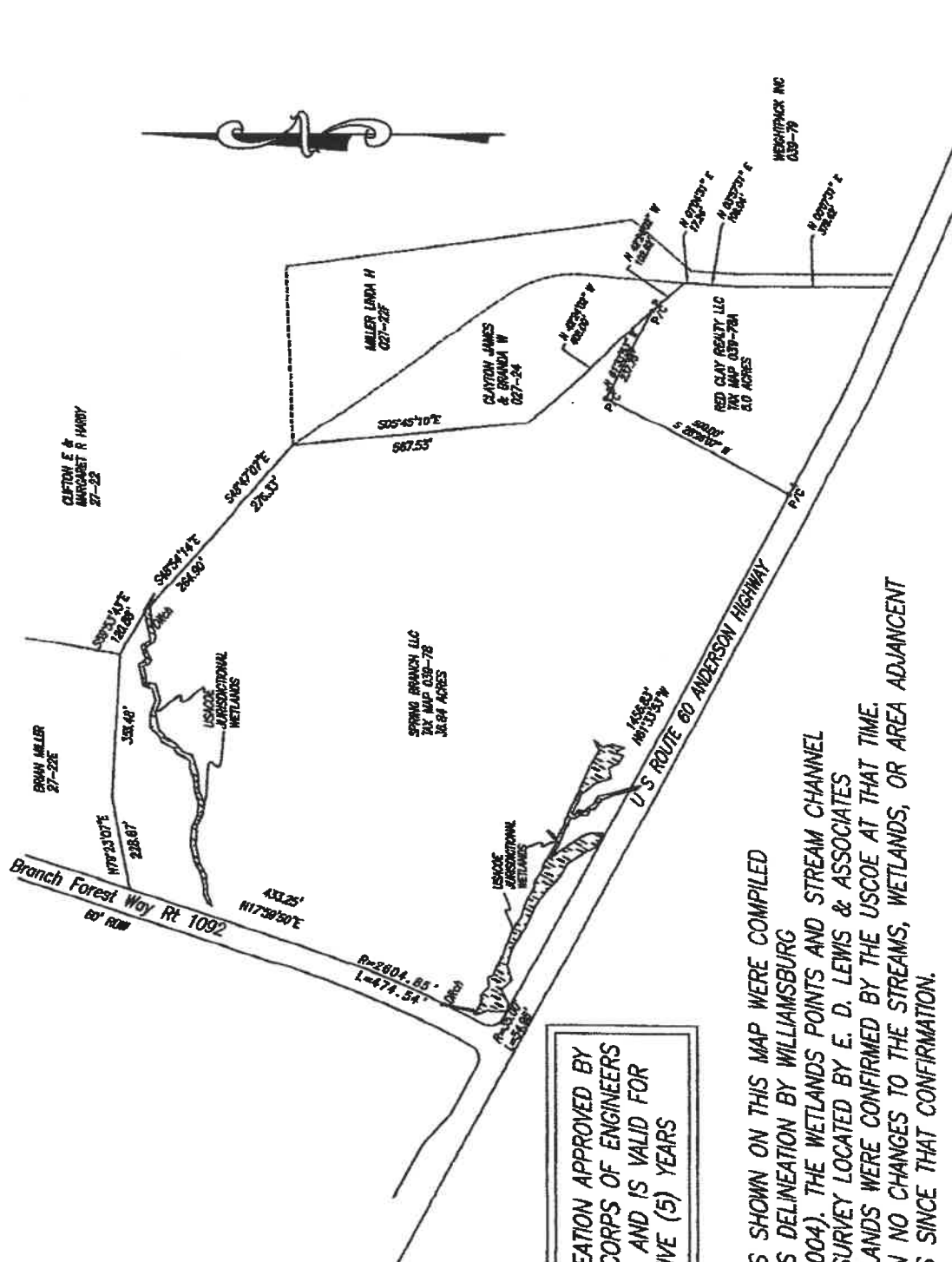

10/31/25

7739345

**Seal**




<b>Applicant's Permission for Inspection of Property</b>		
I, <u>Elwood C May and Joesph N Melton Jr</u> , hereby grant access to the Director of Community Development, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application.		
<b>Signature of Applicant</b>	<u>Joseph N. Melton &amp; Elwood C. May</u>	
<b>Name of Applicant (Printed)</b>	<u>Joesph N MELTON, Elwood C MAY</u>	
Commonwealth of Virginia County of <u>Powhatan</u> , to wit:		
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Joseph Melton &amp; Elwood May</u> , whose name is signed to the above, on this <u>3</u> day of <u>April</u> , 20 <u>23</u> .		
<b>Notary Public</b>		<b>Seal</b> 
<b>Commission Expires</b>	<u>10/31/25</u>	
<b>Notary Number</b>	<u>7739345</u>	



WETLAND DELINEATION APPROVED BY  
THE US ARMY CORPS OF ENGINEERS  
JUNE 20, 2017 AND IS VALID FOR  
A PERIOD OF FIVE (5) YEARS

THE WETLANDS AS SHOWN ON THIS MAP WERE COMPILED  
FROM A PREVIOUS DELINEATION BY WILLIAMSBURG  
ENVIRONMENTAL(2004). THE WETLANDS POINTS AND STREAM CHANNEL  
LOCATION WERE SURVEY LOCATED BY E. D. LEWIS & ASSOCIATES  
(2004). THE WETLANDS WERE CONFIRMED BY THE USCOE AT THAT TIME.  
THERE HAVE BEEN NO CHANGES TO THE STREAMS, WETLANDS, OR AREA ADJACENT  
TO THE WETLANDS SINCE THAT CONFIRMATION.

<b>D. C. BRADBURY, INC.</b> PROFESSIONAL ENGINEER LAND SURVEYOR POWHATAN, VIRGINIA PHONE: 804-598-3618 FAX: 804-598-2412		<b>MAY ESTATE</b> TAX PARCELS 39-78 COMPILED PLAT OF WETLANDS AND BOUNDARY	SPENCER DISTRICT, POWHATAN COUNTY, VIRGINIA
DATE: 6/12/2017 SHEET 1 OF 1 SCALE: AS NOTED			





# GATEWAY BUSINESS (CONCEPT PLAN)

(1) Maximize use of existing infrastructure

PDC

Buffer...



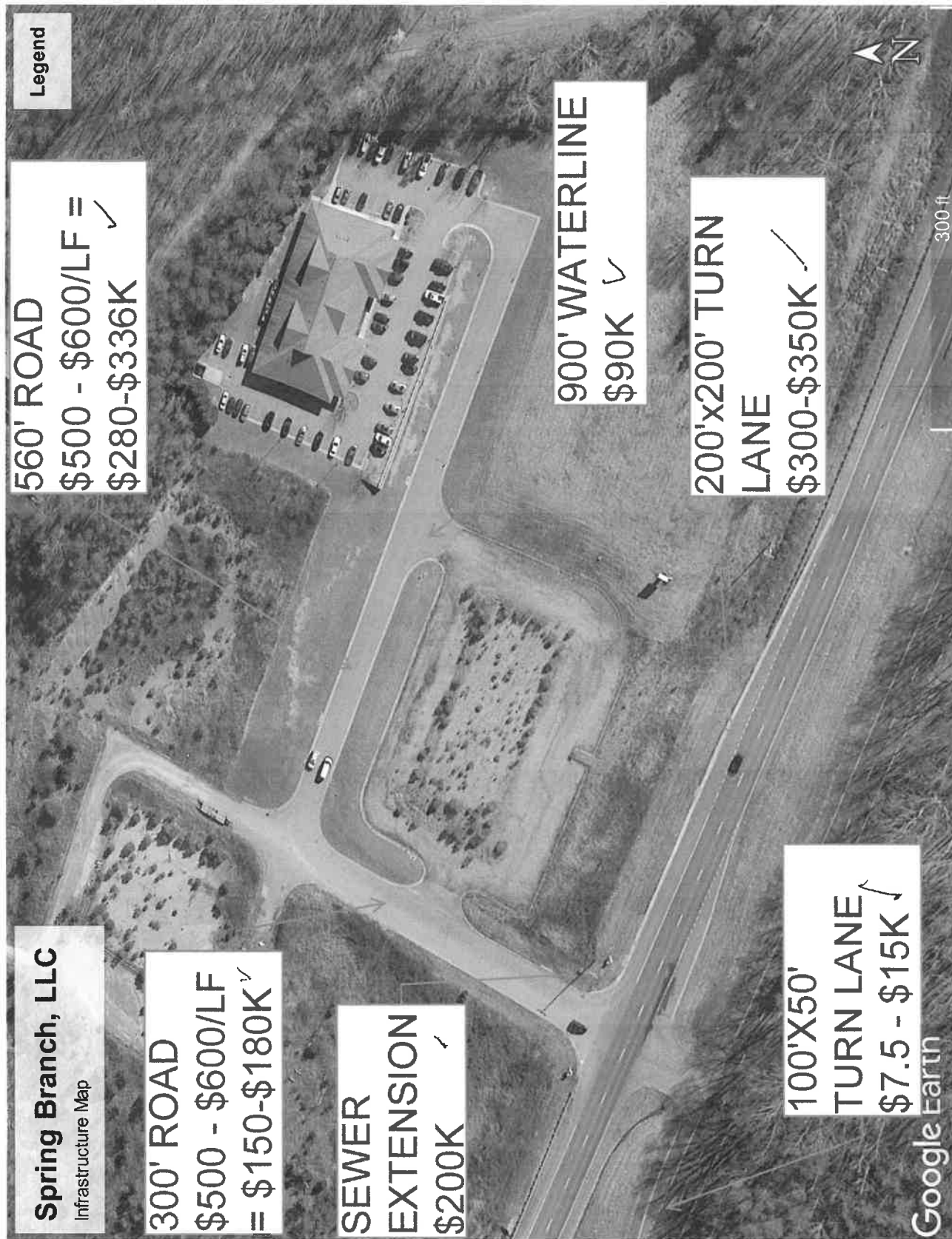
**BALZER & ASSOCIATES**  
PLANNERS / ARCHITECTS / ENGINEERS / ENVIRONMENTALISTS  
1801 N. 1st St., Suite 200  
Tomball, TX 77375  
www.balzer.com  
281.291.1212

171K  
Perronig  
300bd.  
AL.

**SPRING BRANCH LLC**  
AERIAL VIEW  
CONCEPT PLAN  
PREPARED FOR: SPRING BRANCH LLC  
PROJECT NO: 117  
DATE: 02/28/2020  
SCALE: 1" = 50'  
BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]

117  
1 of 1  
PROJECT NO: 117

Perronig (CC) (uses + duplications of each use...)  
(Perronig)



\$1.2 million infrastructure -

## **AGENCY COMMENTS**





1030 Wilmer Avenue, Ste. 100  
Richmond, VA 23227

T 804.264.2228  
TRCcompanies.com

September 28, 2023

Mr. Michael Ciriello, MLA, AICP  
Planning Director  
Powhatan County  
3834 Old Buckingham Road  
Powhatan, VA 23139

**RE: 23-12 REZ, Spring Branch, LLC**

Dear Mr. Ciriello:

On behalf of the Department of Public Works, I have reviewed 23-12, Spring Branch, LLC. The property, Tax Map 39-78, is located within the Water and Wastewater Service District. Powhatan County water and sanitary sewer mains cross in front of the parcel and the proposed buildings would be required to connect to the County's utilities per the County ordinance Section 80-112. I have no review comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Haggerty", with a stylized flourish extending from the end.

Michael Haggerty, PE  
Program Manager



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

RICHMOND DISTRICT

2430 Pine Forest Drive

COLONIAL HEIGHTS, VA 23834

[www.VDOT.Virginia.gov](http://www.VDOT.Virginia.gov)

Stephen C. Brich, P.E.  
COMMISSIONER

Mr. Michael Ciriello  
Planning Director  
Powhatan County Planning Department  
3834 Old Buckingham Road, Suite F  
Powhatan, Virginia 23139-7051

September 25, 2023

REFERENCE: **23-12-REZ – Spring Branch, LLC**  
**(District #3: Bethesda/Lee's Landing)**  
**Northeast corner lot between Anderson Hwy (Rt. 60) and Branch**  
**Forest Way (Rt. 1092)**  
**Tax Map #39-78**  
**Rt. 60, Anderson Hwy, Principal Arterial, ADT=25,133; 55 MPH**  
**Rt. 1092, Branch Forest Way, Local, ADT=463; Unposted MPH**  
**Date VDOT Received: 9/1/23**

Dear Mr. Ciriello:

The Virginia Department of Transportation has reviewed the request submitted By Spring Branch LLC for rezoning of the parcel at TM #39-78 from Agricultural 10 (A-10) to Commerce Center (CC). The subject properties are in the center part of the county, approximately 2.57 miles east of Maidens Road and 9.41 miles west of the Powhatan-Chesterfield County line. The applicant intends to rezone the parcel and amend the zoning district map of approximately 36.84 acres. The County's 2021 Comprehensive Plan designates the subject property as Gateway Business on the Countywide Future Land Use Map.

The conceptual plan shows a proposed right-in/right-out commercial entrance along Anderson Highway, approximately 600 feet east of Branchway Forest Way (Route 1092) and 585 feet west of Water Spring Drive (private road). The proposed spacing appears to exceed the minimum 495 feet required by the VDOT Access Management Regulation for commercial entrances with partial access points along a 55 MPH Principal Arterial.

The trip generation analysis provided by the applicant indicates that the site will include the following land uses:

Assisted Living (ITE Code 254) – 177,205 square feet

23-12-REZ – Spring Branch, LLC

September 15, 2023

Page 2 of 2

Health-Fitness Center (ITE Code 492) – 30,950 square feet

Office (ITE Code 710) – 78,250 square feet

Medical Office (ITE Code 720) - 8,100 square feet

Retail (ITE Code 822) – 10,850 square feet

Restaurant (ITE Code 932) – 13,383 square feet

Overall, the site is projected to generate under 5,000 vehicle trips per day, so a formal Traffic Impact Analysis (TIA) report is not warranted. VDOT will require the applicant to provide turn lane warrants for both the existing full-access commercial entrance and the proposed right-in/right-out restricted entrance on Anderson Highway. It appears that the existing left turn lane on eastbound Anderson Highway at the existing crossover does not meet current VDOT Standards. While a detailed traffic analysis was not provided with the zoning application, the Residency recommends that the applicant improve the existing left turn lane to meet current standards. A left turn lane warrant based on site traffic will determine if a longer storage length is needed beyond the minimum 200-foot-long storage required by VDOT standards.

The property frontage along Anderson Highway, between the existing commercial entrance and Branch Forest Way has two sections of guardrail that may be impacted by the proposed site entrance and right turn lane. Please note that any impacts to the guardrail will need to meet VDOT standards, in accordance with the VDOT Road Design Manual and VDOT Road and Bridge Standards.

The Virginia Department of Transportation takes no exception to this request to amend the conditions for the identified proposed use of this property.

A VDOT Land Use Permit shall be required for any work within the Right-of-Way. VDOT recommends that the County require a site plan to detail the proposed improvements along Anderson Highway, including the proposed partial access commercial entrance.

Should you have any questions, or need any additional information, please do not hesitate to contact me at (804) 674-2907, or Adam Wilkerson at (804) 674-2384.

Sincerely,



Niko Ambrose, EIT.

Plan Reviewer

VDOT Richmond District

Central Area Land Use

CC:

Bret Schardein

Ed Howland

Spring Branch LLC

Powhatan County Administrator

Powhatan County Principal Planner

Applicant

## TRAFFIC STATEMENT



July 12, 2023

Mr. Michael Ciriello, MLA, AICP  
Director of Planning  
Powhatan County  
3834 Old Buckingham Road  
Powhatan, Virginia 23139

Re: Spring Branch Property – Trip Generation Analysis  
Powhatan County, Virginia

Mr. Ciriello,

This letter is in regards to the proposed Spring Branch development to be located on the northeast quadrant of the US 60 and Spring Branch Road intersection. The purpose of this submittal is to provide trip generation analysis results for the proposed site as detailed on current plans.

Based on discussions with the development team, the site is to include eight parcels that are expected to accommodate 177,205 square feet (sf) of assisted living uses; 141,533sf of commercial uses. A trip generation analysis based on the Institute of Transportation Engineers Trip Generation Manual (11<sup>th</sup> Edition) indicates the site is expected to generate 4,678 vehicles per day (vpd) on a typical weekday.

The trip generation analysis is based on current plans that propose to develop assisted living (ITE Code 254 / 177,205sf / 460vpd); health-fitness center (ITE Code 492 / 30,950sf / 1,050vpd); office (ITE Code 710 / 78,250sf / 836vpd); medical office (ITE Code 720 / 8,100sf / 240vpd); retail (ITE Code 822 / 10,850sf / 688vpd); high turnover restaurant (ITE Code 932 / 13,383sf / 1,434vpd) land uses.

Based on Chapter 527 regulations, a traffic impact analysis report is not required for the proposed site to be developed on the northeast quadrant of the US 60 and Spring Branch Road intersection.

Please feel free to call or email with any questions and/or additional information needs.

Sincerely,  
Green Light Solutions, Inc.

Erich Strohacker, PE  
President

## CONCEPT PLANS



ALONG MAJOR ARTERIALS = 75 FEET  
(50 FEET FOR ACCESSORY USES AND STRUCTURES  
LOTS ABUTTING INTERNAL/LOCAL ROADS = 10 FEET  
SIDE YARD DEPTH, MINIMUM = NOT APPLICABLE  
REAR YARD DEPTH, MINIMUM = 10 FEET

3. AERIAL IMAGERY SOURCE FROM 2023 MICROSOFT CORPORATION.

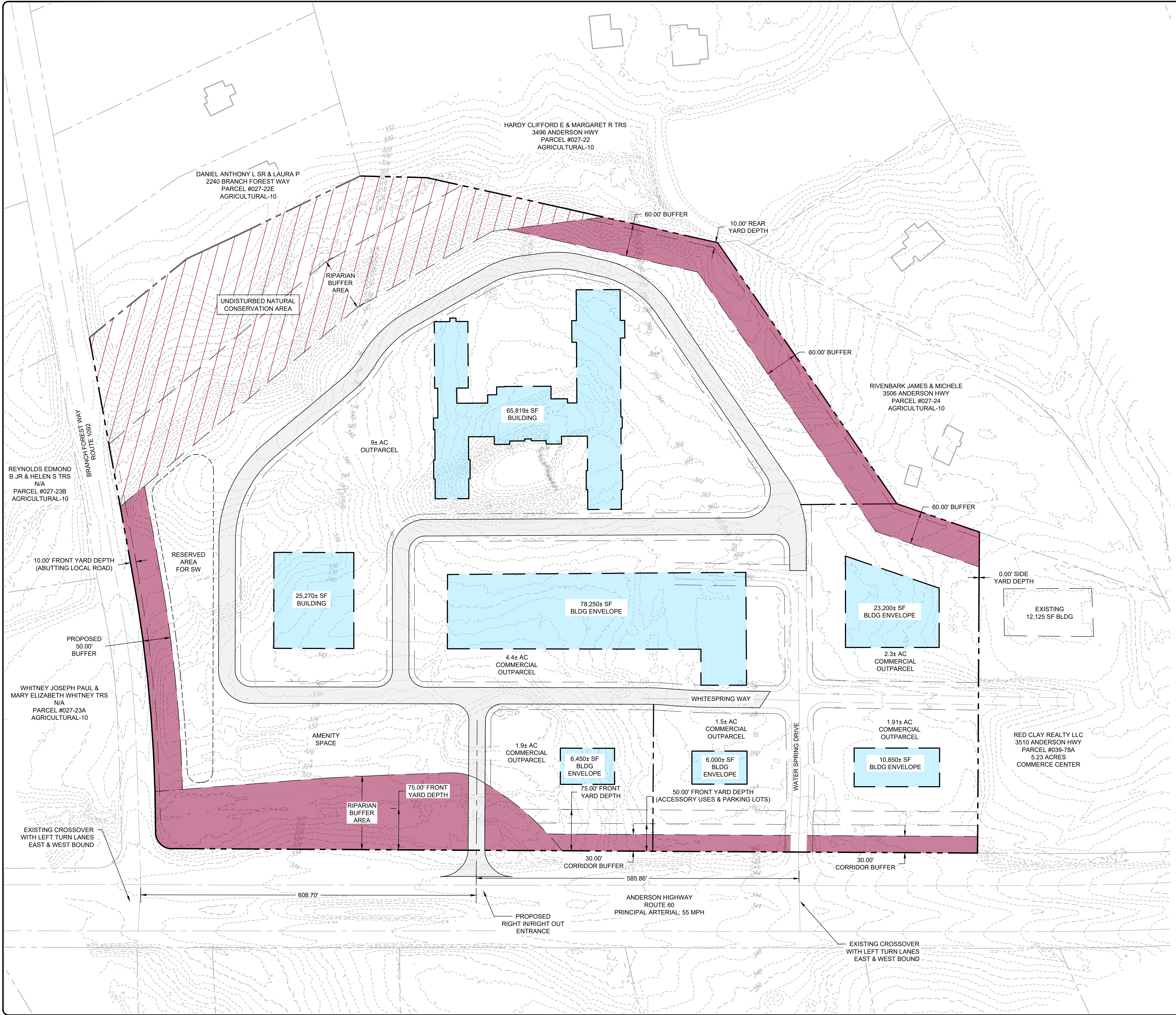
[illegible]

## CONCEPT PLAN

POWATHAN COUNTY, VIRGINIA

DRAWN BY AGM  
 DESIGNED BY CMS  
 CHECKED BY CMS  
 DATE 05/09/2023  
 SCALE 1" = 80'  
 REVISIONS  
 1/2023  
 7/2023

1 of 1







**BALZER & ASSOCIATES**  
PLANNERS / ARCHITECTS  
ENGINEERS / SURVEYORS

Roanoke / Richmond  
New River Valley  
Shenandoah Valley

**www.balzer.cc**  
15871 City View Drive  
Suite 200  
Midlothian, VA 23113  
804.794.0571

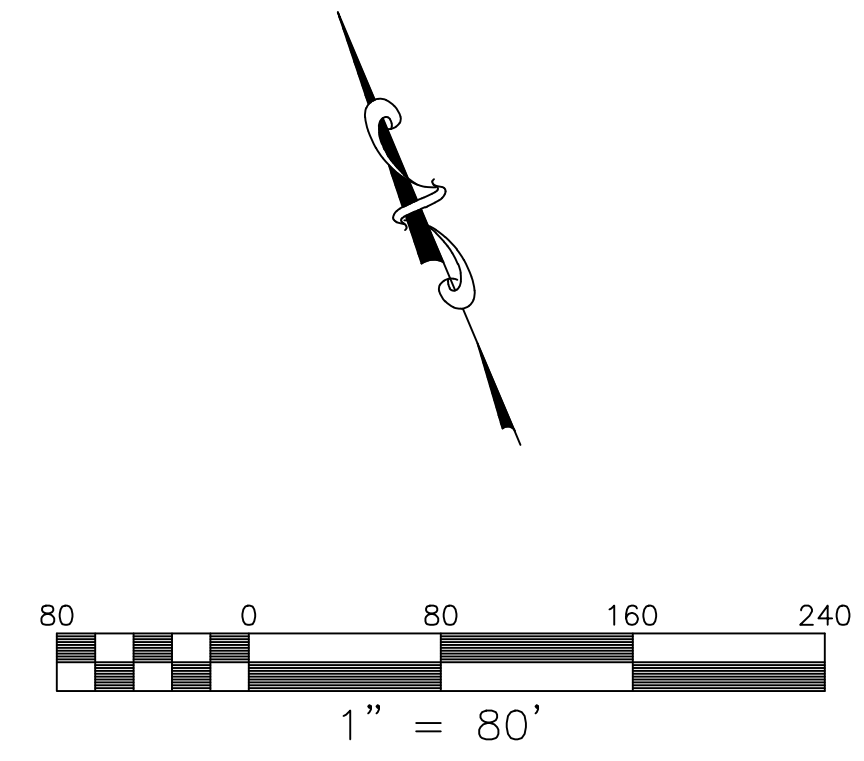
**SITE SUMMARY**  
OWNER: SPRING BRANCH LLC  
PARCEL: #039-78  
ACREAGE: 36.84 AC  
EXISTING ZONING: AGRICULTURAL-10  
COMP PLAN: GATEWAY BUSINESS  
(GROWTH AREA BOUNDARIES)  
PROPOSED ZONING: COMMERCE CENTER (CC)

**COMMERCE CENTER STANDARDS**  
LOT COVERAGE, MAXIMUM = 60%  
STRUCTURE HEIGHT, MAXIMUM = 35 FT  
FRONT YARD DEPTH, MINIMUM  
ALONG MAJOR ARTERIALS = 75 FEET  
(50 FEET FOR ACCESSORY USES AND STRUCTURES)  
LOTS ABUTTING INTERNAL/LOCAL ROADS = 10 FEET  
SIDE YARD DEPTH, MINIMUM = NOT APPLICABLE  
REAR YARD DEPTH, MINIMUM = 10 FEET



**CONCEPT PLAN NOTE:**

- THIS PLAN IS FOR CONCEPTUAL PLANNING PURPOSES AND HAS BEEN PREPARED USING COMPILED INFORMATION.
- THIS EXHIBIT IS COMPILED FROM PUBLICLY AVAILABLE GEOSPATIAL DATA ONLY AND DOES NOT REPRESENT AN ACTUAL BOUNDARY OR TOPOGRAPHIC SURVEY. THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A RECENT TITLE REPORT; THEREFORE, ALL MATTERS AFFECTING THE SUBJECT PROPERTY MAY NOT BE SHOWN. HORIZONTAL AND VERTICAL DATUM ARE ASSUMED BASED UPON AERIAL IMAGERY.
- AERIAL IMAGERY SOURCE FROM 2023 MICROSOFT CORPORATION.



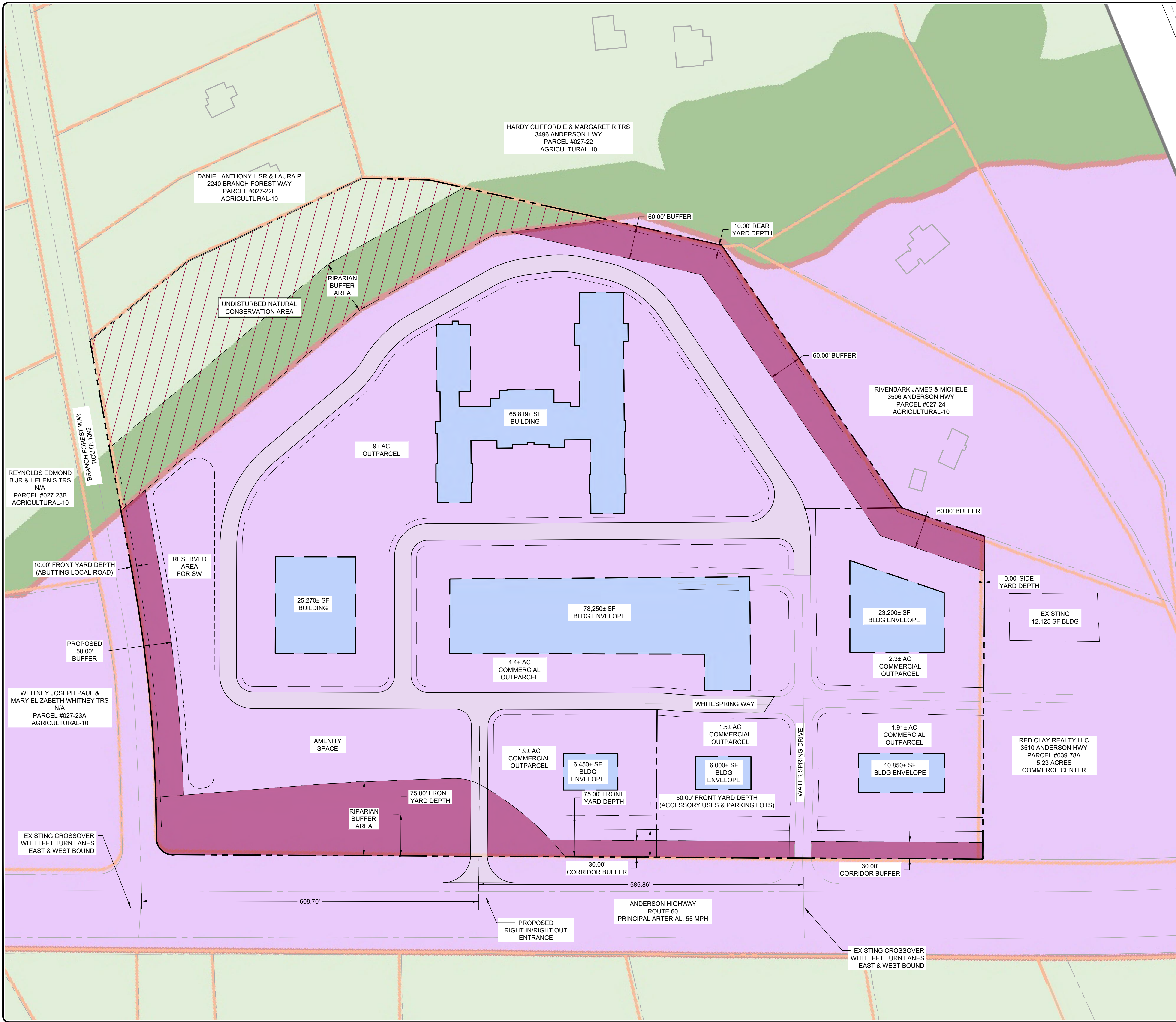
**SPRING BRANCH LLC**

**CONCEPT PLAN  
AERIAL VIEW**

SPENCER DISTRICT  
POWhatan COUNTY, VIRGINIA

DRAWN BY: AGM  
DESIGNED BY: CMS  
CHECKED BY: CMS  
DATE: 05/09/2023  
SCALE: 1" = 80'  
REVISIONS:  
07/20/2023  
08/14/2023

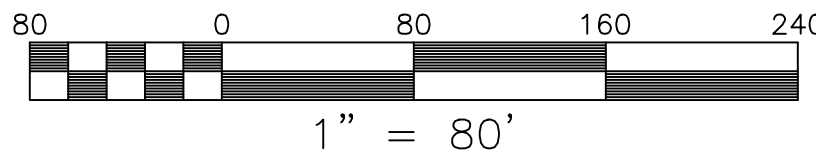




**SITE SUMMARY**  
OWNER: SPRING BRANCH LLC  
PARCEL: #039-78  
ACREAGE: 36.84 AC  
EXISTING ZONING: AGRICULTURAL-10  
COMP PLAN: GATEWAY BUSINESS (GROWTH AREA BOUNDARIES)  
PROPOSED ZONING: COMMERCE CENTER (CC)

**COMMERCE CENTER STANDARDS**  
LOT COVERAGE, MAXIMUM = 60%  
STRUCTURE HEIGHT, MAXIMUM = 35 FT  
FRONT YARD DEPTH, MINIMUM  
ALONG MAJOR ARTERIALS = 75 FEET  
(50 FEET FOR ACCESSORY USES AND STRUCTURES)  
LOTS ABUTTING INTERNAL/LOCAL ROADS = 10 FEET  
SIDE YARD DEPTH, MINIMUM = NOT APPLICABLE  
REAR YARD DEPTH, MINIMUM = 10 FEET

**CONCEPT PLAN NOTE:**  
1. THIS PLAN IS FOR CONCEPTUAL PLANNING PURPOSES AND HAS BEEN PREPARED USING COMPILED INFORMATION.  
2. THIS EXHIBIT IS COMPILED FROM PUBLICLY AVAILABLE GEOSPATIAL DATA ONLY AND DOES NOT REPRESENT AN ACTUAL BOUNDARY OR TOPOGRAPHIC SURVEY. THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A RECENT TITLE REPORT; THEREFORE, ALL MATTERS AFFECTING THE SUBJECT PROPERTY MAY NOT BE SHOWN. HORIZONTAL AND VERTICAL DATUM ARE ASSUMED BASED UPON AERIAL IMAGERY.  
3. AERIAL IMAGERY SOURCE FROM 2023 MICROSOFT CORPORATION.





## **NEIGHBORHOOD MEETING COMMENTS**

**From:** [Rissmeyer, Don](#)  
**To:** [Michael Ciriello](#)  
**Cc:** [Keith Buch](#); [prc@lumos.net](mailto:prc@lumos.net); [Bobby Hall](#); [Barbara Brown](#); [Mike Byerly](#); [Sean Clendening](#)  
**Subject:** Branchway Neighborhood Meeting Notes  
**Date:** Sunday, August 6, 2023 1:07:07 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Mr. Ciriello,

I wanted to follow-up on the neighborhood meeting that the applicant from Spring Branch LLC held this week. There were an estimated 45 residents from the Branchway neighborhoods that took the time to attend this meeting and a great number of them provided comments to the applicant about the impacts involving Cut-Through Traffic, safety of walkers in our neighborhood, missing traffic studies, putting a traffic signal at the Route 60 crossover, Stream Valley Buffers, adjacent homes with inadequate vegetative buffers, protection of our private lake from sedimentation and water quality concerns, connections to public water and sewer, impacts to wildlife, light pollution concerns, noise concerns, and related issues. Some of these concerns are pretty standard for a residential neighborhood however it is always worse for the Branchways because of the heavy traffic growth along Route 60, cut through traffic to Blessed Sacrament school, strip commercial zoning which was recently eliminated (Thank you!), stream runoff into our private lake which is causing sediment to build-up and causing lake owners to have to pay heavy dues for future maintenance needs such as dredging and dam repairs, and other concerns to keep our neighborhood from declining health, success and property values. As the HOA President for the better part of 15 years, these are important concerns to me personally and for my neighborhood friends.

We also talked at length about preferring uses that avoid high traffic such as medical buildings, removing uses that are incompatible to the residential neighborhood or cause high traffic volumes such as fast food restaurants, and also reducing the overall footprint of the project and buildings to stay within the previously cleared, areas to avoid surrounding steep slopes and vegetative buffers. I think most residents recognize that getting rid of the dirt piles, taking advantage of the \$1.7 infrastructure investment already on the property and using the relatively flat and cleared lands while not touching the wetlands, steep slopes and forested areas around the perimeter could be a smart growth or context sensitive approach to the land that could be considered compatible with the neighborhood if the applicant wanted it.

Bottom line is that the neighborhood residents seemed to unanimously oppose the development unless a new concept plan was developed with more details, less buildings and roads, no connection to Branch Forest Way, and other considerations. One other consideration would be a vegetative buffer or fencing for the Rivenbark residence which sits immediately behind the existing medical office building (met those folks for the first time this week, and I'm copying them on this email along with Keith Buch who also sent an email a few days ago about his concerns). Also copying our District 3 representatives to let them know we are very concerned as a neighborhood about this rezoning application as it stands and prefer the A-10 zoning based on what we have seen this week.

I have put the September 5<sup>th</sup> planning commission meeting on my calendar for 6pm at the Landmark

Center and would look forward to seeing a staff report or any other information from the applicant prior to that meeting. Moreover, that meeting only allows four weeks for the neighborhood to react to what we heard, let alone if the applicant changes the concept plan or chooses to work with myself or others on required changes to get support. Either way, I believe a deferral would allow more time for everyone to react and see if our concerns were addressed should the applicant change their plan for the property rezoning. If not, I suppose we can work hard to have a neighborhood petition built for the board meeting after the results of the P.C. meeting. Happy to ask neighbors to let me know if they oppose what they saw this week if it will help county staff or elected officials know where we stand on this.

Hope this is helpful neighborhood information for your staff report, and please let me know if I can provide any additional information to help you determine if this massive commercial development plan with buildings totalling more square footage than our Food Lion shopping center on the corner for 20+ years, is considered to be compatible with our neighborhood.



**Don Rissmeyer** P.E., CFM

Associate

**P** 804-276-6231 | **D** 804-956-4609 | **C** 804-916-9476

**W** [www.amtengineering.com](http://www.amtengineering.com)




---

**From:** Michael Ciriello <mciriello@powhatanva.gov>  
**Sent:** Tuesday, July 25, 2023 9:15 AM  
**To:** Karen Rissmeyer <rissmeyerva@gmail.com>; Rissmeyer, Don <drissmeyer@amtengineering.com>  
**Cc:** Sean Clendening <sclendening@powhatanva.gov>  
**Subject:** RE: Contact

Good evening,

Thank you for comments. I'll add your comments to the files. The amount of detail you are asking for is not required for a rezoning case. Rezonings are not Site Plan approvals. The candidate for rezoning must follow existing rules for development when they get to the point where they want to request permits. This is because most rezoning cases, as is the right of a property owner, do not include specific uses. When a rezoning case does include a specific proposal, we can request but not require, in depth information that is typically required at the Site Plan approval stage of the development process (after rezoning). This is because if a rezoning is approved, the applicant may still elect to change the use and configuration of a site. One way to ensure more control over the development of a parcel is request "proffers" – which must be voluntary – and may include limiting the uses allowed and other site-related concessions on the part of the applicant. These then become the conditions which the current and future owners of the property must adhere unless they request an amendment to the rezoning or seek an entirely different zoning classification.

I hope you'll attend the community meeting on August 3 and the Planning Commission meeting

currently scheduled for September 5, 2023

Attached is the application.

Let me of my staff know if you have any questions.

Take care,

Mike

Michael (Mike) Ciriello, MLA, AICP

Director of Planning

[Powhatan County, Virginia](https://www.powhatanva.gov/)

804.598.5621 x 2006



This communication is subject to the **Virginia Public Records Act** § 42.1-76 et. seq. and is subject to release upon request unless specifically protected by law.

**From:** Karen Rissmeyer <[rissmeyerva@gmail.com](mailto:rissmeyerva@gmail.com)>

**Sent:** Friday, July 21, 2023 7:46 PM

**To:** Michael Ciriello <[mciriello@powhatanva.gov](mailto:mciriello@powhatanva.gov)>; Don Rissmeyer <[drissmeyer@amtengineering.com](mailto:drissmeyer@amtengineering.com)>

**Subject:** Re: Contact

Mike,

Thank you for the email. I was actually asking for an electronic copy of the submittal package to review, prior to our discussion and prior to the upcoming community meeting which some of my neighbors will likely attend as well as myself. We can always talk at that time, if you plan to be there?

Any submitted information would help form an opinion on the rezoning case. This would include the zoning application, concept plans, site surveys, preliminary engineering, TIA's, environmental studies, staff reports, outside agency reports such as VDOT, or other information that is available to adjacent Branchway residents prior to the upcoming community meeting. I currently serve as Branchway Forest HOA President, which is around 80 residential homes and keep relations with

Branchway Springs and Branchway Farms on matters such as this. Have been for around 20 years now! Our needs haven't changed much, however from case to case:

1. Keep anything other than single family residential dwellings on the other side of the creek through WoUS, floodplains, RPA's and other regulatory requirements to discourage any development within environmentally sensitive areas. This will reduce erosion and sedimentation in the active streams crossing this property and behind our homes, draining into our private lake. Any sediment will require dredging and possibly lead to fishery issues and other negative issues on the lake, should the developer try to encourage environmental lands.
2. Keep traffic away from Branch Forest Way, which is an unprotected, unsignalized intersection on State Route 60 in a segment high significant peak traffic issues already. Also, information on traffic counts, signal warrants, problems with neighborhood cut through traffic speeding, pavement conditions, pavement design for residential traffic only and other transportation related issues to avoid allowing this new development to cause traffic safety issues for our families.
3. Also, information on whether they will connect to public utilities which are severely underutilized in this service area since being built by Powhatan County. If not, studies of water consumption and impacts on already existing, private wells which tend to run dry in the hottest summers on some branchway lots, and sewage disposal which is already a concern for the lake, due to near buildout conditions in the Branchway's with only onsite wastewater disposal systems. Septic tanks and fields.

Also sharing my email address at work, if that helps by a copy of this email (804.916.9476 mobile). Headed to meetings all day with Lake of the Woods Association on Monday, then in and out the entire coming week. Look forward to seeing what has been submitted to then share with concerned neighbors. Thanks.

Don Rissmeyer, President  
Branchway Forest Homeowners Association  
[www.branchwayforest.com](http://www.branchwayforest.com)

On Fri, Jul 21, 2023 at 5:15 PM Michael Ciriello <[mciriello@powhatanva.gov](mailto:mciriello@powhatanva.gov)> wrote:

Good evening Mr. Rissmeyer,

I was contacted by Michael Byerly, and he said that you would like to talk to me about the rezoning proposed adjacent to your property. Please send me a good phone number to reach you and I'll call you early next week.

Thank you,

Mike

Michael (Mike) Ciriello, MLA, AICP  
Director of Planning

## Michael (Mike) Ciriello, MLA, AICP

---

**From:** Rissmeyer, Don <drissmeyer@amtengineering.com>  
**Sent:** Wednesday, September 27, 2023 7:47 AM  
**To:** Bill Melton  
**Cc:** Laura Majeskey; Michael (Mike) Ciriello, MLA, AICP  
**Subject:** Updated Spring Branch Conceptual plan and proffers

Mr. Melton,

Good morning. I wanted to let you know that approximately 36 people attended our Branchway Forest Annual meeting last night and after a long discussion a majority decided that your development project as it currently stands is something that they choose to oppose. We did offer a second petition to indicate no opposition to the project given the concessions that your development team has made, however nobody chose to sign it. I'm sending this early this morning to avoid delay in letting you know the main reasons, and I've copied our board secretary who is handling the note taking and might also be able to help shed some light on the problems.

1. The access road to Branch Forest Way was the largest concern at the August 3<sup>rd</sup> meeting and it has been removed from the concept plan but is not specifically noted in the proffer statement. There is a belief that it should also be specifically noted in the written proffers so there is no chance of that road being added after the rezoning case is done with. Also, there was a question if the conceptual plans carry with the proffers. I'm copying Mr. Ciriello on this concern since it involves the rezoning process.
2. You have indicated to retain the use for a hotel or motel. This permitted use of hotel/motel for Commerce Center was the most notable concern amongst others. Medical offices and assisted living facility continues to be the preferred use for compatibility with the adjacent neighborhood and a clearer picture of what is being developed by permitted use is still a major concern for many of the folks attending.
3. I've noted to you several times that the proposed building envelopes are more than 200,000 square feet and that would require up to 800 parking spaces depending on the permitted use per the zoning code. Currently there is uncertainty in the use category, and we still haven't seen a traffic study knowing this will be very impactful to Route 60 and might require a traffic signal to be installed due to the doubling of the local commercial traffic volumes. The county has already seen poorly planned traffic patterns at Stavemill Road and without required proffers and studies, the increase traffic related to Commerce Center is a major concern.

As a very rough comparison using Google Maps, the Food Lion shopping center has around 340 parking spaces and 150,000 square feet (versus 400 spaces and 150,000 square feet). Based on this, I am conveying to the neighborhood homeowners that the resulting traffic, required parking and infrastructure to support this development will be as large or bigger at full buildout conditions than the Food Lion Shopping Center at Academy Road. People seem to understand this comparison as to magnitude of impacts. Further, my prior emails noted that your conceptual plan does not show the required parking. I still ask for you show parking on a preferred conceptual plan and reduce building envelopes to site's capacity to accommodate parking.

4. There are also concerns that if the building envelope goes vertical the gross square footage will be more than 200,000 square feet. I believe you are allowed up to 35 feet of building height which could accommodate two or three floors of developing within these building envelopes. A proffered maximum gross square footage matching the intended use and parking lot conceptual plan would help explain what this will look like, to concerned neighbors.



5. We will have environmental concerns knowing that regardless of ESC and stormwater management requirements, your project will include an estimated 20 acres of new impervious surfaces that will damage the receiving waters, downstream. Old growth trees behind the dirt pile are shown in areas to be cleared that encroach into the steeper slopes for the stream valley likely requiring retaining walls and more expensive types of construction in your final design. In this case, further buffering of the stream valley in back would preserve a naturally protective buffer for adjacent residents in the Branchway neighborhood, and also help protect the stream which feeds into Goodwyn Lake. The stream along Route 60 should also be equally preserved and protected.

I hope this information is helpful as my top priority this morning, to let you know the status with the Branchway Forest homeowners. We will be posting your current plans on our neighborhood website to aid in continued communications with the 90 homeowners within Branchway Forest and depending on the staff report and PC meeting, might reach out to the other Branchway neighborhoods to consider the case more closely in support. Email anytime with questions or concerns as the time frame is very limited for the conclusion of this rezoning case as it currently stands.

Don Rissmeyer  
804.916.9476

**From:** Bill Melton <bill.melton@penfedrealty.com>

**Sent:** Friday, September 1, 2023 11:18 AM

**To:** Rissmeyer, Don <drissmeyer@amtengineering.com>; Bill Melton <bill.melton@penfedrealty.com>

**Subject:** Updated Spring Branch Conceptual plan and proffers

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe.

Don, please find the attached updated conceptual plan and proffers for the Spring Branch rezoning.

I submitted these to the Powhatan county planning director this morning.

I know you are going to share with the homeowners association members via email. Please reach out to me with questions or concerns and also feel free to offer the neighbors my contact info if they have concerns or questions.

There are 3 versions of the conceptual plan.

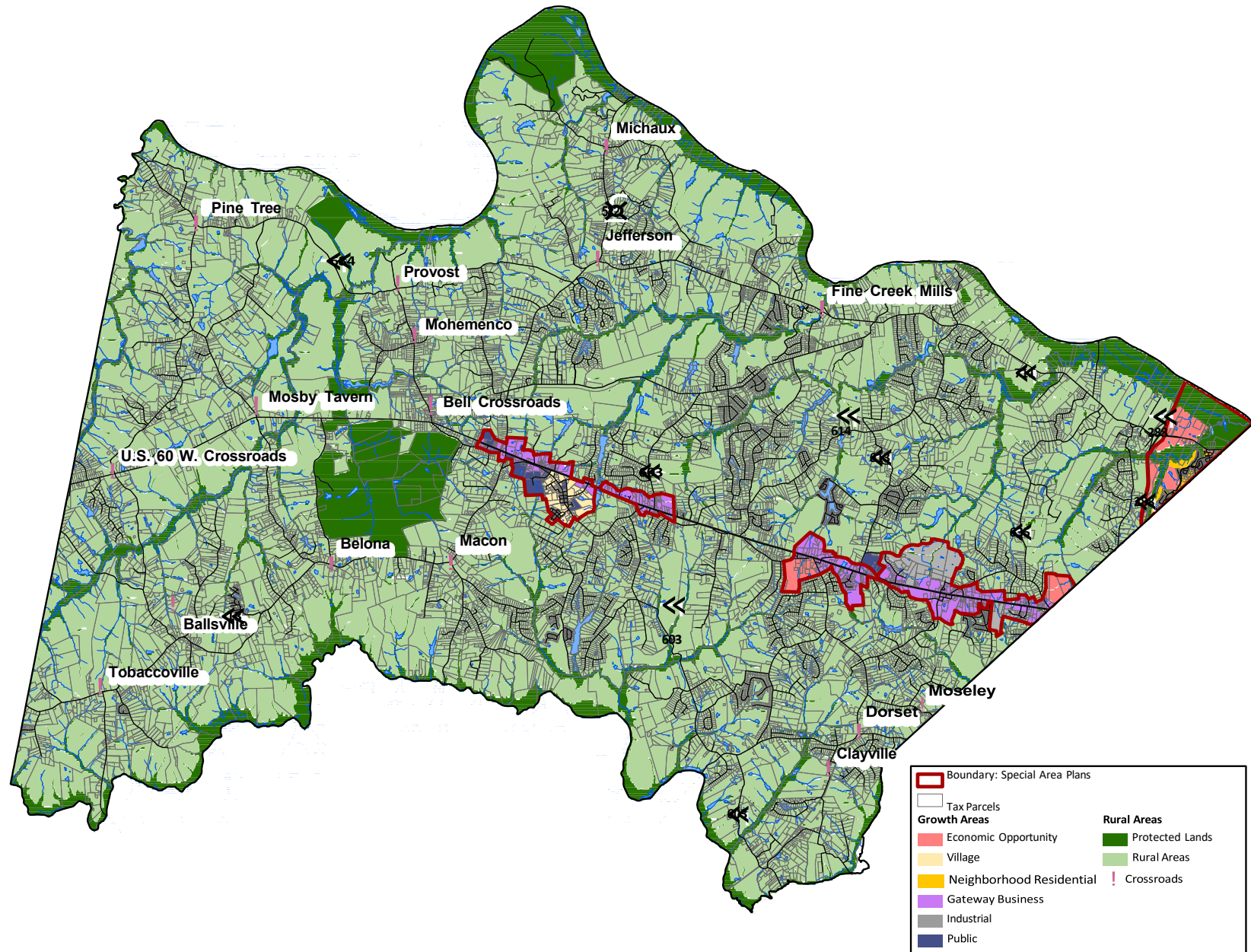
- A. Future land use map showing gateway business, riparian buffer, and agricultural area in different colors
- B. Aerial view
- C Topo overlay

I am also going to have Anne from Balzar send out the email to all the citizens who attended the Aug 3rd community meeting.

Thanks  
Bill Melton  
Berkshire Hathaway PenFed Realty  
804-317-3185

# COMPREHENSIVE PLAN

**Map 5:**  
**Countwide Future Land Use Plan**



## Gateway Business

### Description

Areas designated *Gateway Business* are appropriate for offices and light industrial development (clean manufacturing, research and development, and similar light industrial uses) along or near major thoroughfares. Complementary commercial uses (retail stores, restaurants, lodging, etc.) may be appropriate near major intersections or incorporated into master-planned developments.

While large-scale development is preferred, consolidating existing small parcels along major thoroughfares may be difficult. Smaller-scale development may be appropriate, if designed with architectural features and landscaping that coordinates with surrounding properties (see *GB.a: Small-Scale Development within Areas Designated Gateway Business* on page 94).

Due to their location along major thoroughfares, developments within areas designated *Gateway Business* should be carefully designed to create an attractive gateway to Powhatan County and minimize negative impacts to the local transportation network. High-quality architectural features and landscaping that reflect the area's rural character help create a positive image for those visiting and traveling through Powhatan County.

Where appropriate, sidewalks and trails should connect businesses with nearby destinations, allowing employees and customers to walk for short trips and/or exercise. Parks and open space should be integrated into these developments, creating attractive places to work and visit.

### Intent

Areas designated *Gateway Business* are intended to accommodate employment-generating commercial and light industrial uses that support local economic development goals.

### Appropriate Specific Uses

- Offices
- Clean Manufacturing
- Research and Development
- Retail
- Restaurants
- Services
- Hotels and Lodging
- Institutional Uses  
(Examples: Schools, Churches, Public Safety Facilities, and Similar Uses)
- Parks, Open Space, and Recreational Areas

## Development Design

<b>Residential Densities</b>	Not Applicable (No Residential Uses Permitted)
<b>Mix of Uses</b>	Commercial and/or Light Industrial Uses: 100% of Project Area
<b>Minimum Open Space</b>	Not Applicable
<b>Open Space Features</b>	<p>Open space, such as plazas, small parks, squares, and greens, is encourage and should be dispersed throughout the project. These public spaces should be usable areas that include trees, landscaping, water features, and/or outdoor activities. These spaces may be naturalized or more formal in design.</p> <p>Walking trails are encouraged. Trails should connect to regional trail networks (if nearby).</p> <p>Natural water features (including lakes, ponds, rivers, streams, wetlands, and other riparian areas), riparian buffers, flood hazard areas, steep slopes (15% or greater slopes), and wildlife</p>
<b>Landscaping and Buffers</b>	<p>Site configuration, landscaping, and maintenance of existing tree cover and topography should be used to screen buildings and parking areas from adjacent development and major thoroughfares.</p> <p>Existing vegetation along Route 60 and other major thoroughfares should be preserved and supplemented to create a wooded buffer that maintains the area's natural character.</p> <p>Outside of <b>commercial nodes</b>, buffer areas should be wider and/or more densely planted. Inside <b>commercial nodes</b>, buffer areas may be less densely planted and/or have a more manicured design.</p> <p>To help create a cohesive streetscape, plant species and landscape design within buffer areas should coordinate with buffers on adjacent properties.</p>
<b>Environmental Design</b>	<p>Environmentally-friendly features should be incorporated into the design of new buildings and surrounding sites. Examples of such features include rain gardens, permeable pavement, green roofs, and native landscaping.</p> <p>Projects should have coordinated stormwater management plans. This includes ensuring stormwater impacts of individual developments are properly mitigated, while coordinating local stormwater management efforts with countywide projects.</p>

## Development Design

### Transportation Network

Vehicular access should be designed to maximize efficiency and minimize negative impacts on levels-of-service of adjacent roads. Impacts to major thoroughfares can be reduced by minimizing access points, providing a network of on-site internal streets, providing shared entrances, and/or providing entrances from side streets with a lower functional classification.

Local roadways should be designed to separate retail/commercial passenger traffic flows with delivery and distribution truck traffic generated in mixed retail/industrial areas.

Local roadways should be designed and built to standards to accommodate heavy truck traffic, including load bearing and turning radius dimensions.

Vehicular and pedestrian connections should be provided between various uses to provide allow travel between adjacent development, helping reduce impacts on nearby major thoroughfares.

The street pattern should be consistent and coordinated between phases of projects.

### Utilities and Infrastructure

Central water and sewer (either publicly or privately owned) should be available to support commercial and light industrial development, along with appropriate communication technology and utility services.

Development proposals should be subject to land use impact review and mitigation through the proffer system to address issues such as traffic, stormwater, lighting, fiscal impact, noise, and odors. Rezoning requests, conditional use permit (CUP) requests, and other discretionary zoning proposals should be approved only upon a demonstration that adequate public facilities exist or will be established by the time of opening.

### Community Character

Projects should have a coordinated architectural form and spatial feel, which should relate to surrounding developments. There should be cohesive signage, lighting, and landscaping.

Expect new developments to employ site and building design techniques that reduce their visual presence and scale. Design techniques include:

- High-quality landscaping (including wooded buffers and/or berms);
- Building designs that appear as collections of smaller buildings rather than a single large building;
- Building colors and siting that help large structures blend in with its surroundings; and
- Low-visibility parking locations.

The reuse of existing commercial and industrial buildings is encouraged.

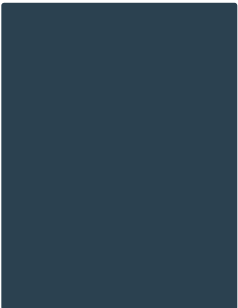


## Example Layout

Below is an aerial photo of an existing development that demonstrates the design features encouraged within areas designated *Gateway Business*.



- 1 Existing mature trees provide a buffer between commercial and residential development.
- 2 Connections to adjacent residential neighborhoods provide routes for vehicular and pedestrian movement.
- 3 Buildings are oriented to the street, with most parking to the side or rear of the buildings.
- 4 Sidewalks and shared-use paths provide pedestrian connectivity.
- 5 Access to existing major thoroughfares is limited, with an interconnected internal street network providing circulation.
- 6 Plazas, parks and open spaces are scattered throughout the development.
- 7 Buildings utilize traditional materials.





## Notes

### *GB.a: Small-Scale Development within Areas Designated Gateway Business*

While large-scale, campus-style development is preferred within areas designated *Gateway Business*, consolidating existing small parcels along the U.S. Route 60 corridor may be difficult. Smaller-scale development may be appropriate, if projects:

- Provide multiple vehicular connections to adjacent properties (preferably though an internal street network), while limiting access to adjacent major thoroughfares;
- Incorporate high-quality architectural features that are compatible with nearby buildings, with designs and materials that reflect those traditionally found in Powhatan County;
- Include landscaping, wooded buffers, and other site elements that limit the appearance of *strip development* along major thoroughfares and retains (or enhances) the natural, wooded character of Powhatan County;
- Limit signage to monument signs with materials similar to those used on the primary building;
- Parking should be located to the sides or rear of new buildings, so there is not a continuous strip of parking lots along major thoroughfares;
- Minimize the visibility of outdoor storage areas from major thoroughfares;
- Provide pedestrian linkages to adjacent properties; and
- Incorporate other design elements recommended for areas designated *Gateway Business*.

With interparcel connectivity and coordinated architecture, small-scale developments adjacent to one another can be cohesive and functional.



Retail/Pharmacy Use with Traditional Architecture



Office Building with Traditional Architecture and Relegated Parking



Office Building with Traditional Materials, Relegated Parking, and Outdoor Seating Areas

## PROFFER



**BALZER**

& ASSOCIATES  
PLANNERS / ARCHITECTS  
ENGINEERS / SURVEYORS

15871 City View Drive  
Suite 200  
Midlothian, VA 23113  
804.794.0571  
www.balzer.cc

Roanoke  
Richmond  
New River Valley  
Shenandoah Valley

August 31, 2023

**REZ-23-12 Spring Branch LLC**  
**Proffered Conditions**

In accordance with § 15.2-2303 and Article II of the Powhatan County Zoning Ordinance, I do hereby voluntarily proffer, as the owner of record of the property or the applicant of this rezoning request, the conditions listed below. I hereby acknowledge that the rezoning of the subject property gives rise to the need for these conditions.

1. Uses. Commerce Center uses as listed in the Zoning Ordinance shall be allowed as applicable by regulations of those chapters, except for the following:

a. Sec. 83-241. Permitted Uses

- (1) Forestry and logging
- (6) Telecommunications facility, collocated
- (14) Courthouse facility
- (27) Surface transportation passenger station/terminal
- (32) Bar or lounge
- (35) Nightclub
- (53) Check cashing establishment
- (65) Tattoo or body piercing establishment
- (66) Taxidermy shop
- (70) Automotive wrecker service
- (73) Parking lot or parking structure (as a principal use)
- (78) Convenience center, county
- (79) Recycling drop-off center
- (82) Shed sales, outdoor

b. Sec. 83-242. Conditional Uses

- (8) Adult book or video store
- (9) Adult motion picture theater
- (14) Country club
- (15) Marina, commercial
- (16) Recreation facility, commercial outdoor
- (17) Flea market
- (19) Truck hauler business
- (22) Wood and stump recycling business
- (23) Contractor's storage yard

c. Sec. 83-243. Accessory Uses

- (4) Clubhouse
- (15) Parking or storage of large vehicles
- (20) Small wind energy system
- (21) Solar energy collection system
- (23) Television or radio antenna

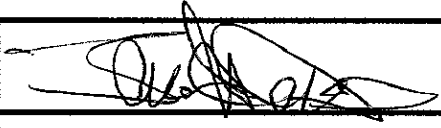
2. Buffers.

- a. A fifty (50) foot buffer shall be provided along the western property line adjacent to Branch Forest Way, except where existing riparian buffers are located.
- b. A sixty (60) foot buffer shall be provided along the common property lines with Parcels 027-24 and 027-22, except where existing riparian buffers are located. The buffer shall be planted with 2 canopy trees per 100 linear feet plus 4 understory trees per 100 linear feet plus 8 evergreen shrubs per 100 linear feet. The buffer shall utilize existing vegetation and a mixture of broadleaf and conifer evergreen shrubs.



- c. The exact location, design and specifications for these buffer areas shall be reviewed and approved with the site plan.

3. Natural Conservation. In addition to the riparian buffer areas on the Property, the residual land north of the northern-most riparian buffer area shall also be considered Natural Conservation and remain undisturbed.

Signature of Applicant	<i>William E. Metton</i>	
Name of Applicant (Printed)	William E. Metton	
Commonwealth of Virginia County of <u>Fauquier</u> , to wit:		
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>William E. Metton</u> , whose name is signed to the above, on this <u>1</u> day of <u>September</u> 20 <u>23</u> .		
Notary Public		<b>Seal</b> LINDA H. DAVIS Notary Public Commonwealth of Virginia Registration No. 321449 My Commission Expires Jun 30, 2026
Commission Expires	6.30.26	
Notary Number	321449	