



**AGENDA
POWHATAN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 28, 2024
6:00 PM CALL TO ORDER**

This meeting is being held in the Village Building and is open to the public to attend in person.

If you would like to watch in real-time, use this link: <http://powhatanva.gov/432/Live-Stream-of-Powhatan-County-Meetings>

If you would like to watch the meeting later, at your convenience, use this link: <http://powhatanva.gov/433/County-Meetings-and-Workshop-Videos-On-D>

Public comments may be made in person during the appropriate comment period or submitted to administration@powhatanva.gov or by leaving a voicemail at (804) 598-5612 prior to the meeting. Any comments received up until 4:00 PM of the day of the meeting shall be entered into the meeting minutes.



1. Call to Order

2. Pledge of Allegiance

3. Invocation

4. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation

5. Formal Approval of Agenda

6. County Administrator Updates

7. Proclamations

- A. **P-2024-09** Elizabeth Randolph Lewis YMCA 20th Anniversary 7
- B. **P-2024-10** Company 4 Fine Creek Volunteer Fire Department 50 Year Anniversary 8
- C. **P-2024-11** Company 1 Powhatan Volunteer Fire Department 75 Year Anniversary 9

8. Presentations

- A. **EDA Business Awards**

9. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

10. Consent

- A. **Resolution R-2024-61** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$99,567.69 for School Grants 10
- B. **Resolution R-2024-62** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$61,573.22 in the General Fund for Sheriff's Office Cameras 12



- C. **Resolution R-2024-63** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$410,000 for the Purchase of an Ambulance **14**

11. Appointments

- A. **Agricultural and Forestal District Advisory Committee** **16**
- B. **Senior Connections** **18**

12. Old Business

- A. **Resolution R-2024-64** Approving the issuance by the EDA of its lease revenue bond for school projects **19**
- B. **Resolution R-2024-65** Approving the modification of a lease purchase contract with First-Citizen Bank & Trust Company. **19**

13. Public Hearings

- A. **Ordinance O-2024-23** COUNTYWIDE ORDINANCE AMENDMENT – **42**
 Amendments are proposed to the Powhatan County Code of Ordinances, Chapter 2 (Administration), to add procedures for conducting criminal background checks for county employees and volunteers prior to commencing services with the County.
- B. **Ordinance O-2024-24** COUNTYWIDE ORDINANCE AMENDMENT – **46**
 Amendments are proposed to the Powhatan County Code of Ordinances, Chapter 70 (Taxation), Article X (Failure to file tax returns or pay taxes) to add provisions for imposing administrative fees, attorney's fees, and collection agency's fees to cover the costs associated with the collection of delinquent taxes.
- C. **Ordinance O-2024-14** 24-02-REZ: LC West LLC (District #1 **63**
 Subletts/Manakin/Flat Rock) requesting to rezone three contiguous parcels totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1), with proffered conditions. The parcels are identified on Powhatan County's Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 has an existing dwelling addressed 1318 Page Road. The 2021 Comprehensive Plan designates the



properties as Gateway Business and Economic Opportunity on the Countywide Future Land Use Map. This application is being heard in conjunction with 24-03-CUP: LC West LLC requesting a conditional use permit (CUP) to exceed the 45-foot height limitation for principal structures in the Light Industrial (I-1) zoning district.

- D. **Ordinance O-2024-15** 24-03-CUP: LC West LLC (District #1 Sublett/Manakin/Flat Rock) requesting a conditional use permit (CUP) to exceed the 45-foot height limitation for principal data center structures. The parcels are identified on Powhatan County's Tax Maps as 43-61, 43-64, and 43-64E. The 2021 Comprehensive Plan designates the properties as Gateway Business and Economic Opportunity on the Countywide Future Land Use Map. This application is being heard in conjunction with 24-02-REZ: LC West LLC requesting to rezone three contiguous parcels totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1), with proffered conditions. 64
- E. **Ordinance O-2024-22** 24-11-REZ: Powhatan Gateway LC (District #1 Subletts/Manakin/Flat Rock) requesting to rezone a 43.14-acre parcel from Agricultural-10 (A-10) to Light Industrial (I-1) and Single-Family Residential (R-2), with proffered conditions. The subject parcel is on the north side of Anderson Highway, adjoins Greenberry Road to the west, and is identified on Powhatan County's Tax Maps as 42-74. The 2021 Comprehensive Plan designates the property as Gateway Business on the Countywide Future Land Use Map. 195
- F. **Ordinance O-2024-25** 24-13-ZA COUNTYWIDE ZONING ORDINANCE AMENDMENT – Amendments are proposed to several sections of the zoning ordinance to allow, by conditional use permit, additional density bonuses of up to 65 or 85 percent in conservation subdivisions provided at least 60 or 70 percent (respectively) of the site is permanently preserved in conservation open space. The amendments are proposed for the following zoning districts: Section 83-152 (Conditional Uses, Agricultural-20 District), Section 83-162 (Conditional Uses, Agricultural-10 District); Section 83-178 (Conditional Uses, Rural Residential District); and Section 83-182 (Conditional Uses, Rural Residential-5 District). 231
- G. **Ordinance O-2024-26** 24-14-SA COUNTYWIDE SUBDIVISION ORDINANCE AMENDMENT – Amendments are proposed to subdivision ordinance section 68-220 (Conservation Subdivisions) to reflect the additional 238



density bonuses of up to 65 or 85 percent available by conditional use permit in the Agricultural-20 (A20), Agricultural-10 (A10), Rural Residential (RR), and Rural Residential-5 (RR5) zoning districts; to require a minimum of 50 acres to be eligible for a conservation subdivision; to allow the assemblage of contiguous parcels to meet the minimum acreage requirement; and to increase the minimum lot size for individual lots within a conservation subdivision from 40,000 square feet to one acre.

H. **Ordinance O-2024-27 24-15-CPA COMPREHENSIVE PLAN** **247**

AMENDMENT – Amendments are proposed to the 2021 Long-Range Comprehensive Plan to increase the maximum density for conservation subdivisions as follows: Part II (Plan Elements), Chapter 8 (Land Use and Community Character), Table 12 on page 69 of the plan, to change the recommended residential density range for Rural Areas, High, from 1 unit per 8 acres to 1 unit per 5 acres or 0.2 units per acre; and to Development Design on page 80 of the plan, to change the residential densities for within conservation subdivisions from 1 unit per 8 – 10 acres to 1 unit per 5 – 10 acres or 0.2 units per acre.

I. **Ordinance O-2024-17 24-06-REZ: Mr. Brian Allen**

(APPLICANT HAS REQUESTED DEFERRAL TO NOVEMBER 18, 2024)
(District #3 Bethesda/Lee's Landing) requesting to rezone a roughly 7-acre portion of a 19.08-acre parcel from Agricultural-10 (A10) to Commerce Center (CC), with proffered conditions. The parcel is identified on Powhatan County's Tax Map as 40-4 and is improved by an existing dwelling addressed as 3070 Anderson Highway. The 2021 Comprehensive Plan designates the property as Rural Areas on the Countywide Future Land Use Map.

J. **Ordinance O-2024-19 24-09-CUP: Jinks Towing/Mr. Alexander Jinks**

(APPLICANT HAS REQUESTED DEFERRAL TO NOVEMBER 18, 2024)
(District #4 Powhatan Courthouse/Mt. Zion) requesting a conditional use permit (CUP) to operate a truck hauler business (i.e., towing and recovery) on a portion of a Commerce Center (CC) zoned parcel located at 3441 Anderson Highway. The 2.1-acre parcel is identified on Powhatan County Tax Maps as 39-85. The 2021 Comprehensive Plan designates the property as Gateway Business on the Countywide Future Land Use Map.



K. **Ordinance O-2024-20 24-10-CUP: Schaefer's Grading, Landscaping, & Excavating/Amber Schaefer (*APPLICANT HAS REQUESTED DEFERRAL TO NOVEMBER 18, 2024*)** (District #4 Powhatan Courthouse/Mt. Zion) requesting a conditional use permit (CUP) to operate a contractor's storage yard on a portion of a Commerce Center (CC) zoned parcel located at 3441 Anderson Highway. The 2.1-acre parcel is identified on Powhatan County Tax Maps as 39-85. The 2021 Comprehensive Plan designates the property as Gateway Business on the Countywide Future Land Use Map.

14. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

15. County Administrator Comments

16. County Attorney Comments

17. Board Comments

18. Closed Session (if needed)

19. Adjournment

Board of Supervisors
William A. Donati Jr.
Steve W. McClung, Chairman
Robert W. Powers
Mark A Kinney
Denise L. Morrisette, Vice-Chair



County Administrator
Bret Schardein

The County of
Powhatan

**Proclamation Commemorating the 20th Anniversary of the Elizabeth Randolph Lewis
YMCA**

WHEREAS, the Elizabeth Randolph Lewis YMCA has been an integral part of our community for two decades, promoting health, wellness, and unity among the citizens of Powhatan County; and

WHEREAS, the YMCA has provided countless programs and services that foster youth development, healthy living, and social responsibility, enriching the lives of individuals and families throughout the community; and

WHEREAS, through its dedication to inclusivity, the YMCA has created a welcoming environment that supports all members of our community, encouraging lifelong friendships and connections; and

WHEREAS, in the spirit of Elizabeth Randolph Lewis, the YMCA has inspired many through its commitment to volunteerism and philanthropy, offering opportunities for community members to give back and make a positive impact; and

WHEREAS, through the efforts of the staff, volunteers, and members have contributed to the YMCA's enduring success and growth, ensuring that it remains a vital resource for generations to come.

NOW THEREFORE, LET IT BE PROCLAIMED: the Powhatan County Board of Supervisors, do hereby celebrate the contributions of the YMCA to our community and honor its legacy of service, commitment to youth, and dedication to promoting a healthier and happier community as exemplified to us by Elizabeth Randolph Lewis.

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Board of Supervisors
William A. Donati Jr.
Steve W. McClung, Chairman
Robert W. Powers
Mark A Kinney
Denise L. Morrisette, Vice-Chair



County Administrator
Bret Schardein

The County of
Powhatan

Proclamation Recognizing the 50th Anniversary of Company 4 Fine Creek Volunteer Fire Department

WHEREAS, the Company 4 Volunteer Fire Department has proudly served the community of Powhatan County, Virginia, for half a century, demonstrating an unwavering commitment to the safety and well-being of all residents especially those north of 60, in the Fine Creek area; and

WHEREAS, founded in 1974, Company 4 has grown from a small group of dedicated volunteers into a vital institution, providing exemplary emergency response services and fostering a spirit of community through such outreach as chauffeuring Santa; and

WHEREAS, the men and women of Company 4 have selflessly dedicated countless hours to training, preparedness, and response, often placing themselves in harm's way to protect others; and

WHEREAS, the members of Company 4 exemplify the spirit of volunteerism, inspiring generations of community members to serve, protect, and make Powhatan County a safer place for all; and

WHEREAS, the Board of Supervisors recognizes the invaluable contributions of Company 4 Volunteer Fire Department, celebrating its legacy and impact over the past 50 years.

NOW, THEREFORE, BE IT PROCLAIMED that the Powhatan County Board of Supervisors hereby celebrate and honor The Black Sheep of Powhatan County, Virginia, honoring the past, present, and future contributions of this esteemed organization.

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Board of Supervisors
William A. Donati Jr.
Steve W. McClung, Chairman
Robert W. Powers
Mark A Kinney
Denise L. Morrisette, Vice-Chair



County Administrator
Bret Schardein

The County of
Powhatan

Proclamation Recognizing the 75th Anniversary of Powhatan Company 1 Volunteer Fire Department

WHEREAS, The Powhatan County Board of Supervisors Wishes to honor and celebrate the invaluable contributions of the Powhatan Company 1 Volunteer Fire Department, which has proudly served our community for 75 years; and

WHEREAS, originating from the original Powhatan Emergency Crew established in 1949, Company 1 has been the cornerstone of public safety, demonstrating unwavering commitment, bravery, and dedication to the citizens of Powhatan, Virginia; and

WHEREAS, through the decades, the members of Company 1 have responded to countless emergencies, risking their lives to protect property, save lives, and foster a sense of security within our community; and

WHEREAS, the volunteers of Company 1 represent generations of individuals who have come together with a common purpose, exemplifying the spirit of community service and neighborly support that defines Powhatan; and

WHEREAS, as we reflect on the past 75 years, we celebrate the legacy of those who founded the department, the dedication of current members, and the support of the community that has allowed Company 1 to thrive; and

WHEREAS, we encourage all citizens to recognize and support the ongoing efforts of our volunteer firefighters, who embody the values of courage, sacrifice, and service to others.

NOW THEREFORE BE IT PROCLAIMED, The Powhatan County Board of Supervisors, on behalf of the entire community, does hereby honor, appreciate, and celebrate the dedicated service of our volunteer firefighters and to celebrate the legacy of 75 years of service, bravery, and community spirit.

Bret Schardein, Clerk

Powhatan County Board of Supervisors

Steve McClung, Chairman

Powhatan County Board of Supervisors



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Resolution R-2024-61** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$99,567.69 for School Grants

Motion: Move to approve Resolution R-2024-61

Dates Previously
Considered by Board: N/A

Summary of Item: The schools received three additional federal grants this year. These funds will be used for increase classroom support for students to minimize the need for crisis intervention, conference attendance for ESL staff and supplies for students. This resolution appropriates these funds.

Staff: X Approve Disapprove See Comments

Commission/Board: N/A Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$99,567.69 in federal grant funds

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, cschubert@powhatanva.gov

RESOLUTION
AMENDING THE FISCAL YEAR 2025 POWHATAN COUNTY OPERATING BUDGET
BY BUDGETING AND APPROPRIATING \$99,567.69 FOR SCHOOL GRANTS

WHEREAS, on April 29, 2024, the Powhatan County Board of Supervisors adopted Resolution R-2024-30, which adopted the Fiscal Year 2025 Powhatan Operating Budget in the amount of \$152,460,081; and

WHEREAS, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

WHEREAS, the amendment of the budget in this resolution in the amount of \$99,567.69 (0.063%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

NOW, THEREFORE, BE IT RESOLVED that the FY 2025 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

SCHOOL FUND

REVENUES

Title III	205-18-33020-0099	\$	8,215.11
McKinney Vento - ARP	205-18-33010-0007		2,350.00

EXPENDITURES

Instruction	205-60-61000-0001	\$	10,565.11
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SCHOOL GRANTS FUND

REVENUES

Mental Health Services Grant	208-18-33020-0010	\$	89,002.58
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EXPENDITURES

Instruction	208-60-61000-0001	\$	89,002.58
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ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
OCTOBER 28, 2024.

ATTEST:

Bret Schardein, County Administrator
Powhatan County Board of Supervisors

Steve W. McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

William Donati, Jr.
 Steve W. McClung
 Robert Powers
 Mark Kinney
 Denise Morrisette



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Resolution R-2024-62** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$61,573.22 in the General Fund

Motion: Move to approve Resolution R-2024-62

Dates Previously
Considered by Board: N/A

Summary of Item: The County received another HEAT grant from the Virginia State Police for FLOCK cameras. The County also had two purchase orders from FY24 that services have not been completed until FY25. This resolution appropriates these funds.

Staff: X Approve Disapprove See Comments

Commission/Board: N/A Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$61,573.22 in carryover funds and state grant

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, cschubert@powhatanva.gov

RESOLUTION
AMENDING THE FISCAL YEAR 2025 POWHATAN COUNTY OPERATING BUDGET
BY BUDGETING AND APPROPRIATING \$61,573.22 IN THE GENERAL FUND

WHEREAS, on April 29, 2024, the Powhatan County Board of Supervisors adopted Resolution R-2024-30, which adopted the Fiscal Year 2025 Powhatan Operating Budget in the amount of \$152,460,081; and

WHEREAS, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

WHEREAS, the amendment of the budget in this resolution in the amount of \$61,573.22 (0.039%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

NOW, THEREFORE, BE IT RESOLVED that the FY 2025 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

GENERAL FUND

REVENUES

State Police Grant	100-17-24010-0005	\$	12,500.00
Use of Fund Balance	100-19-39999-0001		49,073.22

EXPENDITURES

Capital Outlay	100-30-31200-8107	\$	12,500.00
Maintenance Service Contracts	100-30-31210-3320		32,373.90
Marketing	100-80-81500-3181		16,699.32

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
OCTOBER 28, 2024.

ATTEST:

Bret Schardein, County Administrator
Powhatan County Board of Supervisors

Steve W. McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

<i>William Donati, Jr.</i>	
<i>Steve W. McClung</i>	
<i>Robert Powers</i>	
<i>Mark Kinney</i>	
<i>Denise Morrisette</i>	



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Resolution R-2024-63** Amending the Fiscal Year 2025 Powhatan County Operating Budget by Budgeting and Appropriating \$410,000 for the Purchase of an Ambulance

Motion: Move to approve Resolution R-2024-63

Dates Previously
Considered by Board: N/A

Summary of Item: During the FY25 Capital Improvement Plan process the BOS approved a purchase of an ambulance and to issue a lease for the purchase. The County has the opportunity to purchase the ambulance sooner. Staff is requesting that the BOS use capital maintenance reserve to purchase the ambulance rather than issuing a lease. This will help to reduce the debt service and receive the ambulance earlier and take the burden off the older units in the fleet. This resolution appropriates these funds.

Staff: X Approve Disapprove See Comments

Commission/Board: N/A Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$410,000 use of capital maintenance reserve

Attachments: Resolution

Staff/Contact: Charla W. Schubert, Director of Finance, 804-598-5780, cschubert@powhatanva.gov

RESOLUTION
AMENDING THE FISCAL YEAR 2025 POWHATAN COUNTY OPERATING BUDGET
BY BUDGETING AND APPROPRIATING \$410,000 FOR PURCHASE OF
AMBULANCE

WHEREAS, on April 29, 2024, the Powhatan County Board of Supervisors adopted Resolution R-2024-30, which adopted the Fiscal Year 2025 Powhatan Operating Budget in the amount of \$152,460,081; and

WHEREAS, the Code of Virginia Section [15.2-2507](#) states that any locality may amend its budget and must first hold a public hearing which is advertised once in the newspaper if any such amendment exceeds one percent of the total expenditures of the currently adopted budget; and

WHEREAS, the amendment of the budget in this resolution in the amount of \$410,000 (0.260%) does not exceed one percent of the adopted budget and therefore a public hearing was not held.

NOW, THEREFORE, BE IT RESOLVED that the FY 2025 Powhatan County Operating Budget is hereby amended and the funds appropriated as shown:

CAPITAL PROJECTS FUND

REVENUES

Transfer from General Fund	301-20-41050-0100	\$	410,000.00
Lease Proceeds	301-19-41040-0004		(410,000.00)

GENERAL FUND

REVENUES

Use of Fund Balance	100-19-39999-0001	\$	410,000.00
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EXPENDITURES

Transfer to Capital Projects Fund	100-90-93100-0301	\$	410,000.00
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**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
OCTOBER 28, 2024.**

ATTEST:

Bret Schardein, County Administrator
Powhatan County Board of Supervisors

Steve W. McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

<i>William Donati, Jr.</i>	
<i>Steve W. McClung</i>	
<i>Robert Powers</i>	
<i>Mark Kinney</i>	
<i>Denise Morrisette</i>	



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: Appointment to the Powhatan County Agricultural and Forestal District Advisory Committee

Motion: Move to recommend the appointment of _____ to the Powhatan County Agricultural and Forestal District Advisory Committee as a Landowner to fill an unexpired term expiring January 1, 2027.

Dates Previously
Considered by Board: N/A

Summary of Item: The Agricultural and Forestal District Advisory Committee (AFDAC) advocates for the interests of farming, forestry, and agriculture in Powhatan County. The AFDAC's mission reflects the policy of the Commonwealth of Virginia to conserve, protect, and to encourage the development and improvement of agriculture and forested land.

The Board of Supervisors appoints ten (10) members to the AFDAC committee. Committee members are not appointed by district and represent one of the following interest groups:

- Four (4) members are engaged in agriculture or forestry production.
- Four (4) members are County landowners.
- One (1) member is the Commissioner of the Revenue or the local government chief property assessment officer.
- One (1) member is a member of the local governing body.

Thomas Wade who held a Landowner position is vacating the position early, thus the remainder of the unexpired term must be filled. One application has been received and is attached.

Comments: None

Budget/Fiscal Impact: None

Attachments: Application

Staff/Contact: Will Hagy, Deputy County Administrator, whagy@powhatanva.gov, 804-892-4804



**COUNTY OF POWHATAN, VIRGINIA
APPLICATION FOR
COUNTY BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES**

All appointments to County Boards and Commissions are made by the Board of Supervisors. Please complete this application in its entirety.

Print and return the application (by mail or in-person) to Powhatan County Administration, 3834 Old Buckingham Road, Suite A, Powhatan, VA 23139, or by e-mail to administration@powhatanva.gov. For additional information regarding this application, contact County Administration at (804) 598-5612.

DISTRICT:

4

CURRENT DATE:

09/10/2024

NAME:

Jane Pendergast

EMAIL ADDRESS:

jlpendergast@hotmail.com

ADDRESS:

1700 Capeway Road

DAY PHONE:

804-543-3760

CITY/ST/ZIP:

Powhatan, VA 23139

EVENING PHONE:

804-598-3285

Please indicate which board/committee you are interested in being appointed to and complete the information below. A separate application must be submitted for each board/committee that you are interested in serving on. Additional and continued information can be included on an additional page.

BOARD/COMMITTEE

Agricultural & Forestal Advisory Committee

EDUCATION

Masters of Science in Management Georgia Institute of Technology – Atlanta, GA
Bachelor of Business Administration Kennesaw State College – Kennesaw, GA

EMPLOYMENT
AND/OR
VOLUNTEER
EXPERIENCE

Director of Audit Analytics for Atlantic Union Bank
Business Intelligence Office Practice Lead - Suntrust Bank
25 years of IT Development and Business Intelligence Delivery and Leadership

INVOLVEMENT

4 years on Powhatan Planning Commission representing District 4
PLI Attendee

SPECIAL SKILLS
(please note any skills
such as bilingual,
multicultural
interaction, youth
outreach, etc.)

By submitting this application to the Deputy Clerk to the Powhatan County Board of Supervisors, I hereby certify that all information contained herein is true and complete and I hereby consent to the dissemination of this document to the general public.

Jane Pendergast

Signature

09/10/2024

Date



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: One Appointment to the Senior Connections Board of Directors

Motion: Move to appoint staff member Will Hagy to the Senior Connections Board of Directors for a three-year term effective today and expiring June 30, 2027.

Dates Previously
Considered by Board: N/A

Summary of Item: Senior Connections is a private, non-profit organization, established in 1973 and governed by a Board of Directors. The Agency services Planning and Service Area 15, which includes the City of Richmond and the Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, and Powhatan. Senior Connections receives funding from the federal Older Americans Act through the Virginia Department for the Aging. Other Federal and state funds support the Agency's programs and local funds are provided from city and county governments. Senior Connections is designated at the Area Agency on Aging for the development and enhancement of comprehensive, coordinated home and community-based services for older adults and caregivers.

Board appointments are for three (3) year terms.

Staff: N/A Approve Disapprove See Comments

Commission/Board: N/A Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: None

Staff/Contact: Will Hagy, Deputy County Administrator, whagy@powhatanva.gov
[804-892-4804](tel:804-892-4804)



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Resolutions R-2024-64 approving the issuance by the EDA of its lease revenue bond for school projects and Resolution R-2024-65 approving the modification of a lease purchase contract with First-Citizen Bank & Trust Company.**

Motion: Move to Approve Resolutions R-2024-64 and R-2024-65 authorizing a lease revenue bond to fund the Powhatan High School HVAC replacement, Pocahontas Elementary School HVAC replacement and Demolition of the Pocahontas Landmark Center B, C & D wings.

Dates Previously
Considered by Board: May 20th 2024 Discussion
July 22nd 2024 Discussion
August 26th 2024 Authorized RFP

Summary of Item: In early 2024 Powhatan County Public Schools completed a Facilities Study that identified capital projects over the next 10 years. While most of those projects will be planned in the CIP and considered year-by-year as part of the budget process, there are three projects identified as critical and time-sensitive. As Schools have worked with their engineers to further design the projects, the updated cost estimates are the Powhatan High School HVAC replacement (\$6.5M), Pocahontas Elementary School HVAC replacement (\$5.2M) and Demolition of the Pocahontas Landmark Center ("PLC") B, C & D wings (\$900k) totaling \$12.6M. If funded through the upcoming FY26 budget process, given the significant lead time required to engineer, procure and install the systems, that would mean installation wouldn't happen on either until the summer of 2026 at the earliest. Schools believes given the age, issues and mission critical status of the HVAC systems, waiting that long to begin work puts the schools at risk. Borrowing for the projects now, would fully fund the high school HVAC replacement to take place over the summer of 2025, fully fund PLC wing demolition and fund the project design and majority of the cost of elementary school HVAC, with an anticipated replacement in the summer of 2026.

Staff recommends the \$11,305,000 permanent financing proposal from Huntington Bank. While there is no funding allocated in the FY25 Budget for the debt payments, the County's financial reserves can accommodate the anticipated FY25 payment of \$156,800. There after, payments would be approximately \$850,000 in FY26 through FY45. The proposal allows full pay off at any time without penalty. Schools will use the balance of their Capital Maintenance Reserve (\$704,727) to fund some of the additional amount above that borrowed, leaving approximately \$600,000 that will need to be budgeted in FY26 to fully fund the elementary school's HVAC replacement. The Economic Development Authority ("EDA") is typically the body used for such lease revenue bonds.

This financing is likely to require amendments to the existing lease purchase financing with First-Citizens for school buses. A draft resolution authorizes those amendments.

Staff: X Approve Disapprove See Comments

School Board: X Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: \$156,800 in FY25, approximately \$850,000 annually FY26-45. Total cost of \$17.1M

Attachments: Presentation
Resolutions

Staff/Contact: Bret Schardein, County Administrator, bschardein@powhatanva.gov, 598-3639
Charla W. Schubert, Director of Finance, 598-5780, cschubert@powhatanva.gov
Beth Tiegen, Powhatan County Public Schools, 598-5700

Powhatan County, Virginia

2024A Lease Revenue Financing – Bank RFP Results

DRAFT – INTERNAL WORKING PAPERS



October 28, 2024

Background



- Davenport & Company LLC (“Davenport”) serves as Financial Advisor to Powhatan County, Virginia (the “County”) in the following ways, amongst others:
 - Reports to the Board of Supervisors;
 - Complements County Staff with Budgetary Planning, Capital Planning, and general Financial Planning;
 - Comprehensive Financial Review Updates; and
 - The New Money and Refinancing debt issuance process.
- In May of 2024, Davenport, in concert with County Staff, prepared a Capital Planning Analysis to analyze the potential financial impacts of undertaking the County’s Capital Improvement Program.
- The County advised Davenport to move forward with the Plan of Finance to secure immediate funding for a series of school-related capital projects.
- To that end, on behalf of the County, on September 23rd, 2024, Davenport distributed a Request for Proposals (“RFP”) to local, regional, and national banks to solicit competitive financing proposals from lending institutions (the “2024A Financing”).

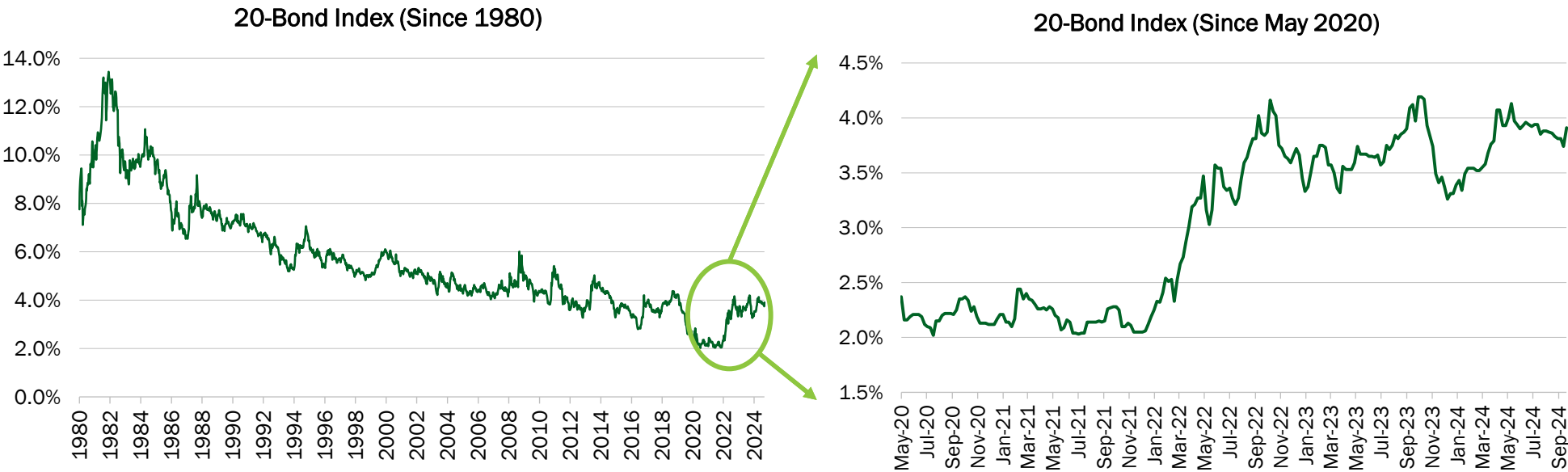
Background (cont.)



- Given the magnitude and scope of the County's CIP, Davenport requested both *Permanent* and *Interim* Financing proposals from potential lenders for the 2024A Financing.
- *Permanent* financing provides the County the opportunity to lock in a fixed interest rate for immediate capital needs over a 20-year term.
- *Interim* financing provides the County the ability to cash flow/fund the County's immediate capital needs without overburdening the General Fund in the short run (i.e. maintaining the County's important reserves).
 - Once project costs and timing are better known, the County can plan to either term-out or pay off the interim financing.
- On October 14th, 2024, Davenport received proposals via the competitive RFP process. The results of the RFP process are enclosed herein.



Interest Rate Trends | Tax-Exempt



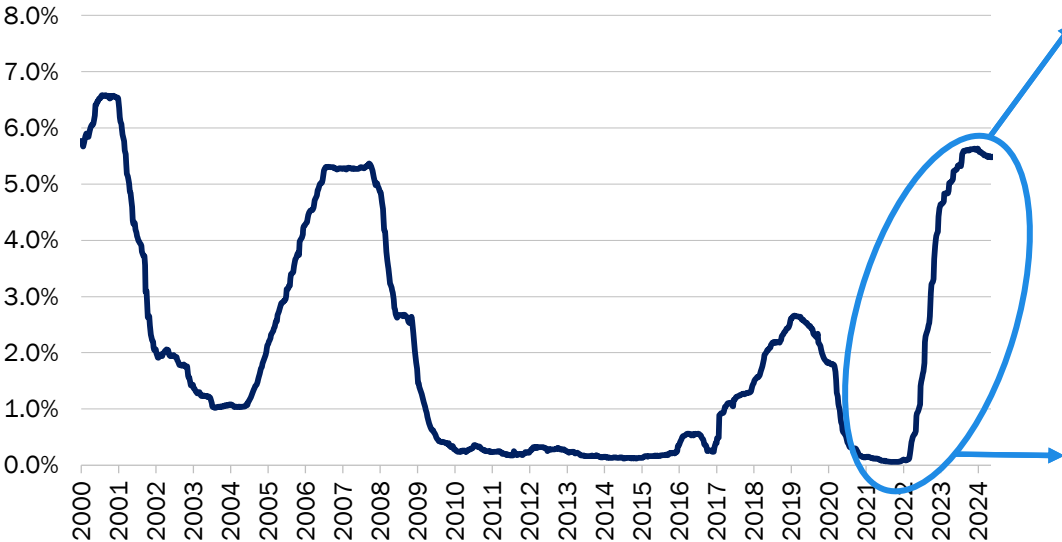
Interest rates have increased but remain at historically favorable levels.

The 20-year interest rates above show the Bond Buyer's "20-Bond Index" which consists of 20 tax-exempt bonds with an average rating of 'Aa2'/'AA' (Moody's / S&P) that mature in 20 years. The 20-Bond Index serves as a general indicator of prevailing interest rates for tax-exempt borrowers. Shown as of 10/10/2024.

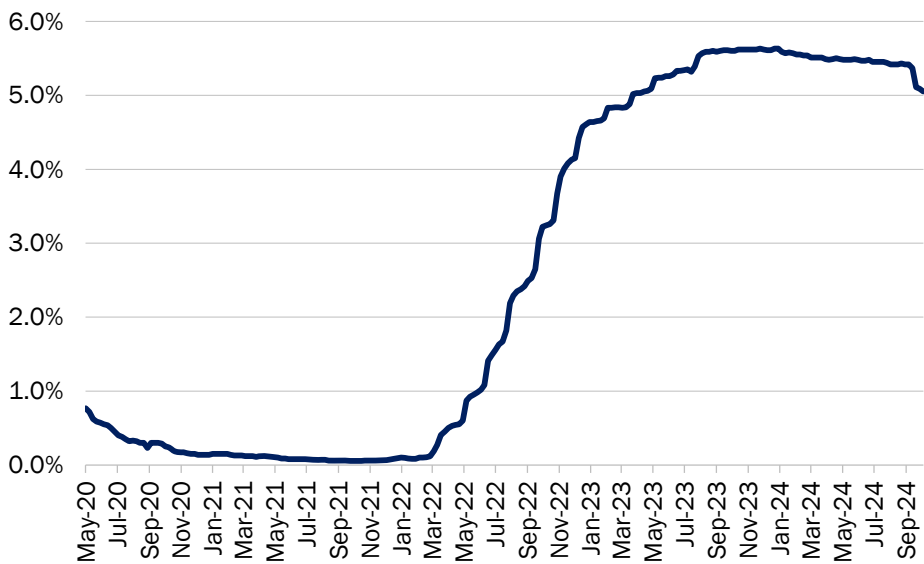


Interest Rate Trends | Reinvestment Rate

VA SNAP 7-Day (Since 2000)



VA SNAP 7-Day (Since May 2020)



Short-term reinvestment rates have increased to levels last seen over a decade ago.

RFP Results



- The County received five (5) proposals from banking institutions to finance up to \$11.3 million for the 2024A Financing.
- The 5 (five) banks that submitted proposals were:
 - Atlantic Union Bank;
 - Bank of America;
 - Capital One;
 - Huntington; and,
 - Webster Bank.
- The table below highlights the key terms of Huntington Bank’s proposal. Huntington Bank’s proposal is the recommended option because it offers comparatively low interest rates and provides very flexible prepayment provisions⁽¹⁾.

Bank	Financing Vehicle	Term	Tax-Exempt Interest Rate	Prepayment Provisions
Huntington Bank	Permanent Financing	Approximately twenty (20) years	4.38%	Prepayment anytime without penalty, in whole <u>but not in part</u> .
	Bond Anticipation Note	Approximately four (4) years	4.04%	



Recommendation & Additional Considerations

Recommendation

- Davenport recommends the County consider moving forward with Huntington Bank's proposal. The rationale is as follows:

1. Favorable Interest Rates

- Huntington Bank provided competitive interest rates for two financing options: 4.38% Tax-Exempt Interest Rate (20-year \$11,305,000 Permanent Financing) and 4.04% Tax-Exempt Interest Rate (4-year \$11,305,000 Bond Anticipation Note). **Both interest rates are well below the 5.00% estimated interest rate used for planning purposes.**

2. Prepayment

- Huntington Bank's proposal allows for prepayment at anytime without penalty.

3. Other Considerations

- Huntington Bank's proposal provides the County with the flexibility to choose where loan proceeds will be invested. These earnings may then be used to offset debt service payments.

Additional Considerations

1. Credit Approval

- The 2024A Financing is subject to final credit approval by Huntington, and the negotiation of mutually acceptable documentation.

Debt Service Estimates and Prepayment Terms

Huntington Proposal



Observations:

1. Huntington Bank's 20 year Permanent Financing option contemplates an interest rate of 4.38% for the 2024A Financing. This interest rate will be fixed for the full term of the loan.
 - The interest rate would produce annual debt service payments that are roughly \$850,000.
2. Huntington Bank's 4 year Bond Anticipation Note option contemplates an interest rate of 4.04% for the 2024A Financing. The interest rate would be fixed for the full term of the loan.
 - The interest rate would produce annual debt service payments that are roughly \$460,000 with maturity in September of 2028.

Debt Service Payments

Par Amount Term	\$ 11,305,000 20 year	\$ 11,305,000 4 year
Fiscal Year	Permanent Financing	Bond Anticipation Note
2025	\$ 156,800	\$ 144,629
2026	848,253	456,722
2027	848,091	456,722
2028	848,206	456,722
2029	848,555	11,533,361
2030	848,115	
2031	847,865	
2032	848,739	
2033	848,693	
2034	848,705	
2035	848,732	
2036	848,730	
2037	848,654	
2038	848,462	
2039	848,109	
2040	848,529	
2041	848,658	
2042	848,450	
2043	848,841	
2044	848,765	
2045	848,177	
TOTAL	\$ 17,126,126	\$ 13,048,156

Prepayment Terms

Prepayment anytime without penalty, in whole but not in part.

Next Steps






<u>Date</u>	<u>Action</u>
Monday, October 28	<p><u>Board of Supervisors (“BOS”):</u></p> <ul style="list-style-type: none">• Davenport presents results of the Direct Bank Loan RFP process for the 2024A Financing.• BOS considers approval of the 2024A Financing and the winning bidder via financing documents provided by Bond Counsel.
Tuesday, November 12	<p><u>Powhatan County School Board Meeting (“School Board”):</u></p> <ul style="list-style-type: none">• Davenport presents results of the Direct Bank Loan RFP process for the 2024A Financing.• School Board considers approval of the 2024A Financing via financing documents provided by Bond Counsel.
Monday, November 18	<p><u>Economic Development Authority Meeting (“EDA”):</u></p> <ul style="list-style-type: none">• Davenport presents results of the Direct Bank Loan RFP process for the 2024A Financing.• EDA considers approval of the 2024A Financing via financing documents provided by Bond Counsel.
Week of November 18	<ul style="list-style-type: none">• Davenport works with County Staff and County’s Bond Counsel to prepare for closing of the 2024A Financing
Thursday, November 21	<ul style="list-style-type: none">• Close on the 2024A Financing. Funds in hand.



Appendix

Detailed Bid Summary



Powhatan County, VA - 2024A Lease Revenue Financing RFP Results			
	Atlantic Union Bank	Bank of America	Capital One*
Bank			
Term	Option A: 20 year with a mandatory tender for purchase not later than 10 years after closing Option B: Subject to maturity or mandatory tender for purchase no later than the 12th month after closing	20 year	20 year
Type of Financing	Option A: Permanent Financing Option B: Bond Anticipation Note	Master Lease/Purchase Financing	Permanent Financing
Estimated Par Amount	Up to \$11,500,000	\$8,320,000	Option 1: \$8,320,000 Option 2: \$11,305,000
Tax-Exempt Interest Rate	Option A: 4.290% ⁽¹⁾ Option B: 4.391% ⁽²⁾	4.144% ⁽³⁾	Option 1: 4.74% ⁽⁴⁾ Option 2: 4.69% ⁽⁴⁾
Collateral Requirements	Leasehold interest in Pocahontas Elementary School.	Financing secured by first priority perfected security interest in the Equipment under the Lease Purchase that shall be evidenced by the filing of UCC financing statements and fixture filings at maturity of the Lease/Purchase, upon payment of all outstanding amounts under the Lease/Purchase, Lessor's security interest in the Equipment shall be released and Lessee shall retain the Equipment.	Leasehold interest in Pocahontas Elementary School.
Prepayment Terms	The Loan may be prepaid in whole or in part, at any time, without penalty.	On any periodic rental payment date and following <u>30 days</u> advance written notice, Lessee shall have the option to prepay its obligations (in whole and not in part) under the Lease/Purchase upon payment of the then-applicable Purchase Price, which will be calculated as 102% of the outstanding principal balance.	Closing to 09/14/34: No Call 09/15/34 and thereafter: 100% in whole on any date with thirty (30) days notice of prepayment required.
Bank / Legal Fees	Not to exceed \$7,500 Fee for Atlantic Union's Bank Counsel Fee. Troutman Pepper will serve as the Bank's Counsel.	None.	None.
Accept By	Not Specified.	October 28, 2024	October 22, 2024
Close By	Not Specified. Rates held for 60 days.	November 21, 2024	November 21, 2024
Subject to Credit Approval?	The proposal is subject to Final Credit Approval.	The proposal is subject to Final Credit Approval.	The proposal is subject to Final Credit Approval.

Note: Please review each proposal for full terms and conditions.

* Capital One proposal was received after the RFP due date.

(1) Indicative interest rate based on the following formula: 79% of 10-year Treasury plus 1.083%.



(2) Indicative interest rate based on the following formula: 79% of 1-year Treasury plus 1.041%.

(3) Indicative interest rate based on the following formula: 79% of SOFR plus 1.207%.

(4) Indicative interest rate based on the following statement: On the Lock Date, if the USOSFR10 remains between 3.52% and 3.62% (i.e. within the "Collar"), there shall be no change to the Loan Rate quoted above. However, if the USOSFR10 is above 3.62% or below 3.52% on the Lock Date, then the Loan Rate shall be adjusted by one basis point up or down for every basis point the USOSFR10 is outside the Collar.

Detailed Bid Summary



Powhatan County, VA - 2024A Lease Revenue Financing RFP Results		
	Huntington Bank	Webster Bank
Bank		
Term	Option A: 20 year Option B (i): 3 year Option B (ii): 4 year	Option A: 20 year Option B: 3 year
Type of Financing	Option A: Permanent Financing Option B: Bond Anticipation Note	Option A: Permanent Financing Option B: Bond Anticipation Note
Estimated Par Amount	Option 1: \$8,320,000 Option 2: \$11,305,000	Option 1: \$8,300,000 Option 2: \$11,305,000
Tax-Exempt Interest Rate	Option 1A: 4.380% Option 2A: 4.380% Option 1B (i): 4.090% Option 1B (ii): 4.040% Option 2B (i): 4.090% Option 2B (ii): 4.040%	Option 1A: 4.32% Option 2A: 4.32% Option 1B: 3.76% Option 2B: 3.76%
Collateral Requirements	Leasehold interest in Pocahontas Elementary School.	Leasehold interest in Pocahontas Elementary School.
Prepayment Terms	Prepayment anytime without penalty, in whole <u>but not in part</u> .	Option A: Closing to 5 years: No Call 5 years to 7 years: 102% 7 years to 9 years: 101% 9 years and thereafter: 100% Option B: No Call
Bank / Legal Fees	\$3,000 Fee for Huntington Bank's Purchaser's Counsel. Purchaser's Counsel is to-be-decided.	Not to exceed \$10,000. Gilmore & Bell will serve as the Lender's Counsel.
Accept By	October 15, 2024	October 29, 2024
Close By	November 21, 2024	November 21, 2024
Subject to Credit Approval?	The proposal is subject to Final Credit Approval.	The proposal is subject to Final Credit Approval.

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One James Center, 901 East Cary Street, Richmond, VA 23221

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CERTIFICATE OF CLERK

The undersigned Clerk of the Board of Supervisors of Powhatan County, Virginia, hereby certifies that:

1. A regular meeting (the "Meeting") of the Board of Supervisors of Powhatan County, Virginia (the "Board"), was held on October 28, 2024, at which the following members were present and absent:

PRESENT:

ABSENT:

2. A Resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF POWHATAN COUNTY, VIRGINIA, APPROVING THE ISSUANCE BY ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF POWHATAN, VIRGINIA, OF ITS LEASE REVENUE BOND FOR SCHOOL PROJECTS" was duly adopted at the Meeting by the recorded affirmative roll-call vote of a majority of all of the members elected to the Board, the ayes and nays being recorded in the minutes of the Meeting as shown below:

MEMBER

VOTE

3. Attached hereto is a true and correct copy of the foregoing resolution as recorded in full in the minutes of the Meeting.

4. The attached resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the County of Powhatan, Virginia, as of _____, 2024.

Clerk of the Board of Supervisors
of Powhatan County, Virginia

[SEAL]

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
POWHATAN COUNTY, VIRGINIA, APPROVING THE
ISSUANCE BY ECONOMIC DEVELOPMENT AUTHORITY OF
THE COUNTY OF POWHATAN, VIRGINIA, OF ITS LEASE
REVENUE BOND FOR SCHOOL PROJECTS**

WHEREAS, the Board of Supervisors of Powhatan County, Virginia (the "Board") has determined that it is advisable to finance all or a portion of the costs (or to reimburse the County of Powhatan, Virginia (the "County") for payment of such costs) of various capital improvements, including, but not limited to, the costs of Powhatan High School HVAC Replacement, Pocahontas Landmark Center – B, C, D Wing Demolition, and Pocahontas Elementary HVAC Replacement Phase 1 & Phase 2, and such other capital projects that may be included in the County's Capital Improvement Plan, as it may be amended from time to time (collectively, the "Project");

WHEREAS, the County proposes to undertake the financing of the Project by obtaining a loan (the "Loan"), which Loan will be evidenced by a lease revenue bond (the "Bond"), issued by the Economic Development Authority of the County of Powhatan, Virginia (the "Authority");

WHEREAS, the Bond will be issued pursuant to the following documents: (i) Lease from the County and the School Board of Powhatan County, Virginia (the "School Board") to the Authority; (ii) Financing Lease (the "Lease") between the Authority, the School Board and the County; (iii) Leasehold Deed of Trust and Security Agreement from the Authority to the deed of trust trustees named therein; and (iv) Assignment of Rents and Leases between the Authority and the maker of the Loan (the "Lender"). All of the documents listed above, except the Bond, are referred to in this Resolution as the "Basic Documents;" and

WHEREAS, the Bond will be payable solely from the revenues derived from the Lease pursuant to which the County will agree to make rental payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POWHATAN COUNTY, VIRGINIA:

1. Issuance of the Bond. The County hereby requests the Authority issue its Bond for the purpose of financing the Project and financing costs of issuing the Bond. The County hereby determines that the issuance of the Bond for the purposes described in the previous sentence is advisable and will benefit the inhabitants of the County through the promotion of their safety, health, welfare and prosperity. The Bond shall be dated the date of its issuance and delivery, except as otherwise agreed to by the Lender and the County. The final terms and details of the Bond and the Lender of the Loan shall be determined by the County's Chairman of the Board of Supervisors, the County Administrator or the Finance Director (each an "Authorized Representative"), such approval to be evidenced by the execution and delivery of the Bond; provided that (1) the principal amount of the Bond shall not exceed \$11,305,000, (2) the Bond shall not mature later than June 30, 2045, and (3) the interest rate (exclusive of default interest and other penalties) shall not exceed 4.50%.

2. **Authorization of Basic Documents.** The execution and delivery of and performance by the County of its obligations under the Basic Documents, to which the County is a party, are hereby authorized. The Basic Documents and the Bond shall be in such form and contain such provisions as the County Administrator, or his designee, shall approve, such approval to be evidenced conclusively by the execution and delivery of the Basic Documents, to which the County is a party.

3. **Execution of Basic Documents.** The County Administrator, or his designee, is hereby authorized to execute on behalf of the County the Basic Documents, to which the County is a party, and, if required, to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The County Administrator, or his designee, is hereby authorized to execute and deliver and record, if appropriate, on behalf of the County such leases, agreements, instruments, documents or certificates, and to do and perform such things and acts, as the County Administrator, or his designee, shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed. The County Administrator, or his designee, is hereby authorized to determine the final form of the Basic Documents; provided such documents are consistent with the intent of this Resolution.

4. **Essentiality of the Project and Real Estate.** The Authorized Representatives are hereby authorized and directed to determine the real estate that is to be leased to the Authority, with such approval of the leased real estate evidenced by the execution and delivery of the Lease and the Financing Lease. The Project and the real estate and the improvements leased under the Basic Documents are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Project and such real estate and improvements will continue to be essential to the operation of the County during the term of the Loan. The County Administrator, or his designee, is hereby authorized and directed to determine what real estate is to be leased under the Basic Documents.

5. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make payments under the Basic Documents beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Lease amount sufficient to pay the amounts due under the Basic Documents during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the payments required under the Basic Documents, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

6. **Rental Payments Subject to Appropriation.** The County's obligation to make the payments pursuant to the Basic Documents is hereby specifically stated to be subject to annual

appropriation therefor by the Board, and nothing in this Resolution or the Basic Documents shall constitute a pledge of the full faith and credit nor taxing power of the County or compel the Board to make any such appropriation.

7. Costs and Expenses. All costs and expenses in connection with the financing of the Project and the issuance of the Bond, including the Authority's fees and expenses and the fees and expenses of bond counsel and counsel for the Authority, shall be paid from the proceeds of the Bond, or other legally available funds of the County. If for any reason the Bond is not issued, it is understood that all such expenses shall be paid (subject to appropriation) by the County from its legally available funds and that the Authority shall have no responsibility therefor.

8. Tax Covenants. The Finance Director, or her designee, is hereby authorized and directed to execute and deliver simultaneously with the issuance of the Bond the interest on which is intended to be excludable from gross income for federal income tax purposes a tax certificate or agreement, or both (collectively, the "Tax Agreement") setting forth the expected use and investment of the proceeds of the Bond and containing such covenants as may be necessary in order to comply with the provisions of the Code, including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The proceeds from the issuance and sale of the Bond will be invested and expended as set forth in the Tax Agreement and that the County will comply with the other covenants and representations contained in it.

9. Interim Financing Authorization. If before the issuance of the Bond, conditions are such that the County Administrator, after consultation with the County's financial advisor, determines that it is not advisable to enter into a long-term financing for all or any portion of the costs of the Project, the County Administrator, without further approval of the Board as to documentation or otherwise, is hereby authorized to execute, deliver and issue short-term notes or other interim financing (the "Notes") in anticipation of the issuance of the Bond.

The Notes must comply with the parameters established in this Resolution for the Bond and otherwise be consistent with the other terms and conditions contained in this Resolution to the extent not inconsistent with the specific parameters, terms, and conditions for the Notes established in this paragraph 9. The specific parameters, terms, and conditions for the Notes are as follows: (i) the term to maturity of the Notes shall not exceed five years, and (ii) the interest rate on the Notes shall not exceed 4.25%.

Any of the Notes may be extended or refinanced from time to time by or at the direction of the County Administrator, provided that no extension or refinancing matures later than five years from the date of the original issuance of such Note. The Notes may be retired, in the discretion of the Board, from the proceeds of the corresponding Bond or by means of current revenues, special assessments, or other funds, provided that the maximum amount of the Bond authorized by this Resolution will be reduced by the amount of Notes retired by means of such current revenues, special assessments, or other funds.

10. Further Actions. (a) The County Administrator, or his designee, and the Finance Director, or her designee, are hereby authorized and directed to take further action as each deems necessary or appropriate regarding the issuance and sale of the Bond and the financing of the

Project, including the execution and delivery of such construction and project funding documents as may be required by the Lender.

(b) All actions taken by officers and agents of the County in connection with the issuance and sale of the Bond are hereby ratified and confirmed. The officers and agents of the County are hereby authorized and directed to take such further actions as each deems necessary regarding the issuance and sale of the Bond and all actions taken by such officers and agents in connection with the issuance and sale of the Bond are hereby ratified and confirmed.

11. Exercise of Discretion and Authorizations. Any authorization of an officer of the County under this Resolution entitles such officer to exercise his or her discretion in taking action on behalf of the County, unless expressly provided otherwise. The authorizations granted in this Resolution to the Chairman of the Board of Supervisors may be carried out by the Vice Chairman, in the absence or unavailability of the Chairman. The authorizations granted in this Resolution to the County Administrator may be carried out by any Interim, Acting or Assistant County Administrator, in the absence or unavailability of the County Administrator. The authorizations granted in this Resolution to the Finance Director may be carried out by any Interim, Acting or Assistant Finance Director, in the absence or unavailability of the Finance Director.

12. SNAP Investment Authorization. The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I, and the County has determined to authorize the Treasurer to utilize SNAP in connection with the investment of the proceeds of the lease-leaseback transaction if the Treasurer determines that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

13. Effective Date. This Resolution shall take effect immediately.

CERTIFICATE OF CLERK

The undersigned Clerk of the Board of Supervisors of Powhatan County, Virginia, hereby certifies that:

1. A regular meeting (the "Meeting") of the Board of Supervisors of Powhatan County, Virginia (the "Board"), was held on October 28, 2024, at which the following members were present and absent:

PRESENT:

ABSENT:

2. A Resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF POWHATAN COUNTY, VIRGINIA, APPROVING THE MODIFICATION OF A LEASE PURCHASE CONTRACT WITH FIRST-CITIZENS BANK & TRUST COMPANY" was duly adopted at the Meeting by the recorded affirmative roll-call vote of a majority of all of the members elected to the Board, the ayes and nays being recorded in the minutes of the Meeting as shown below:

MEMBER

VOTE

3. Attached hereto is a true and correct copy of the foregoing resolution as recorded in full in the minutes of the Meeting.

4. The attached resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the County of Powhatan, Virginia, as of _____, 2024.

Clerk of the Board of Supervisors
of Powhatan County, Virginia

[SEAL]

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
POWHATAN COUNTY, VIRGINIA, APPROVING THE
MODIFICATION OF A LEASE PURCHASE CONTRACT WITH
FIRST-CITIZENS BANK & TRUST COMPANY**

WHEREAS, the County of Powhatan, Virginia (the "County") at the request of the School Board of Powhatan County, Virginia (the "School Board") entered into a Lease Purchase Contract dated as of March 6, 2024 (the "Lease Purchase Contract"), with First-Citizens Bank & Trust Company (the "Lender") to finance the acquisition of certain school buses;

WHEREAS, the School Board has requested that the County enter into another financing (the "Second Financing") to finance, among other things, the costs of Powhatan High School HVAC Replacement, Pocahontas Landmark Center – B, C, D Wing Demolition, and Pocahontas Elementary HVAC Replacement Phase 1 & Phase 2;

WHEREAS, to achieve a tax-exempt interest on the Second Financing, it is necessary to modify the interest component of the Lease Purchase Contract;

WHEREAS, the School Board is expected to request that the County enter into a modification (the "Lease Modification") to the Lease Purchase Contract at its meeting on November 12, 2024;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POWHATAN COUNTY, VIRGINIA:

1. Authorization to Modify Lease Purchase Contract. The County hereby determines that the modification of the Lease Purchase Contract to facilitate the Second Financing is advisable and will benefit the inhabitants of the County through the promotion of their safety, health, welfare and prosperity. The Board hereby authorizes and directs the County Administrator and the Director of Finance to negotiate the terms of the Lease Modification; provided that the maturity date shall not be extended and the interest component, as modified, shall not exceed 5.5%. The Board hereby authorizes and directs the County Administrator and the Director of Finance to determine the final form of the Lease Modification, which may be new lease documents or amendments to the existing lease documents (collectively, the "Lease Modification Documents"); provided that the terms and conditions are at least as favorable as the terms in the existing lease documents and subject to the financial parameters set forth in the preceding sentence.

2. Execution of Lease Modification Documents. The County Administrator, or his designee, is hereby authorized to execute on behalf of the County the Lease Modification Documents, to which the County is a party, and, if required, to affix or to cause to be affixed the seal of the County to the Lease Modification Documents and to attest such seal. The County Administrator, or his designee, is hereby authorized to execute and deliver and record, if appropriate, on behalf of the County such leases, agreements, instruments, documents or certificates, and to do and perform such things and acts, as the County Administrator, or his designee, shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Lease Modification Documents; and all of the foregoing,

previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

3. Further Actions. (a) The County Administrator, or his designee, and the Finance Director, or her designee, are hereby authorized and directed to take further action as each deems necessary or appropriate regarding the Lease Modification.

(b) All actions taken by officers and agents of the County in connection with the Lease Modification are hereby ratified and confirmed. The officers and agents of the County are hereby authorized and directed to take such further actions as each deems necessary regarding the Lease Modification and all actions taken by such officers and agents in connection with the Lease Modification are hereby ratified and confirmed.

4. Exercise of Discretion and Authorizations. Any authorization of an officer of the County under this Resolution entitles such officer to exercise his or her discretion in taking action on behalf of the County, unless expressly provided otherwise. The authorizations granted in this Resolution to the Chairman of the Board of Supervisors may be carried out by the Vice Chairman, in the absence or unavailability of the Chairman. The authorizations granted in this Resolution to the County Administrator may be carried out by any Interim, Acting or Assistant County Administrator, in the absence or unavailability of the County Administrator. The authorizations granted in this Resolution to the Finance Director may be carried out by any Interim, Acting or Assistant Finance Director, in the absence or unavailability of the Finance Director.

5. Effective Date. This Resolution shall take effect immediately.



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: O-2024-23 Ordinance Amending the Powhatan County Code of Ordinances, Chapter 2 (Administration)

Motion: Move to approve Ordinance O-2024-23 as presented.

Dates Previously
Considered by Board: None

Summary of Item: The County is facing increasing costs for conducting background checks on new employees and volunteers. The ordinance change is required to adopt a new finger print based background check process that working in conjunction with the Sheriff's Office will be both more thorough and more cost effective

An Ordinance amending the Powhatan County Code of Ordinances, Chapter 2 (Administration), to add procedures for conducting criminal background checks for all county employees and volunteers prior to commencing services with the County.

Staff: X Approve Disapprove See Comments

Commission/Board: N/A Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Ordinance Amendment

Staff/Contact: Bret Schardein, County Administrator, 804-598-5612, bschardein@powhatanva.gov
Kalli Jackson, County Attorney, 804-598-5663, kajackson@powhatanva.gov
Melissa Lowe, Director of Human Resources, 804-598-5798, mlowe@powhatanva.gov

ORDINANCE O-2024-23

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 28, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

An Ordinance amending the Powhatan County Code of Ordinances, Chapter 2 (Administration), to add procedures for conducting criminal background checks for all county employees and volunteers prior to commencing services with the County.

WHEREAS, Virginia Code § 15.2-1427 allows the County to adopt and amend ordinances; and

WHEREAS, this ordinance amendment would add procedures for conducting criminal background checks for all county employees and volunteers prior to commencing services with the County; and

WHEREAS, the Board of Supervisors desires to amend the County's ordinances for this purpose; and

WHEREAS, in addition to protecting the general welfare of the public and the County's employees, this procedure is anticipated to substantially reduce costs for employment background checks; and

WHEREAS, pursuant to Virginia Code § 15.2-1427, the Powhatan County Board of Supervisors advertised as required by law and made the full text of the proposed ordinance amendment available for public inspection in the County Administration Office located at 3834 Old Buckingham Road, Powhatan, Virginia, 23139.

NOW, THEREFORE, BE IT ORDAINED by the Powhatan County Board of Supervisors that the Powhatan County Code of Ordinances is hereby amended and reenacted as follows:

1. Chapter 2 – Administration, is amended to add a Section 2-2 as follows:

Sec. 2-2. – Employment and volunteer service; background check.

- (a) *Purpose and Intent.* In accordance with Virginia Code §§ 15.2-1503.1, 15.2-1505.1, 15.2-1505.3, and 19.2-389, the County finds it necessary to determine if the past criminal conduct of individuals with a conviction record, who seek employment or volunteer service, is compatible with the nature of the service provided to the County. This ordinance is intended to ensure the public welfare and safety while complying with all relevant federal and state statutes. The provisions of this section are intended to be in addition to, and not in derogation of, all other federal and state statutes providing for access to criminal history record information concerning applicants for, and persons offered, county employment.
- (b) *Criminal Background Check Required.*
 - (1) The County shall require a criminal background history review for:
 - (i) All persons conditionally offered employment with the County;
 - (ii) Current employees selected for promotion or transfer; and
 - (iii) Volunteers seeking to provide service to and on behalf of the County.

(2) All offers of employment or volunteer opportunities shall be contingent upon the completion of a criminal background check, which will be conducted in accordance with applicable federal, state, and local laws.

(c) *Procedures for Criminal History Review.*

- (1) All individuals conditionally offered employment, promotion, or transfer and those seeking to engage in volunteer service must submit to fingerprinting and provide personal descriptive information to the County. This information will be forwarded to the Central Criminal Records Exchange (CCRE) for a thorough criminal history review. Failure of the person to submit to fingerprinting and to provide personal descriptive information shall disqualify the person from employment in such position or from serving as a volunteer.
- (2) The CCRE will check the fingerprints against its records and, if applicable, will forward the information to the Federal Bureau of Investigation (FBI) for a nationwide criminal history comparison. Results will be reported back to the County's human resources department and the County Administrator or designee.
- (3) The County's determination of fitness for employment or volunteer service will consider:
 - (i) The nature and seriousness of the crime.
 - (ii) The relationship of the crime to the duties of the position.
 - (iii) Opportunities for further criminal activity of the same type in the proposed role.
 - (iv) The relevance of the crime to the individual's capacity to perform the job.
 - (v) The extent and nature of past criminal activity.
 - (vi) The individual's age at the time of the offense.
 - (vii) The time elapsed since the last offense.
 - (viii) The individual's conduct before and after the offense.
 - (ix) Evidence of rehabilitation or efforts made towards rehabilitation.

(d) *Notification of Denial.* If an individual is denied employment, promotion, transfer, or volunteer service due to information found in their criminal history, they will be notified that this information contributed to the denial. Individuals seeking to amend or correct their record must contact the CCRE or the FBI as appropriate.

(e) *Record Management and Grievance Policy.* The County shall manage criminal history information in compliance with all applicable laws regarding use, maintenance, dissemination, and destruction. The County's grievance policy will apply to actions taken regarding covered employees as per this ordinance.

(f) *Authority to Implement Further Procedures.* The County Administrator is authorized to establish necessary forms and procedures for implementing and administering this policy effectively.

2. Except as amended herein, all County Code provisions remain unchanged and in full force and effect.

3. This ordinance is effective immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON OCTOBER 28, 2024.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steven McClung, Chair
Powhatan County Board of Supervisors

RECORDED VOTE

William Donati, Jr. _____
Steven McClung _____
Robert Powers _____
Mark Kinney _____
Denise Morrisette _____



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Ordinance O-2024-24 amending the Powhatan County Code of Ordinances, Chapter 70 (Taxation), Article X (Failure to file tax returns or pay taxes) to add provisions for imposing administrative fees, attorney's fees, and collection agency's fees to cover the costs associated with the collection of delinquent taxes.**

Motion: Move to Approve Ordinance O-2024-24

Dates Previously
Considered by Board: N/A

Summary of Item: The Treasurer requests an ordinance amendment to Request to provide for administrative fees and collection agency and attorney's fees to be added to delinquent bills. Section 58.1-3958 of the Code of Virginia provides that the governing body may impose administrative fees to cover the costs of collection and may also add collection agency or attorney's fees actually contracted for, not to exceed 20%, to the delinquent bill. This proposal recognizes that the costs of collection of delinquent accounts should not be borne by the general citizenry. These fees would cover the costs of collection in the event the account is assigned to a collection agency or attorney.

Staff: X Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: The ordinance would provide for additional revenue covering the cost of these services.

Attachments: Ordinance
FAQ sheet from TACS, a collections vendor

Staff/Contact: Becky Nunnally, Treasurer, bnunnally@powhatanva.gov, 804-598-5625 x 2024

WHAT TO EXPECT WHEN YOU'RE USING TACS TO COLLECT

On behalf of the partners and staff of TACS, we look forward to the opportunity to work with you and your locality to meet your collection needs and achieve your collection goals.

The information in this guide is intended as a general overview of how the collection process works at TACS. Many of your questions will be answered here, but we anticipate that you will have additional questions along the way. We will be providing more detailed guidance and training at appropriate intervals as you enter each new phase of the collection process.



FILE ACCEPTANCE



Our IT staff will work with you to generate a computer file for submission to TACS. That file will typically be placed on our secure FTP site using a password and user ID that we have assigned to you. For security purposes we would prefer not to receive these files via attachment to an e-mail. Once we receive the file, the TACS IT Department will ensure the file is scrubbed, formatted and ready to be loaded into our Collections system. It can take a little time to program for your initial file and to ensure everything is loaded properly. Please be aware that we will not immediately be able to handle inquiries or calls about accounts as soon as you send the file. We will communicate with you once it is appropriate to start referring customer calls and inquiries to TACS.

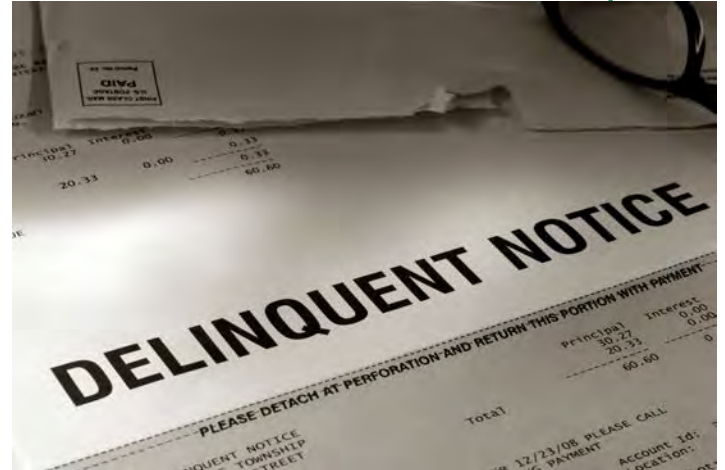
We do our best to roll out new accounts as quickly as possible. We do take our time to ensure that the data that we load is correct before any letters are generated. This is an important quality control check that is necessary for us and for you. To minimize errors in balances and account information, we only work with electronic files. If you need to place specific accounts for collection, please let us know and we will work with you and your software to allow these accounts to be placed in a uniform fashion. We also require that any amounts assigned for collection be in a file that comes from your collection system. It becomes impossible to track charges such as DMV Fees or Admin Fees if they are not in the system of record.

We will also make arrangements on how to handle any payments that are received during the file posting and transition period. We will make sure to get an updated file from you so that any of these transitional payments are properly accounted for.

DELINQUENT NOTICES

Once the accounts are loaded, we will try to verify balances with you prior to mailing notices. When we are comfortable that our information is in sync, we will mail an initial letter to the primary address and primary debtor name on the account. Depending on the size of the file and mailing, we may break up the mailing over several days to ensure that our office, your office and the Commissioner of Revenue's office are not overwhelmed. Our initial letter in the series is sent with a due date of two weeks to see if the customer will call in to pay in full or set up a payment plan. If there is no response, a second letter is sent that explains what can occur should a taxpayer not pay on the account.

When mail is returned to our office, we code the account with a "bad address" indicator. We will then utilize tools to locate a new address to resend the letters. We can also find possible phone numbers for our office to try and contact the taxpayer.



**We implement
detailed
automated and
manual skip
tracing on all
mail-return
accounts.**

PHONE CALLS

We have several different call queues that handle different types of calls depending on the type of debt or action that has been taken against their account. Here is a listing of the queues

Main Collections Queue- This our main contact line in which the taxpayer can discuss payments, payment plans, DMV stops and general questions or disputes.

Lit/Legal Queue- These calls are sent to representatives who handle questions concerning Summonses, Judgments, distress, or pre-litigation (pre-sale) accounts.

FDCPA/Fines Queue- This group will handle any consumer debt calls such as utilities, water/sewer, miscellaneous debt other than taxes and court charges.

Liens Queue- These representatives take calls concerning recent bank or employer liens that have been issued by TACS



**We operate from
8:30 to 6:30
Monday through
Friday except for
holidays.**

We can be reached at (804) 545-2500 and at questions@taxva.com for tax accounts and at (804) 548-4422 and bills@taxva.com for utilities and other non-tax accounts.

PAYMENT PLANS



At TACS, we will work with your debtors to make appropriate payment agreements that are designed with your consultation to assist them in paying the bill. When the debtors enter into an appropriate payment agreement, they are protected from collections as long as they remain current on their payment plans. Should they default, we will ask for the balance in full and we will continue with collections such as liens or legal action. Our typical agreement terms (for accounts other than real estate) are as follows for account balances over \$500:

1. We will ask for a 50% down payment and we will then enter an agreement that can be spread out up to 12 months.
2. If the taxpayer is unable to pay 50% of the debt, we will offer a payment plan with 25% down with the balance to be paid in full within 6-8 months.

If the taxpayer cannot meet these expectations, we do not offer them a formal arrangement, but we will allow them to make payment with a "promise to pay." This does not secure the account, and taxpayers are informed that collections can happen at any time, but it does give the taxpayer an option to pay something.

We will accept all frequencies of payment plans from monthly, weekly or bi-weekly, and we are able to set up an auto draft either by check, debit or credit card. This also can be done for a promise to pay.

We will work with your taxpayers to find a payment arrangement that works for them while securing the debt

DMV STOPS

When it can be determined that a DMV stop is on the account, our collectors will send an e-mail to the locality advising them the bills that have been referred to us by the county have been paid. You can designate who should receive this e-mail and we can create a distribution group for your locality.

In this communication, we will inform you how the payment was made, but you will not receive the actual payment until the regular remittance for that week. Some of the customers we will report to you have paid by check and it is in your discretion whether to release the stop. We will only email you about payments made where there is a stop involved on the account or where the taxpayer advises there is a stop. **We will not email about regular payments or if the taxpayer does not tell us there is a stop. If you need to know about a payment so you can take payment on the current year taxes, you may call us on the supervisor line at 804-893-5116 or you can email us at super@taxva.com.**

TREASURERS' LIENS

If we do not get a response to our notices and telephone calls, we will look for other ways to collect the account, including the issuance of a Treasurer's Lien according to parameters you have approved. Before a lien is issued on an account we have already sent letters, made calls and skip traced for better addresses.

The two most common types of liens we will issue on your behalf are a VEC/Employer Lien and Bank Liens. We will discuss the parameters for lien use in our initial meeting with you. Unless otherwise instructed, we will issue Employment Liens (for taxes) for 100% of a person's disposable income. We do offer the ability to create a payment plan though the lien so all 100% will not be deducted in one paycheck. The taxpayer will have to contact us so we can discuss the arrangement and properly inform their employer of the change.

FDCPA

(FOR COLLECTION OF SOME NON-TAX DEBT)



What is FDCPA? It stands for Fair Debt Collections Practices Act which governs the collection of consumer debt. TACS does collect consumer debt for some localities such as utilities and miscellaneous charges that are not tax related as well as trash and solid waste fees. For these accounts, we have designated a separate team with a separate call group to ensure we are abiding by the FDCPA laws when taking calls in the office or making calls out. We train our representatives to handle this work in compliance with the law and under the proper standards.

Because the FDCPA (non-tax) accounts are subject to different standards, we may be required to treat them separately from tax accounts which may be owed by the same debtor. While we would make every effort to advise a taxpayer of all of their delinquencies, we may not be able to collect everything at the same time.

Under the FDCPA, the consumer must be given 30 days to contest the debt. If they do contest the debt, we are unable to take further action until the debt is verified. To verify the debt, the locality will need to provide confirmation that the amount is due, along with any documentation to show the amount is due. Once the debt is verified, we will advise the consumer that the debt has been verified and that collections will resume. A copy of the verification letter is attached. It is helpful to the process if the locality can provide a specific contact(s) for FDCPA disputes and verifications.

LEGAL ACTION

In the event an account is not collected by the above means, TACS has other paths to pursue to bring a taxpayer into compliance.



SUMMONS

TACS can issue Administrative Summons (per Code of Virginia §58.1-3128) to have taxpayers and other parties produce documents and answer questions about the unpaid tax liability. This action often generates positive responses as we use the local sheriff to serve the Summons documents.

GENERAL DISTRICT COURT

If the plethora of administrative remedies are not successful, TACS' Legal Team will prepare and file suit against non-compliant taxpayers. In addition to serving as its own collection tool, by serving the court papers on the debtor, the court suit can result in a judgment impacting the debtor's credit and extending the time limitation for collection.

OTHER ACTIONS

The TACS Legal Team can also investigate and pursue other means of collection. Some of these other actions include Responsible Officer Assessments, Site Visits, Distress (either notices or actual seizure), and Circuit Court.

BANKRUPTCY

During the collection of a delinquent account it is not uncommon to encounter a debtor filing bankruptcy for outstanding liabilities. Once TACS receives notice of a bankruptcy case we will immediately flag the account in a bankruptcy status. This prevents any collection action from happening on the bankrupt debtors and deters any violation of the stay. We will also notify your office of the bankruptcy filing with the relevant particulars.

The account once flagged is reviewed every three months during the duration of the bankruptcy case. TACS reviews the account for discharge, dismissal or termination, so that once the bankruptcy is complete collection can resume, and any debt that should be discharged from the account will be taken off. TACS will notify the locality upon finding any bankruptcy case has closed, as well as providing information on any debt that should be written off.

TACS also offers more advanced services on bankruptcy cases for an additional fee, including claim filing services, trustee payment reviews, and legal services should the bankruptcy case require them. We will file the claim prior to the government bar date for the debtors under bankruptcy, including all debt at TACS as well as any still at the locality to ensure the balance is paid in full through the case. Please contact us at bankruptcy@taxva.com for more information.



PAYMENTS

TACS PAYMENT OPTIONS

Payments can be made to TACS in many ways. The customer can mail a check or money order, can call in and pay with an E-check, debit, or credit card, or they can pay with those options on-line through our website. We also have the ability for them to use a barcode that can be texted or emailed, and they can go to any CVS, Family Dollar or 7-11 store to pay with cash.

PROCESSING PHYSICAL PAYMENTS

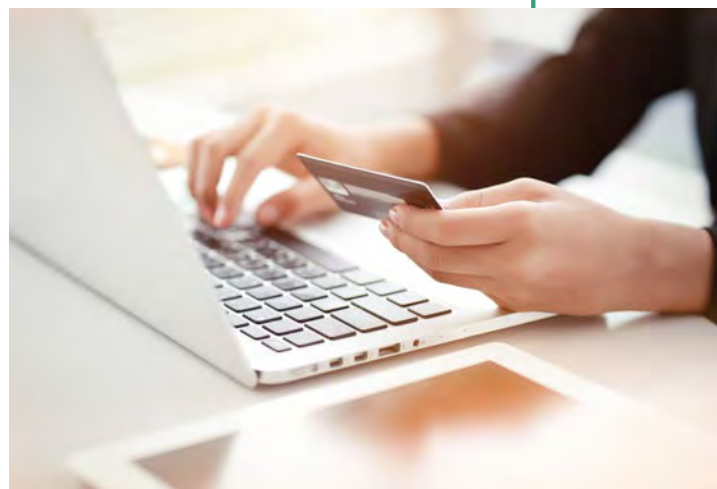
Although we can process payments made out to our office, customers should make checks or money orders payable to the locality not to Taxing Authority Consulting Services, P.C. **We do not accept any walk-in traffic to our Henrico or Martinsville offices.**

PAYMENTS RECEIVED BY USPS

Mail is picked up from the post office every day. Under normal circumstances, payments are posted within two days of receipt. We scan in the payment, the envelope, and any accompanying documents that came with the payment.

If payments are received in your office for delinquent taxpayers assigned to TACS, please contact super@taxva.com to make sure we still have a balance and to obtain a TACS number to forward any payments received at your office for delinquent taxpayers turned over to us for collection.

If you are able, please block taxpayers who have been turned over to TACS for collection from paying through your online sites. If you cannot block them, you should place a notice on your site that additional fees may apply.



PROCESSING ELECTRONIC PAYMENTS:

If a taxpayer wished to pay using a debit or credit card or e-check through Pay-Near-Me, they will be charged a convenience fee. There is a 3% fee charged for all debit and credit card transactions which is based on the transaction amount.

To use an e-check there is a flat \$3.00 fee for transactions up to \$55,000.00.

The convenience fee for cash payments is \$3.99 per transaction and the most that can be paid at one time is \$1,000.00. The daily limit for cash payments is \$2,900.00.

If the taxpayer wants to pay with debit or credit, through Official Payments, there will be a 3% convenience fee based on the transaction amount. If you are making an ACH/E-check payment using Official Payments, the convenience fee is \$3.00 up to \$15,000.00 and greater the fee increases to \$15.00.

Our Accounting staff will receive notification the next day of any credit/debit/or e-check payments made by the web or by the Collection Representatives from the previous day. If the transactions are taken on a Friday, Saturday or Sunday the notifications are received on Monday. The Accounting Representatives will post the payments the day the report is received.



PAYMENTS RECEIVED TO OUR PHYSICAL ADDRESS

We only give out our physical address to attorney's offices, mortgage companies, and title companies. Please do not give out our physical address to taxpayers.

Taxpayers can send payments by Priority Mail to our P.O. Box which will provide tracking that will tell them when the payment reached the post office.

PAYMENT POSTING

It is important that you post the payments you receive from TACS on a timely basis. We often update our account balances from your revision file (a refreshed file of all account assignments). If the payment is not posted promptly in your system, it will reinstate account balances that may have already been paid and letters and collection attempts may be made on incorrect balances.

We do not have the ability to back date payments when posting; therefore, we do not use envelope post mark dates for posting as these payments are all already delinquent. We provide payoff amounts that are good through the current month as well as the following month to assist in making sure the locality is paid in full.

There will be occasions where we will post a payment at the beginning of a month that would have paid in full if received by the end of the previous month. You may want to scrutinize these payments to back date to our posting date if this would pay in full the delinquent tax balance in your system.



REMITTING PAYMENTS

TACS remits payments to our clients on a weekly basis. Payments are generally sent on Wednesdays except when there is a holiday that week. The remittance is made on a delay so that any returned items are culled from the report. Your report and remittance will consist of payments made from about two weeks previously. For instance, the payments made the week of July 6th through 10th, will be reported and on paid on Wednesday, July 22nd.

You will also see COSTS on your remittance report on occasion. These amounts should be posted to your allocation for legal or litigation costs for this customer. We are collecting this amount from the customer to reimburse you for these legal or litigation costs that have already been billed to your office.

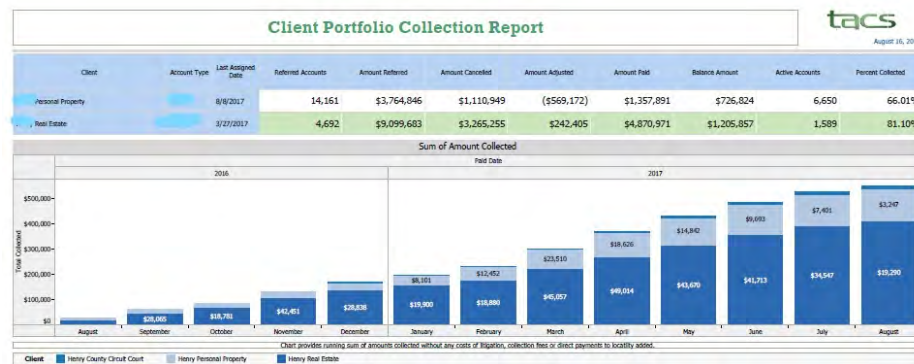
We send your weekly remittance funds through an ACH transaction. We send an email to staff members that you provide to indicate the amount of the ACH that you will be receiving in the next day or two depending on your bank. This email will also notify you that your remittance reports in PDF and Excel have been posted to our FTP site for your retrieval.

Depending on your tax system, we may also send a file of the payments using your lockbox structure so you can import those transactions right into your system. This saves the time and effort of manually posting the payments.



REPORTING

TACS prepares regular reports of our collection results to our clients. In addition to weekly remittance reports, TACS will prepare a report at least quarterly providing collection metrics on the entire portfolio of accounts assigned. We are always willing and able to prepare additional reports to meet your needs which can be addressed to reporting@taxva.com.



CLIENT COMMUNICATION

Remember, you've retained us to help with **your** collection program. We work for you and want to make sure you are on board with how we operate and what we do!

We continue to evaluate the avenues we use to build relationships and communicate processes with our clients. We would love to receive feedback from you in order to refine and improve our collection processes.

tacs TAXING AUTHORITY
Consulting Services, PC

ORDINANCE O-2024-24

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 28, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

An Ordinance amending the Powhatan County Code of Ordinances, Chapter 70 (Taxation), Article X (Failure to file tax returns or pay taxes) to add provisions for imposing administrative fees, attorney's fees, and collection agency's fees to cover the costs associated with the collection of delinquent taxes.

WHEREAS, Virginia Code § 15.2-1427 allows the County to adopt and amend ordinances, and Virginia Code § 58.1-3958 allows the County to impose fees upon persons chargeable with delinquent taxes to cover the administrative costs and reasonable attorney's or collection agency's fees incurred in such collection efforts; and

WHEREAS, the Treasurer is responsible for causing all accounts to be paid timely or to initiate delinquent billings and collection efforts to aid in compliance with those items duly payable to the County; and

WHEREAS, the Treasurer may engage collection agencies or collection attorneys to assist in this regard and certain costs associated with the efforts to collect delinquent billings may be incurred by the County due to no fault of those citizens who have paid their accounts timely; and

WHEREAS, the Board of Supervisors desires to ensure those costs are borne by the citizens responsible for the delinquent accounts; and

WHEREAS, this ordinance amendment would codify in County Code the state law authority for imposing such administrative and collection fees incurred with collecting delinquent taxes owed to the County; and

WHEREAS, the Board of Supervisors desires to amend the County's ordinances for this purpose; and

WHEREAS, pursuant to Virginia Code § 15.2-1427, the Powhatan County Board of Supervisors advertised as required by law and made the full text of the proposed ordinance amendment available for public inspection in the County Administration Office located at 3834 Old Buckingham Road, Powhatan, Virginia, 23139.

NOW, THEREFORE, BE IT ORDAINED by the Powhatan County Board of Supervisors that the Powhatan County Code of Ordinances is hereby amended and reenacted as follows:

1. Chapter 70 (Taxation), Article X (Failure to file tax returns or pay taxes), is amended to replace the language in Sec. 70-334 and to move the existing language from Sec. 70-334 to Sec. 70-335, so that both sections read as follows:

Sec. 70-334. – Payment of administrative fees, attorney's fees, and collection agency's fees.

Any person liable for local taxes or other local accounts who fails to pay the amount due within 30 days after notice of the delinquency has been sent may incur, in addition to all penalties and interest, a fee to cover the administrative costs associated with the collection in such amount as allowed by Virginia Code Section 58.1-3958 or such other Virginia statute regulating the amount of such fees or covering the subject of fees in such cases. In addition to the administrative fee, any collection agency's fees or attorney's fees

actually contracted for, not to exceed twenty (20) percent of the delinquent bill, may also be added to the delinquent bill.

Sec. 70-335. – Other state laws applicable.

All other provisions of Code of Virginia, § 58.1-3100 et seq., 58.1-3500 et seq. and 58.1-3900 et seq., as amended, regarding the filing of returns and payment of taxes and penalties which do not conflict with the provisions of this article or other local ordinances shall continue to apply.

2. Except as amended herein, all County Code provisions remain unchanged and in full force and effect.
3. This ordinance is effective immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON OCTOBER 28, 2024.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steven McClung, Chair
Powhatan County Board of Supervisors

RECORDED VOTE

William Donati, Jr. _____
Steven McClung _____
Robert Powers _____
Mark Kinney _____
Denise Morrisette _____



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Case 24-02-REZ:** LC West LLC (District #1 Subletts/Manakin/Flat Rock) Request to rezone three contiguous parcels totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1). The parcels are identified on Powhatan County's Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 contains an existing dwelling addressed as 1318 Page Road. The 2021 Comprehensive Plan designates the subject properties as Gateway Business and Economic Opportunity. This application is being heard in conjunction with 24-03-CUP: LC West LLC requesting a conditional use permit (CUP) to exceed the 45-foot height limitation for principal structures in the Light Industrial (I-1) zoning district.

Summary of Item: The Board is requested to hold a public hearing and vote on the applicant's request to rezone 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1), with proffered conditions, to construct a data center development.

Draft Motions: **Approve:** Move to approve rezoning Case 24-02-REZ for 119.9 acres on Page Road from Agriculture-10 (A10) to Light Industrial (I-1), with proffered conditions, (as presented / as amended).

Deny: Based on the information in the staff report and from the public hearing, I move the Board of Supervisors deny rezoning Case 24-02-REZ for 119.9 acres on Page Road from Agriculture-10 (A10) to Light Industrial (I-1), with proffered conditions, on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, or good zoning practice, and _____.

**Dates Previously
Considered by Board:** September 23, 2024 Public Hearing

Staff Recommendation: _____ Approve _____ Deny X See Comments

**Planning Commission
Recommendation:** _____ Approve X Deny _____ See Comments

Attachments: Ordinance
Staff Report with Attachments

Staff/Contact: Ligon Webb, Planning Director
(804) 598-5621 x 2006
Lwebb@powhatanva.gov



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **24-03-CUP: LC West LLC** (District #1 Sublett/Manakin/Flat Rock) Requesting a conditional use permit (CUP) to exceed the 45-foot height limitation for principal data center structures. The parcels are identified on Powhatan County's Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 contains an existing dwelling addressed as 1318 Page Road. This application is being heard in conjunction with 24-02-REZ: LC West LLC requesting to rezone three contiguous parcels totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1), with proffered conditions.

Summary of Item: The Board is requested to hold a public hearing and vote on this request for a conditional use permit (CUP) to allow data center buildings and substation components to be constructed up to 75 feet in height, with an overall maximum height of 90' including accessory rooftop equipment and screening, within Land Bays 1, 2, and 3 as shown on the "Page Road Conceptual Land Bay Plan" prepared by Dewberry, dated September 16, 2024.

Draft Motion: **Approve:** Move to approve conditional use permit 24-03-CUP to allow increased height for data center buildings and equipment on Page Road subject to the imposed conditions, as presented.

Deny: Based on the information in the staff report and from the public hearing, I move the Board deny conditional use permit 24-03-CUP to allow increased building height for data center structures on Page Road on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, or good zoning practice, and _____.

Dates Previously
Considered by Board: September 23, 2024 Public Hearing

Staff Recommendation: _____ Approve _____ Deny X See Comments

Planning Commission
Recommendation: _____ Approve X Deny _____ See Comments

Attachments: Ordinance
Staff Report with Attachments

Staff/Contact: Ligon Webb, Planning Director
(804) 598-5621 x 2006
Lwebb@powhatanva.gov



Case #24-02-REZ: LC West LLC

Case #24-03-CUP: LC West LLC

Staff Report Prepared for the Board of Supervisors

Submitted by Ligon Webb, Director of Planning

Staff Report Prepared on October 16, 2024

(See updates to IX. Proffer Analysis, XI. Economic Analysis, and XIII. Staff Recommendation, Attachments #9 and #10)

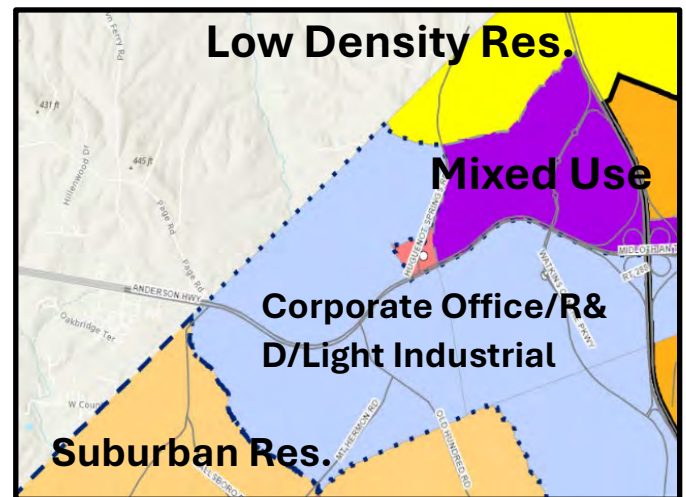
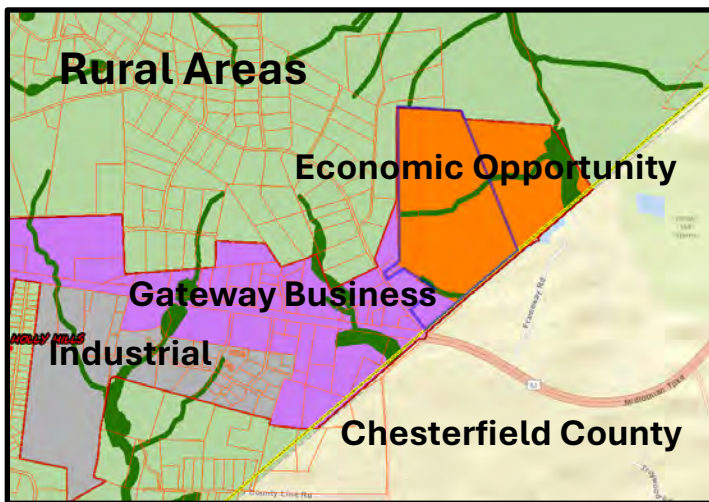
I. PUBLIC HEARINGS

Planning Commission	August 6, 2024	Deferred
Planning Commission	September 3, 2024	Recommended Denial
Board of Supervisors	September 23, 2024	Deferred
Board of Supervisors	October 28, 2024	Public Hearing

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Request	Rezone to Light Industrial (I-1) & CUP to Exceed Height Limitation
Existing Zoning	Agricultural 10 (A-10)
Parcel Size	119.9 +/- acres (three parcels)
Parcel Tax Map	43-61, 43-64, & 43-64E
Open Space/Lot Coverage	A minimum 20 percent of the 119.9-acre site would remain undeveloped/open space (i.e., conservation areas, natural buffers, and existing easements) and buildings can only cover 50 percent of each lot's total area.
Applicant	LC West LLC
Owner	New County Line Farm LLC
Location of Property	1318 Page Road

Electoral District	District 1
2021 Future Land Use Plan	Economic Opportunity, Gateway Business, Natural Conservation
Adjacent Zoning/2021	North: A-10/Rural Areas
Future Land Use Plan	South: Agricultural, Corporate Office/Research & Development/Light Industrial/Specific Master Planned (Chesterfield County) East: Rural Areas & Economic Opportunity West: Gateway Business & Rural Areas



III. EXECUTIVE SUMMARY

The applicant, LC West LLC, has applied to rezone 119.9 acres (“the site” or “the parcels”), composed of three different parcels, from Agricultural 10 (A10) to Light Industrial (I-1) to develop data centers on the site. In the I1 zoning district, a “data center” is permitted use by right. The County’s zoning ordinance defines a data center as follows: *Data center means an establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as telecommunications and storage systems) for data processing and storage, web hosting, application hosting, streaming services, and related services. This use includes a server farm, telecom hotel, carrier hotel, telco hotel, Telehouse colocation center, or any other term applicable to facilities which are used for these specified purposes.*

In addition, the applicant has applied for a conditional use permit (CUP), per section 83-250 (light industrial), C (intensity and dimensional standards), to allow for the data

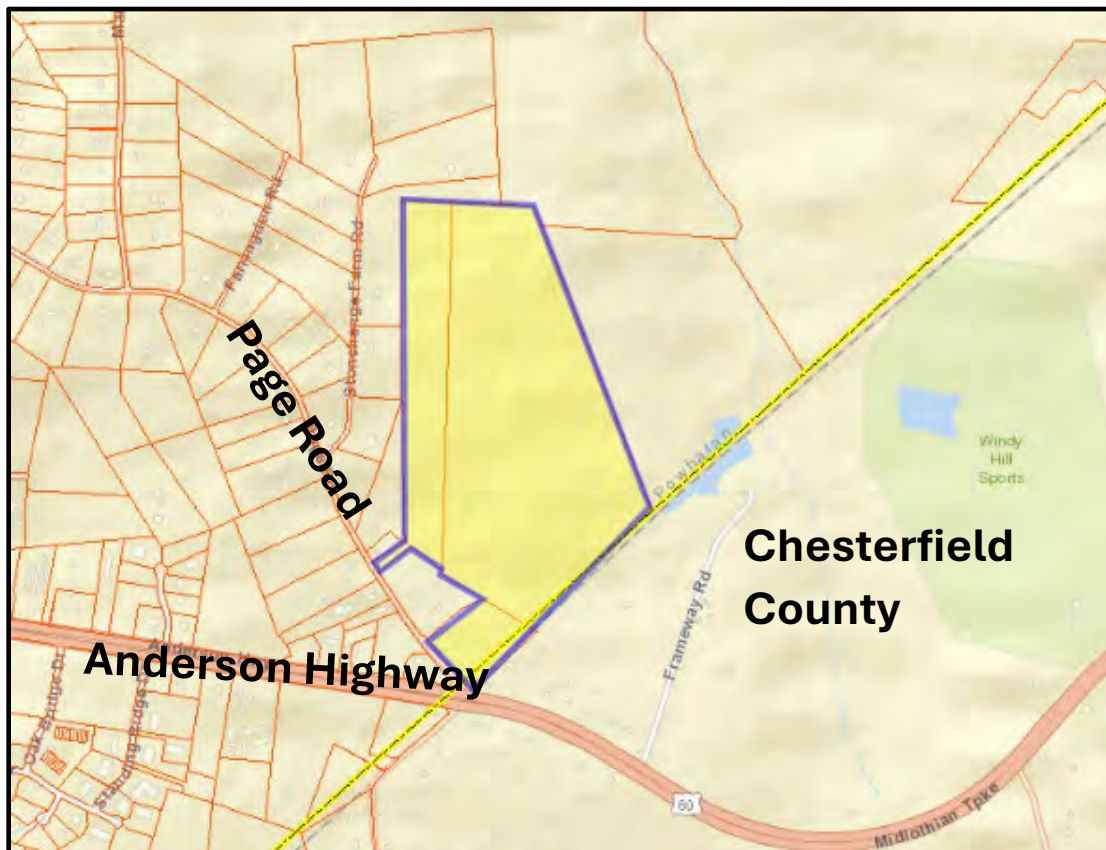
center structures to exceed the 45-foot height limitation; if the CUP is approved, the structures height limitation would be 75 feet, and per section 83-531 of the zoning ordinance certain roof mounted equipment (i.e., HVAC, antennas) may exceed 75 feet.

As proposed, the site would contain three (3) detached data center structures containing a combined floor area of 1,525,000 million square feet. The site would also contain additional supporting structures as described in proffer number six (6) of the applicant's submitted proffer statement. At full capacity, it is anticipated the data centers would use approximately 300 MW of electricity from the electrical grid. The site would be served by Dominion Energy ("Dominion") and a "will serve" letter for the proposed data center has been provided to the County (**see Attachment 2**).

If approved, the project build-out is expected to take at-minimum five years.

IV. PROPERTY DESCRIPTION

The subject properties are located to the immediate east of Page Road (Rt. 675) near the intersection of Page Road and Anderson Highway (US 60). A portion of TM 43-64, and the western property line of TM 43-64E, adjoin Page Road. The southern portions of TM 43-64E and 43-61 directly border Chesterfield County.



V. EXISTING CONDCTIONS

The property features a diverse range of physical and land use characteristics that are pivotal in understanding its current state and potential for future development. It currently contains a single existing dwelling, addressed as 1318 Page Road, accessed via a private driveway connecting to Page Road. If this rezoning is approved, the dwelling would be removed.

Additionally, a Dominion Energy transmission line bisects the property, occupying a 100-foot easement. The land itself is a mix of open fields and undeveloped areas, with approximately 60 percent covered in woodland and forest. The property is also the location of two intermittent streams. While there are no identified flood zone areas, County code requires a 50-foot riparian buffer from both sides of the streams' banks, totaling a 100-foot non-developed riparian buffer.

Visuals



Surrounding Land Use

West: To the west of the property, there are numerous parcels developed with single-family dwellings.

North, East, and South: The properties to the north, east, and south are larger, mostly undeveloped lots.

Transportation/Roads/Access

Anderson Highway (US 60) within the identified study area is a four-lane divided roadway, listed as a Principal Arterial on VDOT's Functional Classification Map. It has an east-west alignment and a posted speed limit of 55 mph. According to published VDOT traffic data, this section of Anderson Highway (US 60) currently carries an average of 36,000 vehicles per day.

Page Road within the identified study area is a two-lane undivided roadway, listed as a Major Collector on VDOT's Functional Classification Map. It has a north-south alignment and a posted speed limit of 35 mph. According to published VDOT traffic data, this section of Page Road currently carries an average of 1,200 vehicles per day.

County Line Road within the identified study area is a two-lane undivided and unmarked roadway, listed as a Local Road on VDOT's Functional Classification Map. It has a north-south alignment and a posted speed limit of 45 mph. According to published VDOT traffic data, this section of County Line Road currently carries an average of 710 vehicles per day.

Traffic Accidents

In 2023, the section of Anderson Highway (U.S. 60) between the county line with Chesterfield County and Holly Hills Road (approximately 1.4 miles) experienced 11 vehicle accidents, none of which resulted in serious injuries. In 2022, the same segment of Anderson Highway saw 6 vehicle accidents, one of which involved a serious injury but was nonfatal.



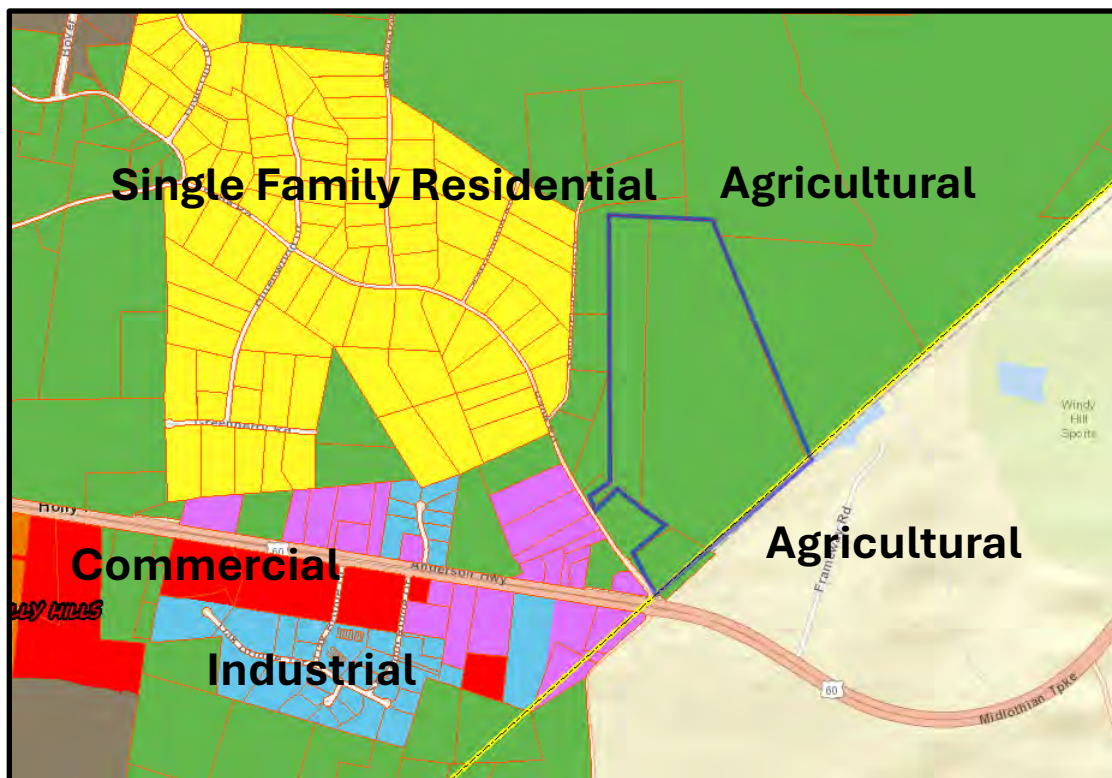
Summary

The property exhibits a blend of residential, agricultural, and natural land use characteristics. The existing dwelling, substantial wooded areas, open fields, and the Dominion Energy transmission line define the current state of the property. The surrounding land uses include single-family residential uses to the west and larger underdeveloped uses to the north, east, and south. Understanding these existing conditions is essential for informed decision-making regarding the rezoning and future development of the property.

VI. LAND USE ANALYSIS

Site Zoning and Nearby Zoning

The subject parcels are zoned Agricultural 10 (A-10); adjoining parcels to the west, east, and north are also zoned A10. Parcels to the south (located in Chesterfield County) are zoned agricultural.



Site Plan Requirements

If this rezoning is approved, the following items would be subject to administrative review as part of an official Site Plan submittal:

- Access and circulation (Section 83-451)
- Off-Street Parking (Section 83-455)
- Tree Protection (Section 83-460)
- Landscaping and Buffering (Section 83-461)
- Screening (Section 83-465)

Fences and Walls (Section 83-466)
 Exterior Lighting (Section 83-469)
 Open Space (Section 83-470)
 Environmental Protections/Riparian Buffers (Section 83-470)

Intensity and Dimensional Standards in Light Industrial (I-1) Zoning (Section 83-250, C.)

Minimum Lot Area	N/A
Minimum Lot Width	N/A
Maximum Density	N/A
Maximum Lot Coverage	50 percent
Maximum Structure Height	45 feet (may be increased via CUP)
Maximum Front Yard Depth	75 feet (fronting US 60), 25 feet front property line
Side and Rear Yard Depth	25 feet side property lines

Off Street Parking and Loading (Section 83-455)

Industrial service uses, specifically "commercial industrial services," require 1 parking space per 500 square feet of building area. Therefore, a total of 1,525,000 square feet of building area would necessitate 3,050 parking spaces. However, since data centers are generally less labor-intensive, the proposed data centers at full build-out would employ (up to) 200 individuals, which would likely be spread out over two or three shifts in a 24-hour period.

Because the zoning ordinance does not provide specific off-street parking requirements for data centers, the applicant has proffered (proffer 11 h.) off-street parking to accommodate the maximum number of employees per shift, to also include handicapped and loading spaces. An alternative parking plan will be submitted with the official Site Plan, in accordance with section 83-455 (Off-Street Parking and Loading), subsection (g) (Off-Street Parking Alternatives), (1) (General; alternative parking plan) of the zoning ordinance. The alternative parking plan must be approved by the Planning Director.

VII. PUBLIC SERVICE ANALYSIS (Review by County Departments and State Agencies)

Building Official

Under the Virginia Uniform Statewide Building Code (VUSBC), a data center building would typically fall under the "Business Group B" use category. This classification is appropriate for buildings used for business transactions, the storage of records and accounts, and similar functions. Data centers, which house servers and provide data storage and processing services, align with this category due to their commercial and industrial nature focused on information technology services. Buildings classified under

Business Group B must adhere to specific safety measures to ensure the safety and welfare of occupants. These measures include:

Based on the proposed overall size of the structures, a Type I construction would be required unless each building is divided by fire walls that would limit each fire area's size for other types of construction.

The applicant will likely be asking for a code modification for the use of a gas type suppression system as an alternative to the required water suppression system due to the electronics located within the building. The Fire Marshal and Building Official had a previous meeting regarding the proposed gas type suppression system, and it was determined that we would need a performance-based approach engineered and sized to provide adequate protection.

There is an exception for the manual fire alarm boxes mentioned below which reads: "Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow."

The section regarding emergency backup power would be limited to the exit signs and egress lights, along with the fire alarm panel. These can operate on battery backup when designed accordingly and do not require a generator type backup power supply. If smoke control systems are required, standby power will then be required as part of the design.

This project will require the plans to be designed and stamped/sealed by an engineer licensed in the State of Virginia. The plan review and inspections are being proposed to be completed by an independent third-party agency not associated with the project. The county does reserve the right to perform inspections and site visits throughout the construction process once a permit has been issued.

Public Safety Communications

The building(s) should include an in-building emergency communications system, also known as a bi-directional antenna (BDA) system for a distributed antenna system (DAS), if public safety wireless communications systems are deemed inadequate for the building.

According to the Virginia Statewide Fire Prevention Code and the Virginia Construction Code, new buildings in Virginia must either provide such a system or conduct an acceptable test demonstrating adequate coverage just prior to building occupancy. Additionally, compliance with the National Fire Alarm Code (NFPA 72) may be required to ensure that emergency communication systems meet all necessary standards and provide effective coverage throughout the building. See Statewide Fire Prevention Code:

SECTION 510

MAINTENANCE OF IN-BUILDING EMERGENCY COMMUNICATION EQUIPMENT

510.1 General. In-building emergency communication equipment shall be maintained in accordance with USBC and the provisions of this section.

510.2 Additional in-building emergency communications installations. If it is determined by the locality that increased amplification of their emergency communication system is needed, the building owner shall allow the locality access as well as provide appropriate space within the building to install and maintain necessary additional communication equipment by the locality. If the building owner denies the locality access or appropriate space, or both, the building owner shall be responsible for the installation and maintenance of these additional systems.

510.3 Field tests. After providing reasonable notice to the owner or the owner's representative, the fire official, police chief, or their agents shall have the right during normal business hours, or other mutually agreed upon time, to enter onto the property to conduct field tests to verify that the required level of radio coverage is present at no cost to the owner.

Department of Public Works

Typical daily water usage in the Flat Rock Area Water System fluctuates between 150,000 and 170,000 gallons per day. The system has a water capacity of 572,000 gallons per day, purchased from Chesterfield County. The proposed data center estimates a daily usage of 100,000 gallons of water per day. The system can supply the necessary water to the data centers based on this estimate.

The applicant has provided an estimated daily water demand of 100,000 gallons. However, a final figure will not be determined until an official Site Plan is submitted. The water usage of data centers can vary widely depending on their design, though recent technological advances have reduced water demand.

Fire/Rescue

The fire/rescue has reviewed the data center rezoning application and has no issues with the proposed building heights. During the Site Plan review, fire/rescue will conduct a thorough examination of road access and hydrant locations to ensure they meet all safety standards and requirements. It is crucial that the design provides adequate access for emergency vehicles and that hydrants are strategically placed to facilitate efficient firefighting operations. Additionally, fire/rescue will assess the site's overall layout to confirm that it supports the rapid and effective response of emergency services in case of an incident.

VDOT

Please see VDOT letter dated June 25, 2024, page 3, which states the following (**see Attachment 3**):

The report recommends that the following improvements be made as part of the development in order to help facilitate the construction of a full signalized restricted crossing u-turn (RCUT) in the future.

- *Design and improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200-foot-long taper and 200-foot-long storage.*
- *Design and construct install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200-foot-long taper and 200-foot-long storage.*

The applicant has offered for these improvements to begin prior to building permit for vertical construction to help address concerns with construction traffic creating a temporarily higher trip generation than the completed site. The Department supports this approach and the proposed improvements.

In addition to the above-described improvements, all of which have been proffered by the applicant, the submitted proffers also include a 100-foot-long storage lane and 100-foot-long taper lane along the property's frontage on north bound Page Road.

VDH

The Health Department has no adverse comments regarding this rezoning submittal. If there are any wells on the property that will need to be abandoned, then the applicant will need to apply at the Health Department for an abandonment permit (one for each well) and then have the wells abandoned per the conditions in the approved permit.

VIII. Energy Consumption and Infrastructure for Proposed Data Centers

The applicant proposes to develop data centers, which at full build-out staff understands, based on a typical center of this size, may draw in the range of 300 megawatts of power from the electrical grid.

Dominion Energy has confirmed its ability to supply the necessary power to the site. A high voltage transmission line running through the site provides an advantageous infrastructure for this proposed project. To facilitate this project a substation will need to

be constructed on-site. A typical substation is 5-7 acres in size and can supply up to 300 megawatts of electricity.

The applicant is required to submit a site plan to Dominion Energy, and the construction of such a substation typically takes 48 to 60 months.

IX. PROFFER ANALYSIS

Voluntary proffers are commitments made by a rezoning applicant to address concerns related to the impact of their proposed development. Proffers are typically used to mitigate potential negative effects of the development on the surrounding community, such as increased traffic, environmental impacts, or infrastructure demands.

The applicant has submitted a conceptual site plan for a data center, but it lacks critical details about the primary and support structures. Notable proffers include the preservation of riparian buffers and a 100-foot Dominion Power easement, maintaining at least 20% open space, and reductions in permitted uses to enhance compatibility with the surrounding area.

Buffers and setbacks are designed to minimize visual and environmental impacts, with buffers along some property lines and adherence to "dark sky" lighting standards. Building materials are specified to ensure high-quality construction and aesthetic consistency. Road improvement and noise management during construction are also included. Additionally, construction access and hours are regulated to minimize disruptions.

They have proffered that if any alternative uses other than data center are proposed in the future, they will require updated traffic assessments specific to that use and to construct any required infrastructure improvements.

The submitted proffers dated on September 19, 2024, were amended/updated by the applicant on October 11, 2024 (see attachment 4) and submitted to County staff. A summary of the amended/updated proffers are as follows:

7. Natural Buffer: A natural buffer of 50 feet is now provided along the eastern boundaries, in addition to northern, western boundaries, and the County line.

16. Noise Reduction: Each external emergency generator shall have a manufactured provided enclosure.

22. Access: Specifies a 50-foot-wide portion of the property for an inter-parcel connection called the "Eastern Access" and restricts it to the south and east sides.

Now includes future access to parcel 43-62. Also allows the owner to adjust the location of the "Eastern Access" but specifies that it must tie into the "Owner's Road"

at a location determined by the owner, which connects to Page Road as shown on the Conceptual Plan.

Specifies a multi-condition timeline, where the Eastern Access must be provided within 60 days after the later of three events: (i) rezoning approval of Tax Parcel 043-57 or 043-62, (ii) thirty months after approval of the rezoning case for LC West, LLC, or (iii) completion of the first phase of the Owner’s road. While the updated proffer provides specificity to the location and includes access to the eastern parcel, the timelines proposed create uncertainty as to when such access may be granted.

X. TRAFFIC ANALYSIS

Bowman Engineering has prepared memorandum, dated March 15, 2024, entitled “Powhatan County Data Center – Supplemental Assessment (see **Attachment 3**), to determine the average weekday and peak hour trip generation rates for data center facilities based on historical data from fully operational sites located in the Commonwealth of Virginia.

An excerpt of Bowman’s memorandum states the following:

Proposed Development Trip Generation

Bowman has prepared and developed a Data Center Trip Generation Assessment in coordination with the Virginia Department of Transportation's (VDOT) Fredericksburg District and Central Office, to determine the average weekday and peak hour trip generation rates for data center facilities based on historical data from fully operational sites located in the Commonwealth of Virginia.

The Data Center Trip Generation Methodology prepared by Bowman was used to determine the anticipated number of trips generated by the proposed land use. Table 1 outlines the projected morning peak hour, evening peak hour, and daily trip generation for the proposed development.

Table 1. Site Trip Generation

Development ⁽¹⁾	Size	Units	Weekday AM Peak Hour			Weekday PM Peak Hour			Average Weekday		
			In	Out	Total	In	Out	Total	In	Out	Total
Data Center	1,525,000	SF	75	62	137	14	32	46	572	572	1,144

(1) Trips based on the 2023 Data Center Trip Generation Assessment prepared by Bowman

As shown in Table 1, the proposed development is expected to generate 137 total trips (75 in and 62 out) during the morning peak hour, 46 total trips (14 in and 32 out) during the evening peak hour, and 1,144 trips (572 in and 572 out) during an average weekday.

An excerpt of VDOT’s June 25, 2024, letter (see **Attachment 3**):

Proposed development

The conceptual plan includes one proposed street connection to Page Road. The proposed uses provided include 1.5 million square feet of data center and associated structures. The proposed use generates fewer trips and lower peak trips, once operational, than in the previously submitted zoning case. The level of service impacts from the proposed use are within the same service level when compared to the no build conditions; however, the build condition does provide longer delays. It should be noted that both have level service of F, which is the lowest level of service.

Data Center – 1,525,000 SF – Weekday AM Peak Hour – 137 trips per day
Weekday PM Peak Hour – 46 trips per day
Average weekday – 1,144 trips per day

Study Area

The analysis focused on the Anderson Highway (US 60) and Page Road/County Line Road intersection. This is consistent with previous studies for this intersection and parcels for development.

VDOT offers the following notes and comments based on the review of the provided Traffic Study Amendment and conceptual plan:

Traffic Analysis Categories

The report expects a buildout date of 2027; however, discussions with developer indicate this may extend to 2029. With the significant amount of traffic on Route 60, the overall level of service is not expected to change between the two potential buildout years and should have no significant impact on the study. The overall impact is still lower than previously approved study for the property.

The buildout year was factored with a background 2% growth rate to determine future traffic along the corridor. This is consistent with previous studies.

Operational Analysis

The analysis evaluated the performance of the intersection under existing 2024, no-build 2027, and build 2027 conditions and assigned a level of service (LOS) to each. The results of the operational analysis are summarized as follows:

Year	Approach	LOS AM Peak	LOS PM Peak
2024 Existing	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	B	C
2027 No Build	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	F	D
2027 Build	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	F	D

The results of the analysis indicate that Route 60 will experience significant traffic constraints in both the build and no build conditions. The proposed data center is not expected to impact the overall performance of the intersection in terms of level of service; however, there is potential for longer delays and queues under the build condition. (End of excerpt from VDOT letter)

Brief Explanation of VDOT Level of Service (LOS) Road Categories

LOS B: Indicates stable traffic flow with slight delays. Traffic moves efficiently, but there may be some slowing during peak times. Drivers experience minor inconveniences, but overall travel speed and freedom to maneuver remain high.

LOS C: Represents stable flow, but with increasing delays and more restricted maneuverability. Traffic becomes denser, and the ability to change lanes or pass slower vehicles is limited. Some congestion is noticeable, especially during peak periods, but travel speed is still acceptable.

LOS D: Denotes approaching unstable flow with significant delays. Traffic flow is heavily affected by congestion, with reduced speeds and frequent stop-and-go conditions. Maneuverability is very restricted, and travel times increase considerably.

LOS E: Characterizes unstable traffic flow with frequent and severe delays. Roads operate at or near full capacity, leading to stop-and-go conditions and slow travel speeds. The slightest disruption can cause substantial delays, and maneuverability is extremely limited.

LOS F: Indicates forced or breakdown traffic flow with severe congestion. Traffic flow is highly unstable, with long queues and stop-and-go waves. Travel speed is extremely slow, and delays are unpredictable and severe. This level represents a breakdown of the road network's ability to handle traffic demand.

The 2019-06-06-REZ Traffic Assessments included the RCUT analysis at the Anderson Highway (US 60)/Page Road/County Line Road intersection. The analysis anticipated a queue length for the southbound approach of 31 feet during the AM peak hour and 47 feet during the PM peak hour. The current project proposes a 70% reduction in trips as compared to that 2019 analysis, thus even shorter queue lengths can be expected.

Summary

The proposed data center, encompassing 1,525,000 square feet, is expected to generate approximately 1,144 daily trips, with 137 trips during the weekday AM peak hour and 46 trips during the weekday PM peak hour. This is relatively low considering the substantial square footage, attributed to data centers being less labor-intensive. The Level of Service (LOS) analysis indicates that both the no-build and build conditions for this project will result in an LOS F.

The applicant has proposed several on-site and off-site road improvements to mitigate the traffic impact and enhance road safety. These improvements include extending the eastbound left turn lane on Anderson Highway at Page Road to a 200-foot-long storage lane and a 200-foot-long taper lane, installing a directional median crossover on Anderson Highway with a westbound left turn lane, and constructing a 100-foot-long storage lane and taper lane along northbound Page Road to the site's entrance/exit. VDOT has concurred with these proposed improvements. Anderson Highway (US 60) is a four-lane divided roadway with a speed limit of 55 mph, carrying an average of 36,000 vehicles per day. Page Road, a two-lane undivided roadway, carries 1,200 vehicles per day with a speed limit of 35 mph. County Line Road, a two-lane undivided roadway, has a speed limit of 45 mph and carries 710 vehicles per day. Recent traffic data indicates that the section of Anderson Highway near the project site experienced 11 vehicle accidents in 2023, none resulting in serious injuries, and 6 accidents in 2022, one of which involved a serious but nonfatal injury.

XI. ECONOMIC ANALYSIS

The applicant submitted an economic analysis prepared by Mangum. The County has prepared an economic analysis detailing anticipated data center revenue projections. Both are attached to this report. The County's projections are lower based upon a real estate and business personal property split of 33/67% as opposed to the Mangum's 50/50 assumption. While information has not been provided by Mangum as to the source of their square footage values, staff finds they are more similar to Northern Virginia values, which are typically higher than in the Richmond region. The County is using square footage values based upon the Richmond region. Lastly, such a large increase in assessed value will result in a reduction in State provided school funding through an adjusted composite index, which based upon staff's analysis would amount to approximately \$1.5M in the first year of construction and increasing upward. The County's more conservative revenue analysis still

shows a data center as proposed would generate significant revenue, and at full build out could eventually move the residential/commercial tax split to the 85/15 range.

XII. COMPREHENSIVE PLAN ANALYSIS

The proposed data center rezoning aligns with many elements of the Powhatan County's Comprehensive Plan, which designates much of the subject property as "Economic Opportunity." This designation is intended for areas where large, cohesive master-planned developments can be created, incorporating commercial and light industrial uses. The area is suitable for such developments due to its large, contiguous parcels and proximity to major highways, utilities, and other infrastructure, making it ideal for projects that can support regional employers and major businesses.

The proposed project addresses the 2021 Comprehensive Plan's goals for Economic Development through Strategy 4.1.B- Attract New Business and Strategy 4.1.C- Balance Commercial to Residential development. The data center proposed project's economic impact is considered through revenue from real estate, business personal property, water and sewer usage and building permits, which provide estimated direct revenue to the County. Additional revenues would be derived from the indirect impact of local companies that would serve the development and construction of the site and buildings and essential services (food, gas, groceries, personal needs) for workers on the site during and after construction. At this time, the County can only project and evaluate the measurable direct impact to the County tax base which is estimated based on the overall capital investment of the projected \$3 billion dollars that would result in considerable revenue increase from real estate, business personal property, water & sewer fees and building permits. Revenue from the project has potential to positively offset the current 92% residential to 8% commercial tax base ratio.

Additionally, smaller portions of the property are designated as "Gateway Business" and "Natural Conservation." The "Gateway Business" areas are appropriate for offices and light industrial development, such as clean manufacturing and research and development, near major thoroughfares. Complementary commercial uses like retail stores, restaurants, and lodging may also be suitable near major intersections or within master-planned developments; however, no such uses are being proposed for the site. The "Natural Conservation" areas include identified riparian buffer zones around two intermittent streams on the property, requiring a 50-foot undeveloped buffer on each side to protect these natural resources.

XIII. STAFF RECOMMENDATION

While staff supports the data center concept and believes the proffers address many of the impacts for that specific use, the proposal still contains a significant number of by-right industrial uses that do not have supporting traffic studies, conceptual plans, revenue estimates and due to the application's focus on data centers, have not had significant study by staff or the public. The proposed 18-month initial use period does not mitigate against these for the long term as after this period, the site could revert to allowing a variety of by-right commercial and industrial uses, which could have impacts greater than those studied and anticipated for the data center use. The primary benefits of a data center are low traffic counts, with the traffic they do generate being primarily passenger vehicles, and operating in 24-hour cycles there is a reduction in the AM/PM peak trips from typical industry, along with high revenue generation with minimal impacts. Many of the other by-right I-1 uses may have much heavier traffic generation, including trucks and equipment, be more prone to AM/PM peaks, generate relatively lower revenue and have greater impacts. Many of those uses may in fact be appropriate for the site, but only after their impacts have been anticipated and mitigated via use specific traffic studies, conceptual plan and conditions. For these reasons, all other data centers approved and currently under consideration in other localities within the Richmond region have had their uses limited to strictly data center, with all other uses either being removed or requiring a conditional use permit, or if other uses are permitted by-right, they are limited to only a handful of other compatible uses.

Staff recommends deferral of the application until such time as any remaining non-data center by-right uses have been properly studied and impacts mitigated against.

XIV. PLANNING COMMISSION RECOMMENDATION

The Commission held a public hearing on the rezoning and CUP requests on August 6, 2024, deferred the cases to September 3, 2024, and voted 4-1 on September 3, 2024, to recommend denial of both requests.

AYE	Mr. Hall, District 1
AYE	Ms. Bowlin, District 2
AYE	Ms. Winall, District 3
AYE	Mr. Hughes, District 4
NAY	Mr. Hatcher, District 5

ATTACHMENTS

1. Application
2. Dominion Energy “Will Serve”
3. Transportation Related Correspondences
4. Proffer Letter (Last Updated October 11, 2024)
5. Prohibited and Allowable Uses
6. Site Conceptual Plan
7. Road Improvements Visual
8. Community Meeting Summary
9. LC West LLC – Lettera (Letter to Chairman Hatcher, Dewberry Engineering, kW Engineering, & Critical Facility Group)
10. County Revenue Projections

END OF DOCUMENT

Attachment 1: Rezoning and CUP Applications



County of Powhatan, Virginia

Rezoning Application

For Office Use Only

Case Number **400-2024**

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

Applicant Information

Name of Applicant	LC West, LLC, a Delaware limited liability company
Mailing Address	26 Corporate Plaza, Suite 260 Newport Beach, CA 92660
Phone Number	(949) 533-4800
Email Address	TRamm@ProvinceGroup.com

Owner Information

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

Name of Owner	New County Line Farm, LLC
Mailing Address	1318 Page Road Midlothian, VA 23113
Phone Number	(804) 539-5536
Email Address	hellis@ppinfrastructure.com

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	Jeffrey P. Geiger
Mailing Address	P.O. Box 500 Richmond, VA 23218
Phone Number	(804) 771-9557
Email Address	jgeiger@Hirschlerlaw.com

Parcel Information	
Tax Map Number	43-61, 43-64 and 43-64E
Physical Address	1318 Page Road Powhatan, VA 23113
General Description of Property Location	North east intersection of Anderson Highway and Page Road.
Election District	1 - Subletts/Manakin/Flat Rock
Total Acreage	119.9
Current Zoning	Agricultural - 10
Requested Zoning	Light Industrial I-1
Acreage to Be Rezoned	119.9
Countywide Future Land Use: Land Use Designation	Economic Opportunity and Gateway Business

Proposed Use	
Describe Proposed Use	A campus styled development comprised of multiple data center buildings to diversify the County's property tax base and drive economic development.
Amount of Dedicated Open Space (Acreage + % of Site)	Approximately 24.0 acres (20% of site) which includes approximately 8.5 acres of conservation area and perimeter buffers, power line easements, steep slopes, etc.
If this request is approved, will new lots be created?	Yes, each data center building may be on its own lot and substations may be on their own lot. Division lines are to be determined at plans review.
If this request is approved, will new structures be constructed?	Yes, data center buildings, substations and accessory uses
Are there existing structures on the subject property?	Yes.
Will the proposed use connect to public water and/or sewer?	Yes.

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.

List of Adjacent Property Owners



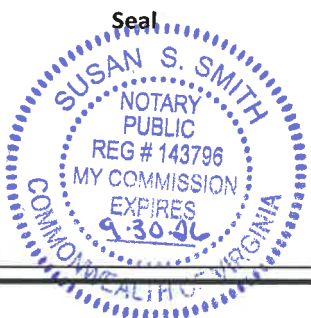
Tax Map No.	Owner Name	Mailing Address
7057089389	C&CD3 Properties LLC	14506 Post Mill Drive Midlothian, VA 23113
7067081895 7067093700	Patricia T. Chafin, Pamela T. Edwards and Peggy O. Tucker	600 Country Line Road Midlothian, VA 23112
7067099844	Archibald C. Jr., and J.P. Frame	1200 Frameway Road Midlothian, VA 23113
7077092170	Huguenot Development LLC	1475 Oakbridge Ct. Powhatan, VA 23139
7077108031	HMG Investments LLC	1475 Oakbridge Ct. Powhatan, VA 23139
43-57	W.S. Carnes, Inc.	612 Huguenot Trail Midlothian, VA 23113
43-62	JMS Investments LLC	1475 Oakbridge Ct. Powhatan, VA 23139
43-36B	Prime Enterprise LLC	1300 Anderson Hwy. Powhatan, VA 23139
43-36 43-33A	Berk and Alp, LLC	14301 Justice Road Midlothian, VA 23113
43-39D	Fox Cleaning Service Inc.	P.O. Box 572 Midlothian, VA 23113
43-37	OCS Properties, LLC	1325 Page Road Powhatan, VA 23139



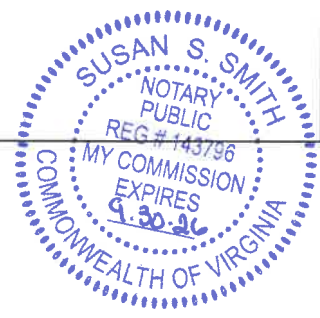
Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
43-39A	1331 Page Roads LLC	1719 Douthit Court Powhatan, VA 23139
43-63	Adana Investments LLC	1320 Page Road Midlothian, VA 23113
43-40	Dwayna A. Winegard et al	1338 Page Riad Midlothian, VA 23113
43-41	Cheryl L. Howie et al	1320 Page Road Midlothian, VA 23113
43-42C	Michael Louis Proffitt	1356 Page Road Midlothian, VA 23113
43-42B	Powers & Associates II LLC	P.O. Box 2139 Chesterfield, VA 23832
43-42A	Tyler John Lamond and Mega Andrich	1810 Stonehenge Farm Road Midlothian, VA 23113
43-2-1	Walter E. Higham et al	1820 Stonehenge Farm Road Midlothian, VA 23113
7057085453 7057088344	E.L. Belvins TR D.B. Belvin TR	17417 Midlothian Tpke Midlohan, VA 23113
7057086748	E.L. Belvins TR D.B. Belvin TR	17417 Midlothian Tpke Midlohan, VA 23113
7067094861 7057099107	New County Line Farm, LLC	1318 Page Road Powhatan, VA 23313

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	See Proffers submitted with the application.	
Proffer #2		
Proffer #3		
Proffer #4		
Signature of Applicant		
Name of Applicant (Printed)	Jeffrey P. Geiger	
<p>Commonwealth of Virginia County of <u>Richmond</u>, to wit: <u>City</u> Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Jeffrey P. Geiger</u>, whose name is signed to the above, on this <u>22nd</u> day of <u>April</u> 20<u>24</u>.</p>		
Notary Public		
Commission Expires	9-30-2026	
Notary Number	143796	

Statement of Validity of Information		
Every applicant shall sign the following document to substantiate the validity of submitted information.		
<p>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.</p> <p>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.</p>		
Signature of Applicant		
Name of Applicant (Printed)	Jeffrey P. Geiger	
Commonwealth of Virginia County of <u>Richmond</u> City, to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Jeffrey P. Geiger</u> , whose name is signed to the above, on this <u>22nd</u> day of <u>April</u> 20 <u>24</u> .		
Notary Public		Seal 
Commission Expires	9.30.26	
Notary Number	143796	

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
New County Line Farm, LLC	1318 Page Road Midlothian, VA 23113
Harold L. Ellis, III, Trustee Under Harold L. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113
Christina W. Ellis, Trustee Under Christina W. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113

I, Christina W. Ellis, Trustee, 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 43-61, 43-64, and 43-64E.

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)

Christina W. Ellis, Trustee

Commonwealth of Virginia

County of City of Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Christina W. Ellis, Tr, whose name is signed to the above, on this 15th day of April 20 24.

Notary Public

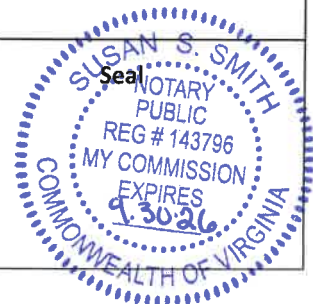
Commission Expires

Notary Number

Susan S. Smith

9.30.26

143796



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
New County Line Farm, LLC	1318 Page Road Midlothian, VA 23113
Harold L. Ellis, III, Trustee Under Harold L. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113
Christina W. Ellis, Trustee Under Christina W. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113

I, Harold L. Ellis, III, Trustee, 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 43-61, 43-64, and 43-64E.

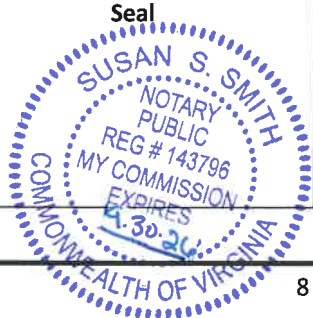
If the information listed above changes at any time while this request is being considered, I will provide Powhatan County with an updated list of owners.

Signature of Applicant	<u>Harold L. Ellis, III Trustee</u>
Name of Applicant (Printed)	Harold L. Ellis, III, Trustee

Commonwealth of Virginia

County of City Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Harold L. Ellis, III Tr. whose name is signed to the above, on this 15th day of April 20 24.

Notary Public	<u>Susan S. Smith</u>	
Commission Expires	<u>9.30.26</u>	
Notary Number	<u>143796</u>	

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, Christina W. Ellis, Trustee, am the owner of the property subject to this rezoning request and consent to the request submitted by LC West, LLC (Applicant) to rezone
Tax Map 43-61, 43-64 and 43-64E from Agricultural - 10 (Current Zoning District)
to Light Industrial I-1 (Requested Zoning District).

Signature of Owner**Name of Owner (Printed)**Christina W. Ellis, Trustee

Commonwealth of Virginia

County of City - Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by
Christina W. Ellis, Tr., whose name is signed to the above, on this 15th day of
April 20 24.

Notary Public**Commission Expires****Notary Number**Susan S. Smith9.30.26143796

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, Harold L. Ellis, III, Trustee, am the owner of the property subject to this rezoning request and consent to the request submitted by LC West, LLC (Applicant) to rezone Tax Map 43-61, 43-64 and 43-64E from Agricultural - 10 (Current Zoning District) to Light Industrial I-1 (Requested Zoning District).

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

Harold L. Ellis, III, Trustee

Commonwealth of Virginia

County of City-Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Harold L. Ellis, III Trustee whose name is signed to the above, on this 15th day of April 2024.

Notary Public**Commission Expires**

9.30.26

Notary Number

143796

Seal

Applicant's Permission for Inspection of Property		
I, <u>Christina W. Ellis, Trustee</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.		
Signature of Applicant		
Name of Applicant (Printed)	Christina W. Ellis, Trustee	
Commonwealth of Virginia County of <u>City. Richmond</u> , to wit:		
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Christina W. Ellis, Trustee</u> , whose name is signed to the above, on this <u>15th</u> day of <u>April</u> , 20 <u>24</u> .		
Notary Public	<u>Susan S. Smith</u>	
Commission Expires	<u>9-30-26</u>	
Notary Number	<u>143796</u>	

Review Checklist
(For Office Use Only)

This form will be completed by the Department of Community Development as the application is reviewed.

Action		Date of Action
Application Submitted		April 26, 2024
Application Deemed Complete		May 1, 2024
Application Routed to Reviewing Agencies		May 8, 2024
Comments Received from Reviewing Agencies	Building Inspections	5/15/2024
	Environmental	6/5/2024
	Public Works	6/25/2024
	Sheriff	
	Fire	6/20/2024
	Health	5/22/2024
	Transportation	6/25/2024
	Other	
Planning Commission: Notice in Newspaper		July 17, July 24, 2024
Planning Commission: Letters Sent to Adjoining Property Owners		July 22, 2024
Planning Commission: Public Hearing		August 6, 2024 (6 p.m.)
Planning Commission: Recommendation Made		4-1 denial - September 3, 2024
Board of Supervisors: Notice in Newspaper		October 16, 21, and 23, 2024
Board of Supervisors: Letters Sent to Adjoining Property Owners		October 11, 2024
Board of Supervisors: Public Hearing		October 28, 2024
Board of Supervisors: Recommendation Made		

LEGEND

- PF-PIPE FOUND
- RF-REBAR FOUND
- IRON FOUND AS NOTED
- MON-VDOT R/W MONUMENT
- COMPUTED POINT
- RS-REBAR SET
- UTILITY POLE
- TELEPHONE PEDESTAL
- OH E T — OVERHEAD ELECTRIC & TELEPHONE
- UG E — UNDERGROUND ELECTRIC
- UG T — UNDERGROUND TELEPHONE
- — — EDGE OF PAVEMENT
- — — BRANCH OR EDGE OF WATER
- (1765.51') RECORD DISTANCE

LINE	BEARING	DISTANCE
L1	N 55°49'45" W	107.05'
L2	N 47°44'15" W	30.75'
L3	N 39°35'49" W	166.68'
L4	N 01°06'53" E	28.69'
L5	N 33°48'08" W	41.34'
L6	N 31°30'47" W	58.76'
L7	N 01°59'11" W	88.38'
L8	S 21°41'59" E	168.62'
L9	S 21°42'39" E	85.97'
L10	S 46°50'19" W	101.26'
L11	S 46°44'08" W	37.06'
L12	N 59°34'59" W	105.12'
L13	S 33°14'18" W	334.78'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1°15'43"	331.08'	7.29'	N 25°38'07" W	7.29'
C2	21°28'14"	331.08'	124.06'	N 37°00'07" W	123.33'
C3	8°06'00"	923.55'	130.56'	N 43°41'15" W	130.45'

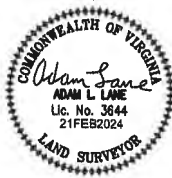
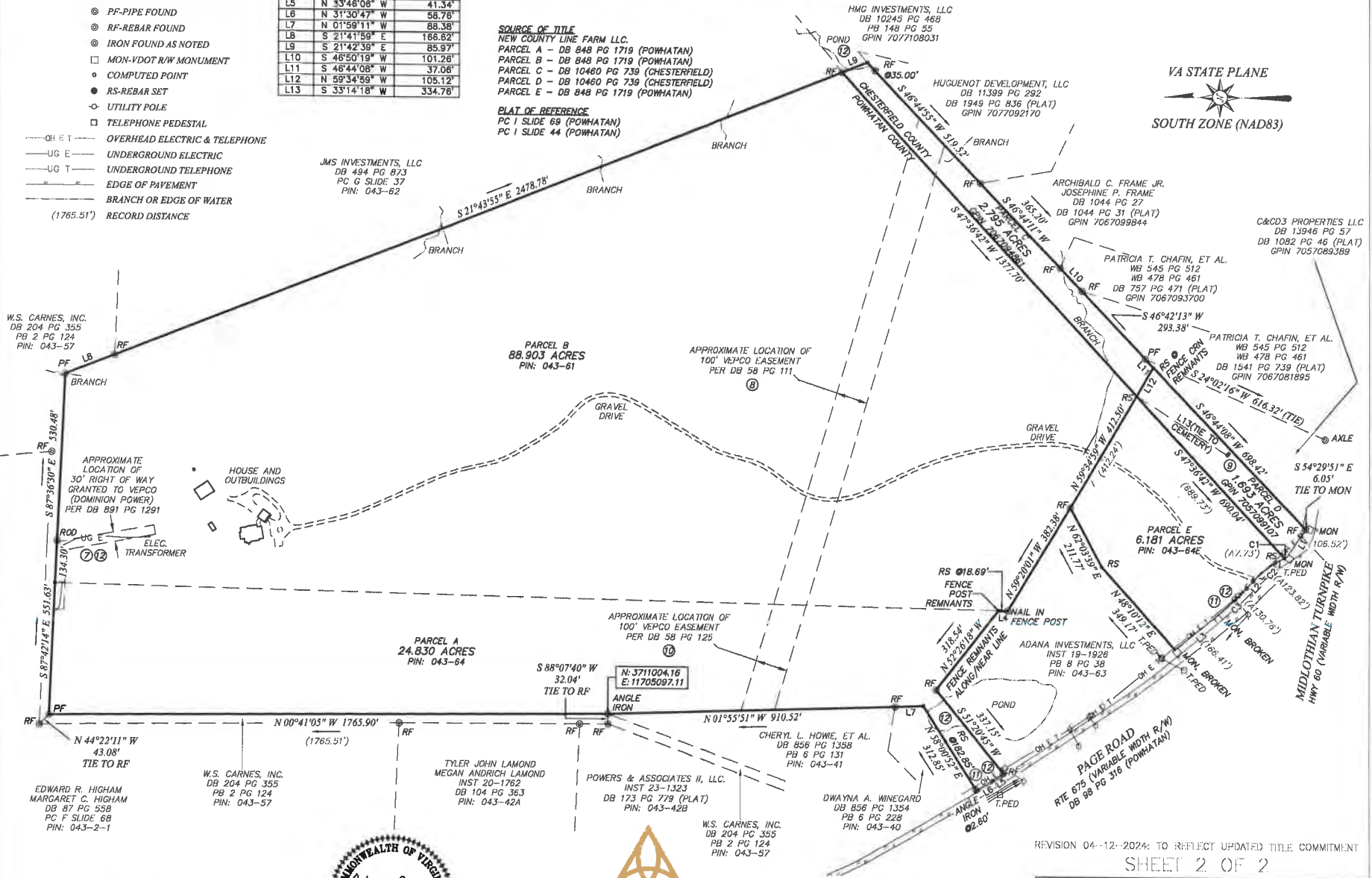
SOURCE OF TITLE

NEW COUNTY LINE FARM LLC.
 PARCEL A - DB 848 PG 1719 (POWHATAN)
 PARCEL B - DB 848 PG 1719 (POWHATAN)
 PARCEL C - DB 10460 PG 739 (CHESTERFIELD)
 PARCEL D - DB 10460 PG 739 (CHESTERFIELD)
 PARCEL E - DB 848 PG 1719 (POWHATAN)

PLAT OF REFERENCE

PC I SLIDE 68 (POWHATAN)
 PC I SLIDE 44 (POWHATAN)

VA STATE PLANE
 SOUTH ZONE (NAD83)



REVISION 04-12-2024: TO REFLECT UPDATED TITLE COMMITMENT
 SHEET 2 OF 2

DRAWN BY: MSG DATE: 02-21-2024 PROJECT #240055

PLAT SHOWING
 ALTA/NSPS LAND TITLE SURVEY OF THE PROPERTY OF
NEW COUNTY LINE FARM, LLC.
 HUGUENOT DISTRICT, POWHATAN COUNTY, VIRGINIA
 AND
 MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY, VIRGINIA

NOTES:

- THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
- THIS PLAT HAS BEEN PREPARED WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY DATED 02-09-2024 (COMMITMENT #VA2301425, REV. 5).
- THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE PER FEMA FLOOD MAP 51145C0165B EFFECTIVE, 02-08-2008.
- SCHEDULE B, PART II GENERAL EXCEPTIONS 1-6 DO NOT CONTAIN ANY SURVEY MATTERS OR MAPPABLE APPURTENANCES. SCHEDULE B, PART II SPECIAL EXCEPTIONS 1-6 DO NOT CONTAIN ANY SURVEY MATTERS OR MAPPABLE APPURTENANCES.
- ADDRESS OF PROPERTY IS 1318 PAGE ROAD, MIDLOTHIAN, VA 23113.
- NO RECENT EARTHWORK OR CONSTRUCTION WAS NOTICED DURING FIELDWORK OF THE PROPERTIES AT THE TIME OF THIS SURVEY.
- NO RECENT CHANGES IN ROAD OR RIGHT-OF-WAY WERE NOTICED OR GIVEN TO THIS SURVEYOR AT THE TIME OF THIS SURVEY.
- BOUNDARY LINE BETWEEN PARCEL A (POWHATAN PIN 043-64) AND PARCEL B (POWHATAN PIN 043-61) NOT SURVEYED BY CLIENT REQUEST. FOR PURPOSES OF DETERMINING ACREAGE LINE IS SHOWN AS DEPICTED IN PLAT TITLED "PLAT SHOWING A LOT LINE ADJUSTMENT BETWEEN TWO PARCELS OF LAND LOCATED NORTH OF PAGE ROAD (TAX MAP 43-61 & 43-64)" BY MARK B. BEALL DATED 03-16-2016 AS RECORDED IN POWHATAN CO. PC I, SLIDE 69. SAID PLAT IS NOT THE PLAT OF LEGAL RECORD.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES MEASURED IN US SURVEY FEET UNLESS NOTED. GPS MEASUREMENTS WERE SCALED USING A COMBINED FACTOR OF 1.00006202266950 FROM A POINT AT NORTHING: 3711004.19 EASTING: 11705097.11.
- HORIZONTAL DATUM FOR THIS DRAWING IS VIRGINIA STATE PLANE COORDINATE NAD83 VA SOUTH WHICH WAS ESTABLISHED USING OPUS. SMALL DIFFERENCES IN BEARINGS BETWEEN PLAT OF RECORD AND CURRENT SURVEY NOT DEEMED SIGNIFICANT BY THIS SURVEYOR. DIFFERENCES IN DISTANCES BETWEEN PLAT OF RECORD AND CURRENT SURVEY THAT ARE DEEMED SIGNIFICANT BY THIS SURVEYOR HAVE RECORD DISTANCE LISTED BELOW CURRENT BEARING AND DISTANCE ANNOTATION.
- UNDERGROUND UTILITIES WERE MARKED BY THE FOLLOWING MISS UTILITY TICKETS.

UTILITY TICKET NUMBER: B404602845

UTILITY	RESPONSE
AT&T	NO CONFLICT
CHESTERFIELD-WTR & SWR	NO CONFLICT; PRIVATE UTILITY PRESENT
COMCAST	NO CONFLICT
DOMINION CENTRAL DISTRIBUTION	NO CONFLICT
POWHATAN-WATER	NO CONFLICT
POWHATAN-SEWER	NO CONFLICT
VERIZON	MARKED

UTILITY TICKET NUMBER: B404602850

UTILITY	RESPONSE
AT&T	NO CONFLICT
CHESTERFIELD-WTR & SWR	NO CONFLICT; PRIVATE UTILITY PRESENT
COMCAST	NO CONFLICT
DOMINION CENTRAL DISTRIBUTION	MARKED
POWHATAN-WATER	NO CONFLICT
POWHATAN-SEWER	NO CONFLICT
VERIZON	MARKED

TO: NEW COUNTY LINE FARM, LLC, A VIRGINIA LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY
NEWPORT EQUITIES, LLC, A CALIFORNIA LIMITED LIABILITY CO.
LC WEST, LLC, A DELAWARE LIMITED LIABILITY CO.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2,3,4,13,14,16,17,18 & 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 02-21-2024.

Adam Lane
ADAM L. LANE, LICENSE #L-3644
02-21-2024
DATE

BELOW ARE THE EXCEPTIONS IN TITLE COMMITMENT FURNISHED FIDELITY NATIONAL TITLE INSURANCE COMPANY DATED 02-09-2024 (COMMITMENT #VA2301425, REV. 5)
#B0014221

- TERMS, CONDITIONS, COVENANTS, AND EASEMENTS CONTAINED IN THE RIGHT OF WAY AGREEMENT DATED JUNE 16, 2016 AND RECORDED JULY 7, 2016 IN DEED BOOK 891 AT PAGE 1291, AND SHOWN ON THE PLAT ATTACHED THERETO; AND SHOWN ON THE ALTA/NSPS LAND TITLE SURVEY ENTITLED "NEW COUNTY LINE FARM, LLC, HUGUENOT DISTRICT, POWHATAN COUNTY, VIRGINIA AND MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY, VIRGINIA" PREPARED BY ARMSTRONG CIVIL, DATED FEBRUARY 21, 2024 AND SIGNED/SEALED 2024, PROJECT NO. 240055, AND CONSISTING OF TWO (2) SHEETS (THE "SURVEY").
-SHOWN ON MAP
- TERMS, CONDITIONS, COVENANTS, RESERVATIONS, AND EASEMENTS CONTAINED IN THE AGREEMENT DATED SEPTEMBER 10, 1948 AND RECORDED OCTOBER 3, 1948, IN DEED BOOK 58 AT PAGE 111; AND SHOWN ON THE SURVEY.
-SHOWN ON MAP
- TITLE TO AND RIGHTS OF ACCESS TO AND FROM THAT PORTION OF THE INSURED PREMISES SITUATED WITHIN THE BOUNDS OF THE CEMETERY AS SHOWN ON SURVEY RECORDED IN PLAT BOOK 8 AT PAGE 38; AND SHOWN ON THE SURVEY.
-SHOWN ON MAP
- TERMS, CONDITIONS, COVENANTS, RESERVATIONS, AND EASEMENTS CONTAINED IN THE AGREEMENT DATED AUGUST 24, 1948 AND RECORDED OCTOBER 3, 1948, IN DEED BOOK 58 AT PAGE 125; AND SHOWN ON THE SURVEY.
-SHOWN ON MAP
- CERTIFICATE NO. C13460, RECORDED JULY 19, 1967 IN DEED BOOK 86 AT PAGE 319, AND ORDER, RECORDED JULY 1, 1971 IN DEED BOOK 98 AT PAGE 316, EVIDENCES THE TAKING OF THE FOLLOWING; AND BEING SHOWN ON THE SURVEY:
A. EASEMENT TO BE CONVEYED TO VIRGINIA ELECTRIC AND POWER COMPANY FOR FACILITIES AND APPURTENANCES THERETO AS DETAILED THEREIN, PURSUANT TO SECTION 33.1-98, 1980 CODE OF VIRGINIA, AS AMENDED.
-ABOVE GROUND ELECTRIC DISTRIBUTION APPURTENANCES SHOWN ON MAP
- THE FOLLOWING MATTERS AS ARE SHOWN AND/OR NOTED ON THE SURVEY:
A. RIGHTS, IF ANY, OF THE PROPERTY OWNERS ABUTTING THE PONDS IN AND TO THE WATERS THEREOF AND IN AND TO THE BED THEREOF; ALSO BOATING AND FISHING RIGHTS OF PROPERTY OWNERS ABUTTING SAID PONDS OR THE STREAM OF WATER THERETO OR THEREFROM;
B. THE RIGHTS OF OTHERS TO THE FACILITIES, UTILITIES, AND EQUIPMENT AS EVIDENCED BY UTILITY POLES, TELEPHONE PEDESTALS, ELECTRIC TRANSFORMERS, OVERHEAD AND UNDERGROUND ELECTRIC, AND OVERHEAD TELEPHONE LINES LOCATED OUTSIDE OF RECORDED EASEMENT AREAS.
-PONDS AND ABOVE GROUND UTILITY APPURTENANCES SHOWN ON MAP

RECORD LEGAL DESCRIPTION:

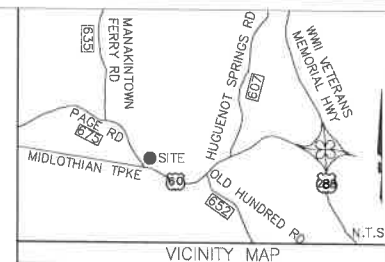
THE FOLLOWING DESCRIBED TRACTS OF LAND FORMERLY SITUATED IN POWHATAN COUNTY BUT NOW SITUATED PARTLY IN POWHATAN AND PARTLY IN CHESTERFIELD COUNTY BY FINAL DETERMINATION IN CASE NO. C.83-1564 STYLED COUNTY OF CHESTERFIELD, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, PETITIONER, AND COUNTY OF POWHATAN, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, RESPONDENT, AS EVIDENCED BY THE FOLLOWING INSTRUMENTS RECORDED IN THE CLERK'S OFFICE, CIRCUIT COURT, CHESTERFIELD COUNTY, VIRGINIA: AMENDED FINAL ORDER, RECORDED DECEMBER 9, 1996, IN DEED BOOK 2970, PAGE 397, ORDER, RECORDED MARCH 8, 1996, IN DEED BOOK 2970, PAGE 389, FINAL ORDER, RECORDED NOVEMBER 28, 1996, IN DEED BOOK 2970, PAGE 402 AND AS DEPICTED ON PLATS RECORDED, IN PLAT BOOK 92, PAGE 72 THROUGH 77.

TRACT I:
THAT CERTAIN TRACT OF LAND IN HUGUENOT DISTRICT, POWHATAN COUNTY, NORTH OF THE BUCKINGHAM ROAD, CONTAINING 87-1/2 ACRES, MORE OR LESS, AND BOUNDED ON THE WEST BY THE LAND FORMERLY OWNED BY ROSA MARTIN AND OTHERS, KNOWN AS "HIGH HILL" AND GEORGE SIGNOR, ON THE EAST BY THE LANDS OF WALSH'S ESTATE, AFTERWARDS OWNED BY R. A. JUSTIS, ON THE NORTH BY THE LANDS OF TURPIN'S ESTATE KNOWN AS "JABEZ WATKINS" TRACT, AND ON THE SOUTH BY THE LAND FORMERLY OWNED BY GEORGE SIGNOR AND LUTHER MOORE; THE METES AND BOUNDS OF WHICH TRACT OF LAND ARE MORE ACCURATELY AND FULLY SHOWN ON A PLAT THEREOF MADE BY D. F. LAPRADE JANUARY 13, 1905, RECORDED, IN THE CLERK'S OFFICE, POWHATAN COUNTY, PLAT BOOK 1, PAGE 88.

TRACT II:
ALL THOSE CERTAIN LOTS, PIECES, OR PARCELS OF LAND WITH ALL IMPROVEMENTS THEREON, DESIGNATED AS PARCELS A AND C CONTAINING 44.9 ACRES AS SHOWN ON PLAT OF SURVEY BY ROBT. N. BLANKENSHIP, III, C.L.S. DATED FEBRUARY 11, 1971, ENTITLED "PLAT OF THREE PARCELS SITUATED ON STATE ROUTE 671, HUGUENOT DISTRICT, POWHATAN CO., VA", A COPY OF WHICH PLAT IS ATTACHED TO AND MADE A PART OF THAT CERTAIN DEED, RECORDED FEBRUARY 16, 1971, IN THE CLERK'S OFFICE, CIRCUIT COURT, POWHATAN COUNTY, VIRGINIA, IN DEED BOOK 96, PAGE 468, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY HEREBY CONVEYED.

LESS AND EXCEPT THAT PORTION OF THE ABOVE-DESCRIBED PROPERTY TAKEN BY THE COUNTY OF POWHATAN BY CERTIFICATE NO. C13460 RECORDED JULY 19, 1967, IN DEED BOOK 86, PAGE 319, AND ORDER, ENTERED JUNE 30, 1971, RECORDED JULY 1, 1971, IN DEED BOOK 98, PAGE 316.

FURTHER BEING DESCRIBED AS FOLLOWS:
ALL THOSE CERTAIN LOTS, PIECES OR PARCEL OF LAND WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREON BELONGING, LYING, AND BEING IN HUGUENOT DISTRICT OF POWHATAN COUNTY, VIRGINIA AND MIDLOTHIAN DISTRICT OF CHESTERFIELD COUNTY, VIRGINIA, AND MORE PARTICULARLY SHOWN AS PARCELS A, B, C, D, AND E ON A PLAT OF SURVEY PREPARED BY BURRUSS LAND SURVEY, LLC, DATED JANUARY 21, 2014, AS MAY BE AMENDED, ENTITLED, "PLAT OF FIVE PARCELS OF LAND LYING IN THE HUGUENOT DISTRICT OF POWHATAN COUNTY AND IN THE MIDLOTHIAN DISTRICT OF CHESTERFIELD COUNTY, VIRGINIA", A COPY OF WHICH IS RECORDED JANUARY 27, 2014, IN THE CLERK'S OFFICE, CIRCUIT COURT, POWHATAN COUNTY, VIRGINIA, IN PLAT BOOK 221, SLIDE 44, AND IN THE CLERK'S OFFICE, CIRCUIT COURT, CHESTERFIELD COUNTY, VIRGINIA, IN PLAT BOOK 221, PAGE 86, TO WHICH PLATS REFERENCE IS HEREBY MADE FOR MORE PARTICULAR DESCRIPTIONS OF THE PROPERTY HEREBY CONVEYED.



ARMSTRONG
CIVIL
105 NORTH MAIN ST. GRETNA, VA 24627, 434-656-1061
ARMSTRONGCIVIL.COM
INFO@ARMSTRONGCIVIL.COM

REVISION 04-12-2024: TO REFLECT UPDATED TITLE COMMITMENT

SHEET 1 OF 2

DRAWN BY: MSG DATE: 02-21-2024 PROJECT #240055

PLAT SHOWING
ALTA/NSPS LAND TITLE SURVEY OF THE PROPERTY OF
NEW COUNTY LINE FARM, LLC.
HUGUENOT DISTRICT, POWHATAN COUNTY, VIRGINIA
AND
MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY, VIRGINIA

Summary of Neighborhood Meeting
1318 Page Road Rezoning
Meeting Date: April 18, 2024

A Neighborhood Meeting for the I-1 Rezoning request for 1318 Page Rd was held at 1355 Anderson Highway on April 18, 2024, from 6-7:30 PM. The meeting was conducted as an “Open House” and applicant provided information related to the application and proposed uses, and the community could ask questions.

Questions included:

1. The Page Road / Anderson Highway intersection is awful. What is going to be done to fix it?
2. When will the roadway improvements be made?
3. Why does VDOT want an R-CUT instead of a signal?
4. Did you do new traffic counts or just rely on the prior studies?
5. How much traffic will the new project create?
6. Will trucks go the other way on Page Road toward Walmart?
7. How will construction traffic be handled?
8. Will the buildings be leased?
9. How many companies will be created to serve the new data center?
10. How many buildings are proposed?
11. How large will the facility be?
12. Will it be visible from Anderson Highway?
13. What about noise?
14. Will the employees be there 24/7? In shifts?
15. How many employees will there be?
16. When will construction start?
17. How long will it take to build the project?
18. How much water will it use?
19. Where is the water coming from?
20. Can you extend sewer to my parcels in Chesterfield County adjacent to your property?
21. Where is the connection to the County's sewer system?
22. Where are you in the process?
23. What will take place on Land Bay 4?
24. What will be the prohibited land uses?
25. Why was “data center” chosen as the preferred use?
26. How do we know that you will plant the evergreen screening?
27. Wow – is that right about the property tax revenues?

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name Harold L. Ellis, III TR Telephone (804) 539-5536
Address 1318 Page Road, Midlothian, VA 23113
Name Christine W. Ellis, TR Telephone (804) 539-5536
Address 1318 Page Road, Midlothian, VA 23113
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____

being all of the owner(s) of the property described as County tax map numbers:

43-61, 43-64 and 43-64E

and authorized to take such action, do hereby make, constitute and appoint:
R. Robert Benaicha and Amari F. Wright (804) 771-9512 and (804) 771-9583

2. Name Jeffrey P. Geiger, any of whom may act Telephone (804) 771-9557
Address P. O. Box 500, Richmond, VA 23218

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, variance, appeal or any other zoning matter, and to set forth and offer such legally acceptable voluntarily proffered conditions (including any additions, amendments, modifications or deletions thereto), or any other agreements or representations that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. None

4. In witness whereof, I/we have hereto set my/our hand and seal

this 15th day of April 2024.

Signature(s)

Signature(s)

Signature(s)

Signature(s)

Witnessed
by:

Witnessed
by:

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

CUP Application



**County of Powhatan,
Virginia**
**Conditional Use Permit
Application**

For Office Use Only

Case Number

399-2024

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

Applicant Information

Name of Applicant	LC West, LLC, a Delaware limited liability company
Mailing Address	26 Corporate Plaza, Suite 260 Newport Beach, CA 92660
Phone Number	(949) 533-4800
Email Address	TRamm@ProvinceGroup.com

Owner Information

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

Name of Owner	New County Line Farm LLC
Mailing Address	1318 Page Road Midlothian, VA 23113
Phone Number	(804) 539-5536
Email Address	hellis@ppinfrastructure.com

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

Applicant Representative

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

Name of Representative	Jeffrey P. Geiger
Mailing Address	P.O. Box 500 Richmond, VA 23218
Phone Number	(804) 771-9557
Email Address	jgeiger@Hirschlerlaw.com

Parcel Information	
Tax Map Number	43-61, 43-64 and 43-64E
Physical Address	1318 Page Road Powhatan, VA 23113
General Description of Property Location	North east intersection of Anderson Highway and Page Road.
Election District	1 - Subletts/Manakin/Flat Rock
Total Acreage	119.9
Current Zoning	Agricultural - 10
Countywide Future Land Use: Land Use Designation	Economic Opportunity and Gateway Business
Proposed Use	
Proposed Use (Identify Use Listed in Zoning Ordinance)	A maximum height increase to 75 feet for the structure height of the principal, permitted use of a data center, and subject to a 100 foot building setback from the property's western parcel line that is shared with parcels containing existing dwellings.
Proposed Use: Detailed Description	Data centers are built with two stories with each story being taller than a typical story for operational efficiency and to accommodate the sophisticated building systems.
If this request is approved, will new structures be constructed?	Yes
Are there existing structures on the subject property?	Yes
Will the proposed use connect to public water and/or sewer?	Yes
Will the proposed use have direct access to a public road?	Yes

A conceptual plan that shows the general configuration of the proposed development, including land uses, building locations (existing and proposed), pedestrian and vehicular circulation, open space, and resource protection areas, should be submitted with the application. This plan should also include measurements on how far existing and proposed structures, parking areas, and other activities associated with the proposed use will be from property lines.

Proposed Use (Continued)	
Describe any impacts the proposed use may have on adjacent properties and the surrounding neighborhood (e.g. noise, glare, smells, traffic, etc.).	<p>In an age where data is the lifeblood of every industry, the demand for efficient and scalable data centers has never been greater. And, in Powhatan County a data center development will be an employment-generating use that supports local economic development goals by providing a new, significant, and positive commercial tax revenue. Two-story data centers with structure heights of 75 feet are crucial for optimizing operational efficiency and accommodating the sophisticated building systems required by these modern buildings. The proposed facility will be well shielded from view and any roof mounted equipment that exceeds the structure height shall be screened in accordance with Section 83-465. The project will have a 100-foot building setback line and an existing landscape buffer of tall, dense trees on the property lines will help to shield the buildings from view.</p> <p>There are no residences directly to the east of the property so no neighbors will be impacted; there is a vacant portion of a parcel (043-2-1) to the north of the subject property (this 11.7 ac parcel has a residence on the southwest portion of the L shaped parcel). This parcel is approximately 175 feet in width with existing dense vegetation north of the subject property that will provide an extra buffer in addition to the onsite buffer and setback proposed on the subject property, such that the neighbor located north of Parcel 043-2-1 should not be impacted by the height request.</p> <p>To the west of the subject property is a 30' strip of densely treed property which will help further shield the neighbors' view of the proposed project. With the on-site 50-foot landscape buffer proposed on the subject site and 100-foot building setback, the neighbors to the west should not be impacted. However, the Applicant has proposed a proffer to add evergreen/tree screening to enhance the screening between the existing residential structures and the property if needed. Lastly, the buildings will be located far from Page Road and Anderson Highway and significant existing tall trees shielding the view of the buildings from these public streets.</p> <p>By providing a mature-tree natural buffer and committing to a building setback of 100 feet, visual impacts to the neighbors and public road are minimized or eliminated.</p> <p>In summary, increasing the data center building's structure height to 75 feet offers a balanced approach to meeting operational needs while respecting the surrounding environment and neighbors. The request is condition on a 100' building setback and keeping a minimum 50' buffer of existing tall trees on the west property lines will minimize visibility from off-site locations.</p>

List of Adjacent Property Owners


Tax Map No.	Owner Name	Mailing Address
7057089389	C&CD3 Properties LLC	14506 Post Mill Drive Midlothian, VA 23113
7067081895 7067093700	Patricia T. Chafin, Pamela T. Edwards and Peggy O. Tucker	600 Country Line Road Midlothian, VA 23112
7067099844	Archibald C. Jr., and J.P. Frame	1200 Frameway Road Midlothian, VA 23113
7077092170	Huguenot Development LLC	1475 Oakbridge Ct. Powhatan, VA 23139
7077108031	HMG Investments LLC	1475 Oakbridge Ct. Powhatan, VA 23139
43-57	W.S. Carnes, Inc.	612 Huguenot Trail Midlothian, VA 23113
43-62	JMS Investments LLC	1475 Oakbridge Ct. Powhatan, VA 23139
43-36B	Prime Enterprise LLC	1300 Anderson Hwy. Powhatan, VA 23139
43-36 43-33A	Berk and Alp, LLC	14301 Justice Road Midlothian, VA 23113
43-39D	Fox Cleaning Service Inc.	P.O. Box 572 Midlothian, VA 23113
43-37	OCS Properties, LLC	1325 Page Road Powhatan, VA 23139

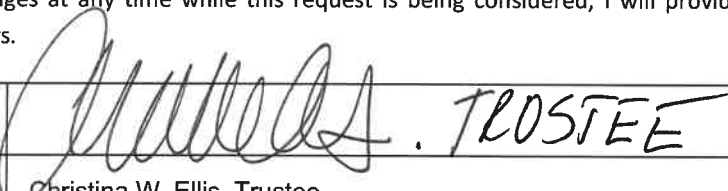

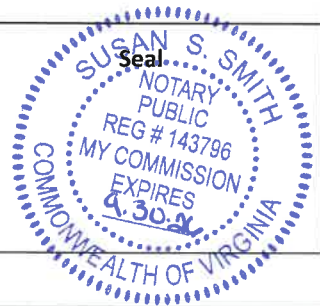
Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
43-39A	1331 Page Roads LLC	1719 Douthit Court Powhatan, VA 23139
43-63	Adana Investments LLC	1320 Page Road Midlothian, VA 23113
43-40	Dwayna A. Winegard et al	1338 Page Riad Midlothian, VA 23113
43-41	Cheryl L. Howie et al	1320 Page Road Midlothian, VA 23113
43-42C	Michael Louis Proffitt	1356 Page Road Midlothian, VA 23113
43-42B	Powers & Associates II LLC	P.O. Box 2139 Chesterfield, VA 23832
43-42A	Tyler John Lamond and Mega Andrich	1810 Stonehenge Farm Road Midlothian, VA 23113
43-2-1	Walter E. Higham et al	1820 Stonehenge Farm Road Midlothian, VA 23113
7057085453 7057088344	E.L. Belvins TR D.B. Belvin TR	17417 Midlothian Tpke Midlohan, VA 23113
7057086748	E.L. Belvins TR D.B. Belvin TR	17417 Midlothian Tpke Midlohan, VA 23113
7067094861 7057099107	New County Line Farm, LLC	1318 Page Road Powhatan, VA 23113

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

Statement of Validity of Information		
Every applicant shall sign the following document to substantiate the validity of submitted information.		
<p>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.</p> <p>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.</p>		
Signature of Applicant		
Name of Applicant (Printed)	Jeffrey P. Geiger	
Commonwealth of Virginia County of <u>Richmond</u> , to wit: <u>City</u> Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Jeffrey P. Geiger</u> , whose name is signed to the above, on this <u>22nd</u> day of <u>April</u> 20 <u>24</u> .		
Notary Public		Seal 
Commission Expires	9.30.26	
Notary Number	143796	

Ownership Disclosure		
<p>List below the names and addresses of <u>all</u> owners or parties in interest of the land subject to this request.</p> <p>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.</p>		
Name	Address	
New County Line Farm, LLC	1318 Page Road Midlothian, VA 23113	
Harold L. Ellis, III, Trustee Under Harold L. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113	
Christina W. Ellis, Trustee Under Christina W. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113	
<p>I, <u>Christina W. Ellis, Trustee</u>, 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 <u>43-61, 43-64, and 43-64E</u>.</p> <p>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.</p>		
Signature of Applicant		
Name of Applicant (Printed)	Christina W. Ellis, Trustee	
<p>Commonwealth of Virginia County of <u>City. Richmond</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Christina W. Ellis, Trustee</u>, whose name is signed to the above, on this <u>15th</u> day of <u>April</u> 20<u>24</u>.</p>		
Notary Public		
Commission Expires	9.30.24	
Notary Number	143796	

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
New County Line Farm, LLC	1318 Page Road Midlothian, VA 23113
Harold L. Ellis, III, Trustee Under Harold L. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113
Christina W. Ellis, Trustee Under Christina W. Ellis trust dated 6.22.2001	Holds 50% of New County Line Farm, LLC 1318 Page Road, Midlothian, VA 23113


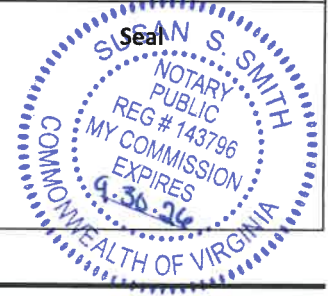
I, Harold L. Ellis, III, Trustee, do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting rezoning for Tax Map 43-61, 43-64, and 43-64E.

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)	Harold L. Ellis, III, Trustee

Commonwealth of Virginia
County of Augusta Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Harold L. Ellis, III, Trustee, whose name is signed to the above, on this 15th day of April 20 24.

Notary Public		
Commission Expires	<u>9.30.26</u>	
Notary Number	<u>143796</u>	

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, Christina W. Ellis, Trustee, am the owner of the property subject to this rezoning request and consent to the request submitted by LC West, LLC (Applicant) to rezone

Tax Map 43-61, 43-64 and 43-64E from Agricultural - 10 (Current Zoning District) to Light Industrial I-1 (Requested Zoning District).

Signature of Owner**Name of Owner (Printed)**Christina W. Ellis, Trustee

Commonwealth of Virginia

County of City-Richmond, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Christina W. Ellis, Trustee, whose name is signed to the above, on this 15th day of April 2024.

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

Recommended CUP Conditions:

- 1) Data center buildings and substation components not exceeding 75 feet in height may be constructed on the Property (Tax Map Parcels 43-64E, 43-61, and 43-64) within the areas of the Property labeled Land Bay 1, Land Bay 2, and Land Bay 3 as such land bays are generally depicted on the Conceptual Plan entitled “Page Road Conceptual Land Bay Plan” prepared by Dewberry, dated August 5, 2024, which Conceptual Plan is attached and incorporated into these CUP conditions as **Exhibit A**.
- 2) Properly screened rooftop mounted equipment including but not limited to HVAC equipment may be placed on top of data center buildings provided the screening and equipment does not exceed 90 feet in overall height (except for antennas).

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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, Harold L. Ellis, III, Trustee, am the owner of the property subject to this rezoning request and consent to the request submitted by LC West, LLC (Applicant) to rezone Tax Map 43-61, 43-64 and 43-64E from Agricultural - 10 (Current Zoning District) to Light Industrial I-1 (Requested Zoning District).

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

Harold L. Ellis, III, Trustee

Commonwealth of Virginia

County of City: Richmond, to wit:

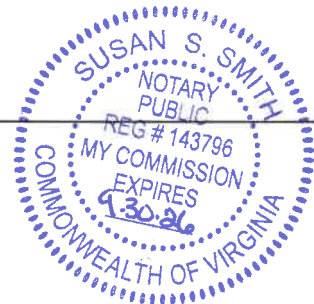
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Harold L. Ellis, III Trustee, whose name is signed to the above, on this 15th day of April 20 24.

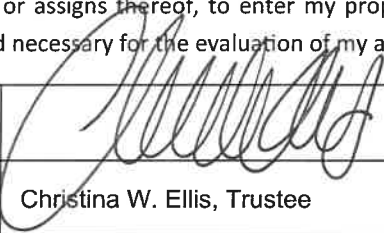
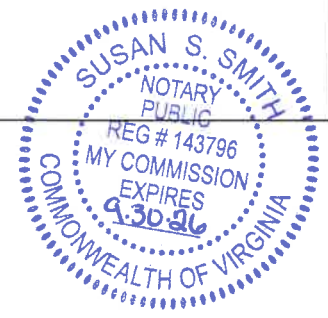
Notary Public**Commission Expires**

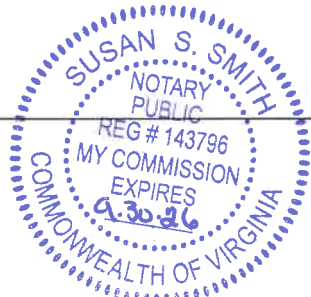
9.30.26

Notary Number

143796

Seal

Applicant's Permission for Inspection of Property		
<p>I, <u>Christina W. Ellis, Trustee</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.</p>		
Signature of Applicant	 TRUSTEE	
Name of Applicant (Printed)	Christina W. Ellis, Trustee	
<p>Commonwealth of Virginia County of <u>City of Richmond</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Christina W. Ellis, Trustee</u>, whose name is signed to the above, on this <u>15th</u> day of <u>April</u> 20<u>24</u>.</p>		
Notary Public	<u>Susan S. Smith</u>	Seal 
Commission Expires	<u>9.30.26</u>	
Notary Number	<u>143796</u>	

Applicant's Permission for Inspection of Property		
I, <u>Harold L. Ellis, III, Trustee</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.		
Signature of Applicant	<u>Harold L. Ellis, III, Trustee</u>	
Name of Applicant (Printed)	Harold L. Ellis, III, Trustee	
Commonwealth of Virginia County of <u>City of Richmond</u> , to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Harold L. Ellis, III, Trustee</u> , whose name is signed to the above, on this <u>15th</u> day of <u>April</u> , 20 <u>24</u> .		
Notary Public	<u>Susan S. Smith</u>	Seal 
Commission Expires	<u>9.30.26</u>	
Notary Number	<u>143796</u>	

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name Harold L. Ellis, III TR Telephone (804) 539-5536
Address 1318 Page Road, Midlothian, VA 23113
Name Christine W. Ellis, TR Telephone (804) 539-5536
Address 1318 Page Road, Midlothian, VA 23113
Name _____ Telephone _____
Address _____
Name _____ Telephone _____
Address _____

being all of the owner(s) of the property described as County tax map numbers:

43-61, 43-64 and 43-64E

and authorized to take such action, do hereby make, constitute and appoint:
R. Robert Benaicha and Amari F. Wright (804) 771-9512 and (804) 771-9583

2. Name Jeffrey P. Geiger, any of whom may act Telephone (804) 771-9557
Address P. O. Box 500, Richmond, VA 23218

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, variance, appeal or any other zoning matter, and to set forth and offer such legally acceptable voluntarily proffered conditions (including any additions, amendments, modifications or deletions thereto), or any other agreements or representations that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. None

4. In witness whereof, I/we have hereto set my/our hand and seal

this 15th day of April 2024.

Signature(s)

Signature(s)

Signature(s)

Signature(s)

Witnessed
by:

Witnessed
by:

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

Attachment 2

~~Attachment 1~~ - Dominion Energy "Will Serve"



April 15, 2023

Roxanne Salerno
Economic Development Manager
Powhatan County
3834 Old Buckingham Rd
Powhatan, VA 23139

RE: Ellis Property – Page Road, Powhatan VA

Dear Roxanne Salerno:

Dominion Energy eagerly anticipates serving the electric requirements of the Ellis Property site in Powhatan, Virginia. We embrace the positive impact this site will have on job creation and investment within Powhatan County and Central Virginia. Our unwavering commitment is to ensure the successful realization of projects at this significant location.

The timeframes below provide a high-level view into the intricate processes involved in maintaining and expanding our electrical infrastructure.

Distribution Line Upgrades:

- Duration: Approximately 18 months.

Existing Substation Expansion/Upgrade:

- Duration: Approximately three years.

New Substation/Transmission Line Construction:

- Duration: Approximately four years.
- Process: Site selection, design, SCC approval, and construction of a new substation.

The timeframes above could change based on currently unknown or unknowable information or circumstances. Any delays due to land conveyance, permitting, or supply chain can impact the target schedule.

Dominion Energy is fully committed to delivering affordable, reliable, and sustainable energy. As we navigate the challenges of infrastructure development, collaboration and innovation remain key. If you have any questions or need assistance, feel free to reach out and together, we can power a brighter future.

Sincerely,

Dominic Minor

Dominic Minor
Manager, Customer Service & Strategic Partnerships
Dominion Energy

Attachment 2 Trans. Related Correspondences

Bowman Memorandum

To: Mr. Mark Jacobson
Newport Equities, LLC

CC:

From: Daniela Valenzuela
Michael Young, P.E.

Date: 3/15/2024

Re: Powhatan County Data Center – Supplemental Assessment



Bowman Memo - March 15, 2024
VDOT Letter - April 10, 2024
Bowman Letter - May 14, 2024
VDOT Letter - May 24, 2024 (2 letters)
Bowman Letter - June 17, 2024
VDOT Letter - June 25, 2024

As requested, Bowman has prepared a supplemental assessment for the proposed Powhatan Data Center development to be located in Powhatan County, Virginia.

The purpose for this supplemental assessment is to update/verify that the results of the previously approved Ellis Farm Property Traffic Statement are valid with the proposed land use program (Powhatan Data Center development). This approach was discussed with Powhatan County and the Virginia Department of Transportation (VDOT) on February 14th, 2024.

Background Information

The proposed Data Center development is to be located at the northeast corner of the intersection of Page Road and Anderson Highway (US 60) in Powhatan County, Virginia. **Figure 1** depicts the site location.



Figure 1. Site Location

March 15, 2024

The proposed development consists of three (3) buildable areas with a cumulative size of up to 1,525,000 S.F. The conceptual plan for the proposed site is depicted in **Figure 2** and included in **Attachment A**.

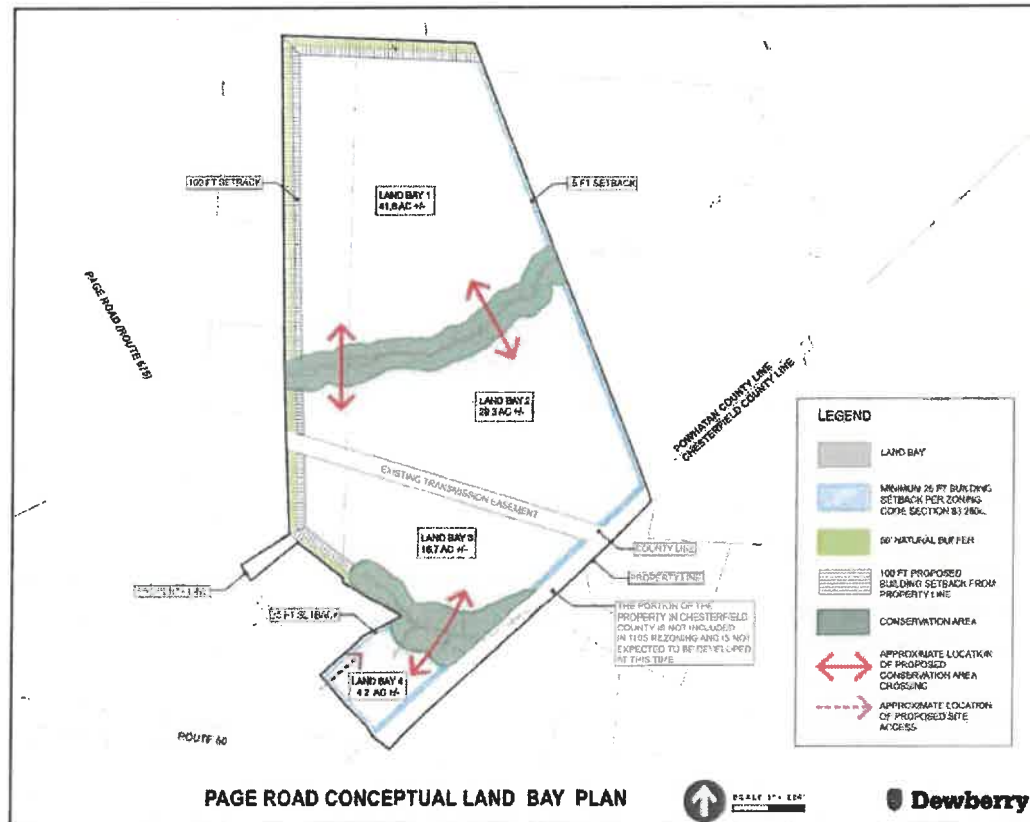


Figure 2. Conceptual Plan

Access to the site is expected to be provided via one (1) full-access driveway connecting to Page Road, located approximately 440 ft from the centerline of the intersection of Anderson Highway (US 60) and Page Road/County Line Road.

A mixed-use development named the "Ellis Farm Property" was originally planned for the site, and a Traffic Impact Analysis (TIA) was prepared for the development in January 2019, revised in June 2019, and later approved by Powhatan County and VDOT.

In July 2022, the proposed Ellis Farm Property development program was reduced to the following uses, excluding the northern 26.3 acres from the zoning case: 180 single-family dwelling units, 300,000 S.F. of general industrial, and a 6,000 S.F. restaurant building. To evaluate this reduced program, a Traffic Statement was submitted on July 29th, 2022, as an update to the previous Ellis Farm Property submittals. The Traffic Statement was approved by Powhatan County and VDOT.

The previous Ellis Farm Property submittals are included in **Attachment B**.

In response to the Ellis Farm Property Traffic Statement, VDOT recommended the following improvements in a review letter dated March 10, 2023:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

Since the proposed Powhatan Data Center land development program is different than the previously approved site, a coordination meeting was held with officials from VDOT and Powhatan County on February 14th, 2024, to determine the level of traffic analysis that would be required to evaluate the proposed Data Center development.

At the meeting, it was agreed that an updated evaluation at the Anderson Highway (US 60)/Page Road/County Line Road intersection should be prepared to examine the potential impact of the proposed Data Center's site traffic on this location. It was agreed that the evaluation would utilize updated traffic counts, and that the purpose of the analysis would be to determine if the existing intersection volumes and/or the new development program's site traffic would still justify the improvements previously approved by VDOT and Powhatan County in March 2023.

Existing Roadway Network

Anderson Highway (US 60) within the identified study area is a four-lane divided roadway, listed as a Principal Arterial on VDOT's Functional Classification Map. It has an east-west alignment and a posted speed limit of 55 mph. According to published VDOT traffic data, this section of Anderson Highway (US 60) currently carries an average of 36,000 vehicles per day.

Page Road within the identified study area is a two-lane undivided roadway, listed as a Major Collector on VDOT's Functional Classification Map. It has a north-south alignment and a posted speed limit of 35 mph. According to published VDOT traffic data, this section of Page Road currently carries an average of 1,200 vehicles per day.

County Line Road within the identified study area is a two-lane undivided and unmarked roadway, listed as a Local Road on VDOT's Functional Classification Map. It has a north-south alignment and a posted speed limit of 45 mph. According to published VDOT traffic data, this section of County Line Road currently carries an average of 710 vehicles per day.

Intersection of Anderson Highway (US 60) and Page Road/County Line Road

This intersection is currently a four-legged unsignalized intersection where Anderson Highway (US 60) has an east-west alignment and Page Road/County Line Road has a north-south alignment, as shown in **Figure 3**.



Figure 3. Aerial of Anderson Highway (US 60) and Page Road/County Line Road

The eastbound approach consists of one exclusive left turn lane, one through lane and one shared through/right turn lane. The westbound approach consists of one exclusive left turn lane, two through lanes, and one exclusive right turn lane. The northbound approach is stop-controlled and consists of one shared left turn/through/right turn lane. The southbound approach is stop-controlled and consists of one shared left turn/through lane and one exclusive right turn lane.

As shown in the aerial above, the intersection has recently been improved with updated striping and signage to clearly define a two-stage crossing for the side-street turning movements.

The updated striping and signage inform side-street vehicles who wish to make a left turn or a through movement to perform these maneuvers by first entering the median of the intersection, waiting until traffic clears, and then completing the movement. Based on the size of the median and as confirmed with field observations, two (2) vehicles in each direction can be accommodated within the available median storage.

Data Collection

Turning movement counts were collected during the morning (7:00 AM – 9:00 AM) and evening (4:00 PM – 6:00 PM) peak periods on Wednesday, February 21, 2024. Copies of the turning movement counts are included in **Attachment C**.

Study Parameters

The study parameters (growth rate factor, trip distribution, etc.) included in the original Ellis Farm Property submittals were utilized as the basis for the analysis contained in this assessment.

As noted above, it was agreed with VDOT and Powhatan County that this evaluation would examine the potential impact of the proposed Data Center's site traffic at the following intersection:

- Anderson Highway (US 60) and Page Road/County Line Road

It is anticipated that the proposed development will be constructed and fully operational by the year 2027. Therefore, the following scenarios were evaluated as part of this assessment:

- Existing Conditions (2024)
- Future Conditions (2027) without the proposed development (No Build)
- Future Conditions (2027) with the proposed development (Build)

Proposed Development Trip Generation

Bowman has prepared and developed a Data Center Trip Generation Assessment in coordination with the Virginia Department of Transportation's (VDOT) Fredericksburg District and Central Office, to determine the average weekday and peak hour trip generation rates for data center facilities based on historical data from fully operational sites located in the Commonwealth of Virginia.

As of March 2023, the assessment has been approved by both entities and is now the preferred trip generation data source for Data Center developments in the Commonwealth of Virginia. The Data Center Trip Generation Assessment is included in **Attachment D**.

The Data Center Trip Generation Methodology prepared by Bowman was used to determine the anticipated number of trips generated by the proposed land use. **Table 1** outlines the projected morning peak hour, evening peak hour, and daily trip generation for the proposed development.

Table 1. Site Trip Generation

Development ⁽¹⁾	Size	Units	Weekday AM Peak Hour			Weekday PM Peak Hour			Average Weekday		
			In	Out	Total	In	Out	Total	In	Out	Total
Data Center	1,525,000	SF	75	62	137	14	32	46	572	572	1,144

(1) Trips based on the 2023 Data Center Trip Generation Assessment prepared by Bowman

As shown in **Table 1**, the proposed development is expected to generate 137 total trips (75 in and 62 out) during the morning peak hour, 46 total trips (14 in and 32 out) during the evening peak hour, and 1,144 trips (572 in and 572 out) during an average weekday.

As noted above, the latest Traffic Statement for the previously planned Ellis Farm Property development was prepared to evaluate the anticipated impact associated with the development program of 180 single family dwelling units, 300,000 S.F. of general industrial, and a 6,000 S.F. restaurant building.

The proposed Powhatan Data Center development is expected to generate significantly fewer site trips than the Ellis Farm Property development, and **Table 2** below contains a trip generation comparison demonstrating the anticipated reduction.

Table 2. Trip Generation Comparison – Powhatan Data Center vs. Ellis Farm Property

Development	Weekday AM Peak Hour			Weekday PM Peak Hour			Average Weekday		
	In	Out	Total	In	Out	Total	In	Out	Total
Ellis Farm Property ⁽¹⁾	154	138	292	159	156	315	1,827	1,827	3,654
Powhatan County Data Center ⁽²⁾	75	62	137	14	32	46	572	572	1,144
Net Decrease	-79	-76	-155	-145	-124	-269	-1,255	-1,255	-2,510

(1) Trips extracted from the Ellis Farm Property Traffic Statement, dated July 29, 2022.

(2) Trips based on the 2023 Data Center Trip Generation Assessment prepared by Bowman

As shown in **Table 2**, the proposed Powhatan County Data Center development is projected to generate 155 fewer trips during the morning peak hour, 269 fewer trips during the evening peak hour, and 2,510 fewer trips during an average weekday. These figures equate to approximately 53% fewer trips during the morning peak hour, 85% fewer trips during the evening peak hour, and 69% fewer trips during an average weekday.

Traffic Forecast and Background Traffic

The 2024 Existing Peak Hour Traffic Volumes are depicted on **Exhibit 1** in **Attachment E**.

The background growth rate factor of 2.0% per year extracted from the previous Ellis Farm Property submittals was applied to project the 2024 traffic volumes three (3) years to develop the 2027 No Build Peak Hour Traffic Volumes, which are depicted on **Exhibit 2** in **Attachment E**.

The expected trip distribution for the proposed site was also extracted from the previous Ellis Farm Property submittals and is depicted on **Exhibit 3** in **Attachment E**. The projected site trips for the proposed Data Center were then applied to this distribution and are depicted on **Exhibit 4** in **Attachment E**.

Finally, the projected site trips were added to the 2027 No Build Traffic Volumes to develop the 2027 Build Peak Hour Traffic Volumes, which are depicted on **Exhibit 5** in **Attachment E**.

Auxiliary Turn Lane Warrant Analysis

The forecasted 2027 Build Conditions right turn volumes into the Proposed Site Driveway on Page Road were evaluated to determine the need for the installation of an exclusive turn lane to access the site.

The Virginia Department of Transportation's 2020 Road Design Manual, Appendix F was utilized as the basis of the auxiliary turn lane warrant evaluation.

Page Road and Proposed Site Driveway

The calculated Build Conditions volumes shown on **Exhibit 5** in **Attachment E** were evaluated to determine the need for a northbound right turn lane along Page Road into the Proposed Site Driveway.

Figure 4 has been extracted from the 2020 VDOT Road Design Manual, Appendix F (Figure 3-26). This figure outlines the traffic volumes required to satisfy a right turn lane warrant at an intersection on a two-lane roadway.

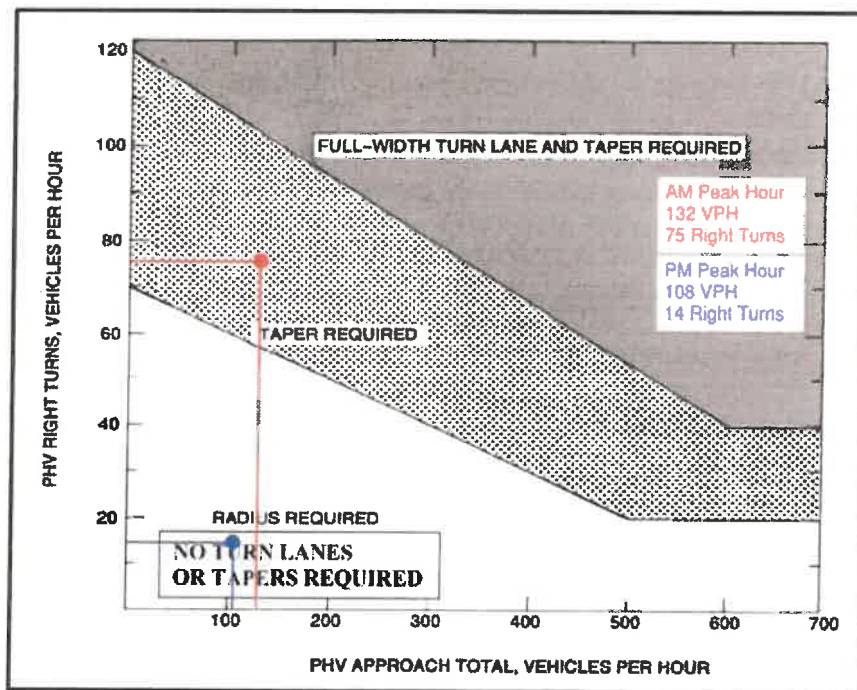


Figure 4. Northbound Right Turn Lane Warrant at Page Road and Proposed Site Driveway

As shown on **Figure 4**, the installation of only a northbound right turn taper is warranted at this location during the morning peak hour. Per VDOT's Road Design Manual, this right turn taper should have a length of 100 feet.

Capacity Analysis of 2024 Existing Conditions

A capacity analysis under the 2024 Existing Conditions was conducted for the intersection of Anderson Highway (US 60) and Page Road/County Line Road. The capacity analysis results are included in **Attachment F**.

Anderson Highway (US 60) and Page Road/County Line Road

Based on the results of the capacity analysis under existing conditions, there are existing capacity constraints at the intersection of Anderson Highway (US 60) and Page Road/County Line Road during both the morning and evening peak hours.

During the morning peak hour, the westbound left turn movement currently operates at a LOS E, while the northbound approach, southbound left turn/through movement, and southbound approach currently operate at a LOS F.

During the evening peak hour, the eastbound left turn movement, southbound left turn/through movement, and southbound approach also currently operate at a LOS F.

The queue results from SimTraffic do not appear to exceed the available storage for the auxiliary lanes. The capacity analysis results are summarized in **Table 4**.

Table 4. 2024 Existing Conditions Capacity Analysis - Anderson Highway (US 60) and Page Road/County Line Road

INTERSECTION				AM Peak Hour			PM Peak Hour		
				Conditions			Conditions		
Intersection #1: Anderson Highway (US 60) and Page Road/County Line Road (2024 Existing Conditions)	Approach	Movement	Storage (ft)	DELAY (s)	LOS	Maximum Queue (ft)*	DELAY (s)	LOS	Maximum Queue (ft)*
	EB	L	150	18.8	C	84	80.8	F	105
	WB	L	150	38.8	E	32	13.3	B	37
	NB	Approach	+1,000	93.8	F	39	24.5	C	140
	SB	LT	+1,000	88.9	F	126	1263.8	F	451
		R	170	12.5	B	70	23.3	C	157
		Approach	—	74.5	F	—	1100.6	F	—

*Extracted from SimTraffic simulation software

Capacity Analysis Comparison – Future 2027 No Build vs. Build Conditions

Capacity analyses were then conducted at the intersection of Anderson Highway (US 60) and Page Road/County Line Road for both the Future 2027 No Build and Build Conditions. The capacity analysis results are included in **Attachment G**.

Anderson Highway (US 60) and Page Road/County Line Road*Morning Peak Hour*

Based on the results of the capacity analysis during the morning peak hour, the intersection of Anderson Highway (US 60) and Page Road/County Line Road is projected to experience capacity constraints under both Future 2027 No Build and Build Conditions.

There are no projected changes to levels of service from Future 2027 No Build to Build Conditions.

The westbound left turn movement is projected to operate at a LOS E, while the northbound approach, southbound left turn/through movement, and southbound approach are projected to operate at a LOS F under both Future 2027 No Build and Build Conditions.

The projected delay for the southbound left turn/through movement is projected to increase by 236.2 seconds under Future 2027 Build Conditions, and the projected queue for this movement is projected to increase by 365 feet. The capacity analysis results are summarized in **Table 5**.

Table 5. 2027 AM Peak Hour Capacity Analysis - Anderson Highway (US 60) and Page Road/County Line Road

INTERSECTION				AM Peak (No Build)			AM Peak (Build)		
				Conditions			Conditions		
Intersection #1: Anderson Highway (US 60) and Page Road/County Line Road (2027 No Build Conditions vs. 2027 Build Conditions)	Approach	Movement	Storage (ft)	DELAY (s)	LOS	Maximum Queue (ft)*	DELAY (s)	LOS	Maximum Queue (ft)*
	EB	L	150	21.0	C	59	20.9	C	108
	WB	L	150	45.6	E	17	45.6	E	18
	NB	Approach	+1,000	128.3	F	38	166.6	F	47
	SB	LT	+1,000	138.9	F	208	373.1	F	573
		R	170	12.9	B	83	12.9	B	170
		Approach	--	113.1	F	--	295.7	F	--

*Extracted from SimTraffic simulation software

Evening Peak Hour

Based on the results of the capacity analysis during the evening peak hour, the intersection of Anderson Highway (US 60) and Page Road/County Line Road is projected to experience capacity constraints under both Future 2027 No Build and Build Conditions.

There are no projected changes to levels of service from Future 2027 No Build to Build Conditions.

The eastbound left turn movement, northbound approach, southbound left turn/through movement, and southbound approach are projected to operate at a LOS F under both Future 2027 No Build and Build Conditions.

The projected delay for the southbound left turn/through movement is projected to increase by 1,089.6 seconds under Future 2027 Build Conditions, and the projected queue for this movement is projected to increase by 418 feet. The capacity analysis results are summarized in **Table 6**.

Table 6. 2027 PM Peak Hour Capacity Analysis - Anderson Highway (US 60) and Page Road/County Line Road

INTERSECTION				PM Peak (No Build)			PM Peak (Build)		
				Conditions			Conditions		
				DELAY (S)	LOS	Maximum Queue (ft)*	DELAY (S)	LOS	Maximum Queue (ft)*
Intersection #1: Anderson Highway (US 60) and Page Road/County Line Road (2027 No Build Conditions vs. 2027 Build Conditions)	EB	L	150	116.9	F	112	123.4	F	128
	WB	L	150	14.0	B	25	14.0	B	28
	NB	Approach	+1,000	77.3	F	145	90.6	F	149
	SB	LT	+1,000	2457.9	F	586	3547.5	F	1,004
		R	170	25.5	D	170	25.8	D	170
		Approach	--	2127.6	F	--	2956.4	F	--

*Extracted from SimTraffic simulation software

Capacity Analysis Comparison Summary

The results of the capacity analysis above indicate that the intersection of Anderson Highway (US 60) and Page Road/County Line Road is projected to experience capacity constraints under both Future 2027 No Build and Build Conditions. Specifically, the northbound and southbound approaches are projected to operate under high levels of delay both with and without the proposed development.

The proposed Powhatan Data Center development is not expected to significantly impact this intersection, however, as the projected levels of service for all turning movements and approaches are not expected to change from Future 2027 No Build to Build Conditions.

The projected capacity constraints for the side-street approaches align with the results included in the previous Ellis Farm Property Traffic Statement. In response to these anticipated constraints, VDOT recommended the installation of the following two (2) improvements referenced earlier in this assessment:

- Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

March 15, 2024

Since the capacity analysis results included in this assessment indicate improved operations for the side-street approaches when compared to the results included in the previous Ellis Farm Property Traffic Statement, the recommendations previously approved by VDOT appear to remain sufficient to address the existing intersection deficiencies.

Summary and Conclusions

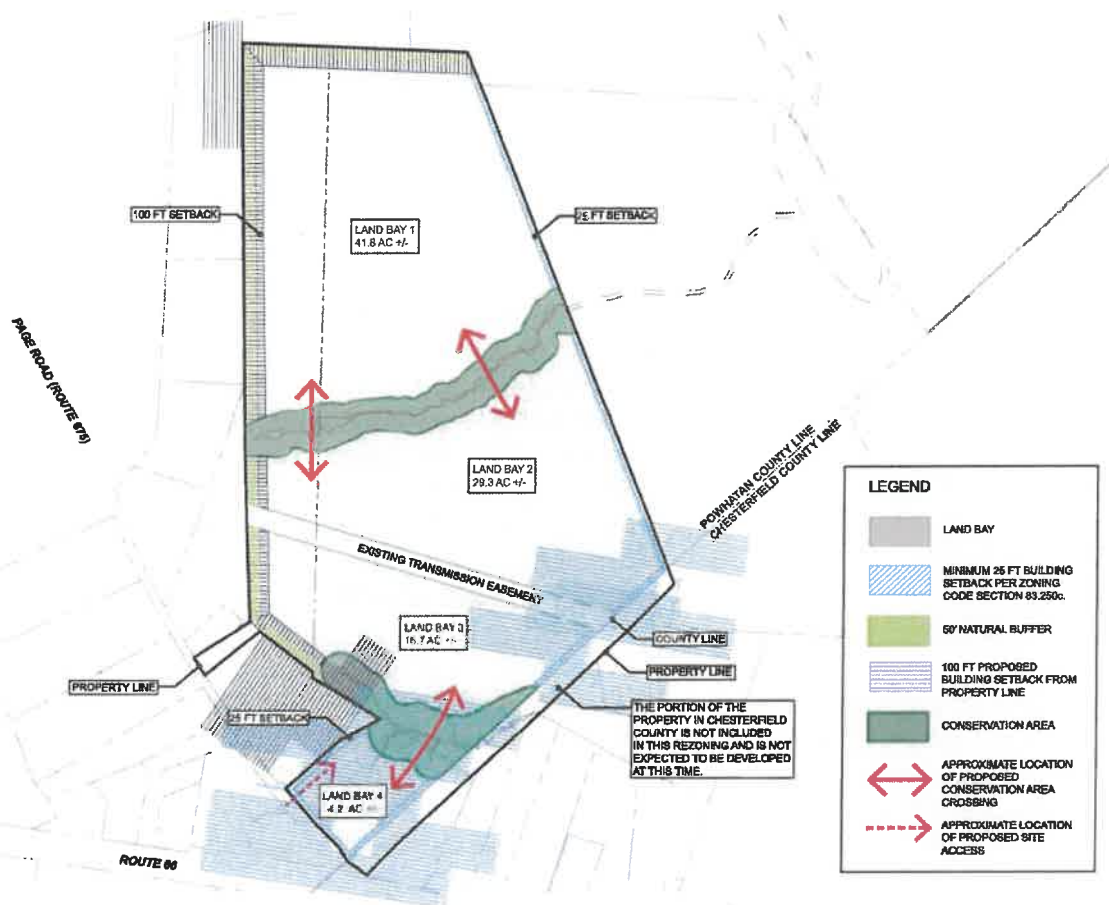
- The proposed Powhatan Data Center development consists of three (3) buildable areas with a cumulative size of up to 1,525,000 S.F. Access to the site is expected to be provided via one (1) full-access driveway connecting to Page Road.
- A mixed-use development named the “Ellis Farm Property” was originally planned for the site, and a TIA was prepared for the development in January 2019 and revised in June 2019.
- In July 2022, the proposed Ellis Farm Property development program was reduced to the following uses, excluding the northern 26.3 acres from the zoning case: 180 single-family dwelling units, 300,000 S.F. of general industrial, and a 6,000 S.F. restaurant building. A Traffic Statement was submitted on July 29th, 2022 to evaluate this reduced program, and was approved by Powhatan County and VDOT.
- In response to the Ellis Farm Property Traffic Statement, VDOT recommended the following improvements in a review letter dated March 10, 2023:
 - a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
 - b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.
- To determine the anticipated impact of the less-intense Powhatan Data Center development on the Anderson Highway (US 60)/Page Road/County Line Road intersection, a capacity analysis evaluation was performed at the intersection utilizing current traffic counts.
- The results of this evaluation align with those reported in the previous Ellis Farm Property submittals, as the updated capacity analysis results indicate that the intersection of Anderson Highway (US 60) and Page Road/County Line Road is projected to experience capacity constraints under Existing Conditions as well as Future 2027 No Build and Build Conditions.
- These constraints indicate that the March 2023 approved recommendations by VDOT and Powhatan County remain appropriate.

March 15, 2024

- The trip generation evaluation included in this assessment also indicates that the Powhatan Data Center development is expected to generate significantly fewer site trips (approximately 53% fewer during the AM peak hour, 85% fewer during the PM peak hour, and 69% fewer during an average weekday) than the Ellis Farm Property development program previously evaluated in the July 2022 Traffic Statement.
- Based on the capacity analysis results, the Powhatan Data Center development is not expected to significantly impact the operations of the adjacent Anderson Highway (US 60)/Page Road/County Line Road intersection, as the projected levels of service at the intersection are not expected to change from Future 2027 No Build to Build Conditions.
- Although the proposed Powhatan Data Center is projected to generate significantly fewer site trips than the Ellis Farm Property, and the capacity analysis results contained in this assessment do not indicate any projected changes to levels of service from Future 2027 No Build to Build Conditions, it is Bowman's professional opinion that the identified improvements included in VDOT's March 2023 review letter remain appropriate and would provide an overall benefit to the study area.
- To assist the County and VDOT with the existing deficiencies at the Anderson Highway (US 60)/Page Road/County Line Road intersection, it is recommended that the Applicant offer a "fair share" contribution towards the installation of the improvements identified earlier in this assessment. A proposed fair share calculation is included in **Attachment H**.
- Finally, it is also recommended that the Applicant install a 100-foot long northbound right turn taper at the Proposed Site Driveway on Page Road per the criteria included in VDOT's Road Design Manual.

ATTACHMENT A:
Conceptual Plan

PAGE ROAD CONCEPTUAL LAND BAY PLAN





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

RICHMOND DISTRICT

2430 Pine Forest Drive

COLONIAL HEIGHTS, VA 23834

www.VDOT.Virginia.gov

Stephen C. Brich, P.E.
COMMISSIONER

April 10, 2024

Mr. Ligon Webb
Planning Director, Powhatan County
3834 Old Buckingham Road, Suite E
Powhatan, VA 23139

REFERENCE: **Tax Map #043-61, #043-64 & #043-64E**
1380 Page Road- Located on the north side of State Route 675 (Page Road) near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the Chesterfield County line
Anderson Hwy. - Rt. 60 -Rural Principal Arterial, AADT - 31,000, Posted Speed - 55 MPH
Page Road - Rt. 675 - Rural Major Collector, AADT - 1,100 Posted Speed – 35 MPH
Date VDOT Received: 3/18/24

Dear Mr. Webb:

The Virginia Department of Transportation has reviewed the amended traffic study for parcels at TM #43-61, #43-64 and #43-64E to facilitate 1,525,000 SF of Data Center and accessory uses. The subject property is a combination of three parcels located on Page Road (Route 675), north of Anderson Highway (US Route 60), along the Powhatan/Chesterfield County line. The total acreage for development is approximately 92 acres with three land bays.

The applicant intends to develop the property for a master planned development consisting of three land bays for data centers, totaling 1,525,000 SF of Data Center use with associated uses such as offices. The 2021 Comprehensive Plan designates the subject properties as Economic Opportunity on the Countywide Land Use Map. Included was a preliminary concept plan for development, updated traffic counts, and traffic generation.

The conceptual plan includes one proposed street connections to Page Road. Proposed use provides less traffic generation and lower peak trips, once operational, than the previously approved zoning case. The level of service impacts from the proposed use are within the same service level when compared to the no build conditions; however, the build condition does

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provide longer delays. It should be noted that both have level service of F, which is the lowest level of service.

VDOT offers the following notes and comments based on the review of the provided Traffic Study Amendment and conceptual plan:

1. The Concept Plan includes one street connection to Page Road (Route 675). The proposed access appears to be located across from the existing commercial entrance for the existing gas and convenience store. This would create an unsignalized full crossover entrance (type 2). Since Page Road is a Major Collector Posted at 35 MPH, this would require 440' of separation from the adjacent entrance. At the scale provided, it is difficult to tell if the required spacing is obtained. If required spacing is not provided, the access would need to be changed to partial access or an Approved AM-E would be required to permit a full access entrance.
2. Internal Roads were not presented with this plan. Any interior roads were assumed to be private and are not reviewed with this traffic study.
3. Verify the buildout year. From discussions with developer and county, it is the Residency's understanding this development will take longer than the three years reported in this amendment for full buildout.
4. Please evaluate construction traffic and phasing to determine if there will be traffic impacts due to the construction and duration of construction for this project.
5. Left turn lane warrants for Page Road into the site were not provided; however, traffic from the north is expected to be low in comparison to right turn traffic from Route 60.
6. A Traffic Impact Analysis (TIA) report and a Signal Justification Report (SJR) was submitted with the previous rezoning request for the subject property in 2019 and in 2022, with both reports being accepted by VDOT. The approved SJR determined the ultimate intersection control at the intersection of Anderson Highway with Page Road / County Line Road will be a signalized Restricted Crossing U-turn (RCUT) intersection. The traffic study for the current amendment references the approved RCUT. Proposed site desires to pay into a fair share fund for the improvements.
7. While the no-build and build options for 2027 show the same level of service of F. The PM peak in the build option has nearly 60-minute queues for southbound left turns (from Page onto Route 60). This is nearly 50% greater than the no build option with queues almost double in length (586 ft to 1,004 ft). Please provide analysis of potential options to mitigate this impact such as providing the median u-turn along route 60. This could allow traffic to make a right-out and then make a u-turn to go east.

A Site Plan is required to be submitted by the developer and approved by Powhatan County for the subject development. VDOT recommends that a phasing plan be developed and submitted for review if the proposed development will be constructed in two or more phases. Additional comments for the development will be provided at time of site plan submission. Proposed

Route 60/Page Road Local Traffic Study (2024 Amendment)

April 10, 2024

Page 3 of 3

development is subject to all applicable VDOT regulations and standards. A VDOT Land Use Permit will be required for any work within the Right of Way and any proposed streets to be state maintained.

Sincerely,

Dustin Dunnagan, PE

Area Land Use Engineer

VDOT Richmond District – Chesterfield Residency

CC (Via E-mail)

Bret Schardein
Roxanne Salerno
Rebecca Worley
Jason Zhang
Michael Young

Powhatan County Administrator
Powhatan Economic Development Manager
VDOT Chesterfield Resident Engineer
VDOT Richmond District Traffic Engineering
Bowman



May 14, 2024

Mr. Ligon Webb
Planning Director
Powhatan County
3834 Old Buckingham Road
Suite E
Powhatan, VA 23139

RE: Tax Map #043-61, #043-64 & #043-64E
1380 Page Road- Located on the north side of State Route 675 (Page Road) near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the Chesterfield County line
Anderson Hwy. – Rt. 60 – Rural Principal Arterial, AADT – 31,000, Posted Speed – 55 MPH
Page Road – Rt. 675 – Rural Major Collector, AADT – 1,100, Posted Speed – 35 MPH
Date VDOT Received: 3/18/24

Dear Mr. Webb:

Bowman is in receipt of the Virginia Department of Transportation's review comment letter (dated April 10, 2024) for the proposed Powhatan County Data Center Supplemental Assessment in Powhatan County, VA. In order to facilitate the review, the Department's comments are in italic text and our responses are in normal text.

Comment 1: The Concept Plan includes one street connection to Page Road (Route 675). The proposed access appears to be located across from the existing commercial entrance for the existing gas and convenience store. This would create an unsignalized full crossover entrance (type 2). Since Page Road is a Major Collector Posted at 35 MPH, this would require 440' of separation from the adjacent entrance. At the scale provided, it is difficult to tell if the required spacing is obtained. If required spacing is not provided, the access would need to be changed to partial access or an Approved AM-E would be required to permit a full access entrance.

Response: The site access is proposed to be located across from the existing convenience store/gas station entrance, and as such, this location would be classified as a Type 2 entrance. There is currently **450'** of separation from the centerline of the proposed site access to the centerline of the Anderson Highway (US 60)/Page Road/County Line Road intersection, exceeding the 440' requirement.

Comment 2: Internal Roads were not presented with this plan. Any interior roads were assumed to be private and are not reviewed with this traffic study.

Response: Comment acknowledged, it is the Applicant's intent that the interior roads to the site will be paved and private.

947 Myers Street, Suite B, Richmond, Virginia 23230

P: 804.616.3240 | F: 804.270.2008

bowman.com

Comment 3: *Verify the buildout year. From discussions with developer and county, it is the Residency's understanding this development will take longer than the three years reported in this amendment for full buildout.*

Response: The development of the proposed site may take longer than three (3) years, and the proposed development may not be fully operational by year 2027.

However, please note that any change in the buildout year is not expected to materially impact the results and/or conclusions included in the supplemental assessment. The intersection of Anderson Highway (US 60) and Page Road/County Line Road currently fails under existing conditions, and is expected to continue to fail under both future No Build and Build Conditions.

Since these existing failures were observed in both the year 2024 and year 2027 analyses included in the supplemental assessment, material changes to the projected operations are not anticipated with the inclusion of additional background traffic growth.

Comment 4: *Please evaluate construction traffic and phasing to determine if there will be traffic impacts due to the construction and duration of construction for this project.*

Response: The Applicant provided the following narrative to Bowman, which describes the anticipated construction traffic operations throughout the development of the proposed site:

"The phased construction of the project (from site work through build-out of the last building) is anticipated to take approximately 60 months and there will be construction-related workforce traffic, and equipment and material deliveries. Traffic-generating construction activities related to the project will consist of the daily arrival and departure of construction workers to the site, and trucks hauling equipment and materials to the work site. The earthwork will balance so there are no soils imports or exports to and from the site.

During the construction of the buildings, we estimate that there will be up to 60 delivery / haul truck trips per day and up to 275 construction workers. Many of the construction worker trips will be expected to occur prior to the AM and PM peak hours, in accordance with typical construction schedules. To the extent feasible, it is anticipated that deliveries will occur throughout the day and will be scheduled for off-peak hours."

The building construction portion of the project is expected to consist of 275 workers and 60 deliveries per day, for a total of **670 anticipated daily trips** (275 entering workers + 275 exiting workers + 60 entering deliveries + 60 exiting deliveries).

The full buildout of the Powhatan Data Center that was evaluated in the supplemental assessment is projected to generate 1,144 daily trips. Since the maximum anticipated daily construction trips represent approx. 59% of the daily trips at full buildout, no additional impacts are expected as a result of the construction site traffic.

Furthermore, as noted in the construction traffic narrative, deliveries to and from the site are expected to occur throughout the day and will be scheduled for off-peak hours to the extent feasible.

Comment 5: Left turn lane warrants for Page Road into the site were not provided; however, traffic from the north is expected to be low in comparison to right turn traffic from Route 60.

Response: Due to the existing geometry and connectivity of the surrounding roadway network, it is anticipated that the majority, if not all, of trips to the site will originate from Anderson Highway (US 60). A left turn lane warrant analysis was not provided at this location since it is not expected that this movement will be heavily utilized, if at all.

Comment 6: A Traffic Impact Analysis (TIA) and a Signal Justification Report (SJR) was submitted with the previous rezoning request for the subject property in 2019 and in 2022, with both reports being accepted by VDOT. The approved SJR determined the ultimate intersection control at the intersection of Anderson Highway with Page Road / County Line Road will be a signalized Restricted Crossing U-turn (RCUT) intersection. The traffic study for the current amendment references the approved RCUT. Proposed site desires to pay into a fair share fund for the improvements.

Response: Correct, the traffic volume projections included in the Supplemental Assessment indicate that a fair share contribution of 38% should be provided by the Applicant towards the installation of the following improvements that were approved by VDOT as part of the previous rezoning request (Ellis Farm Property), even though the previous development program was projected to generate substantially more trips than the current application:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

Comment 7: While the no-build and build options for 2027 show the same level of service F. The PM peak in the build option has nearly 60-minute queues for southbound left turns (from Page onto Route 60). This is nearly 50% greater than the no build option with queues almost double in length (586 ft to 1,004 ft). Please provide analysis of potential options to mitigate this impact such as providing the median u-turn along route 60. This could allow traffic to make a right-out and then make a u-turn to go east.

Response: The southbound left turn/through movement and the southbound approach currently operate at a LOS F under Existing Conditions, and are expected to continue to

operate at a LOS F under both No Build and Build Conditions. To explore potential options to mitigate these existing deficiencies, a Signal Justification Report (SJR) was prepared for the intersection, which recommended the installation of a signalized Restricted Crossing U-Turn (RCUT).

Based on the analysis provided for the previous Ellis Farm Property submittal, VDOT recommended the following road improvements to mitigate the impact of the Ellis Farm Property's site traffic:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

As shown in the list above, the referenced median crossover which would facilitate U-turns along Anderson Highway (US 60) was included in VDOT's recommendations for the Ellis Farm Property. VDOT also noted that these improvements would serve as an initial step towards the ultimate signalized RCUT intersection control.

The proposed Powhatan Data Center development is expected to generate significantly fewer site trips (approx. 69% fewer daily trips) than the Ellis Farm Property development program that was previously evaluated at the time of the recommended VDOT improvements. Therefore, it is Bowman's professional opinion that the identified Ellis Farm Property improvements would also accommodate the proposed Powhatan Data Center's site traffic, while improving the side-street levels of service and queues at the Anderson Highway (US 60) and Page Road/County Line Road intersection.

As noted in Response #6 above, a fair share contribution of 38% should be provided by the Applicant towards the installation of the identified improvements.

Please let us know if you have any questions or require additional information. You can contact me at 804.616.3240.

Thank you very much for your assistance and support with this project.

Sincerely,

BOWMAN CONSULTING GROUP, LTD.



Michael J. Young, P.E.
Project Manager



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Stephen C. Brich, P.E.
COMMISSIONER

May 24, 2024

Ms. Charity Gold
Planner II
Planning & Commercial Development
3837 Old Buckingham Road
Powhatan, Virginia 23139

REFERENCE: **24-02-REZ LC West LLC**
(District #1: Subletts/Manakin/Flatrock)
Tax Map #043-61, #043-64 & #043-64E
1318 Page Road- Located on the north side of State Route 675 (Page Road)
near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the
Chesterfield County line
Anderson Hwy. – Rt. 60 – Rural Principal Arterial, AADT =34,593; 55 MPH
Page Road – Rt. 675 – Rural Major Collector, 35 MPH - AADT 1,207
County Line Road – Rt. 671 – Local, 45 MPH – 714 AADT
Date VDOT Received: 05/08/24

Dear Ms. Charity Gold,

The Virginia Department of Transportation has reviewed the requests the rezoning of the parcels submitted by the applicant, LC West LLC, requesting to rezone three contiguous parcels totaling 119.9-acres from Agriculture 10 (A10) to Light Industrial (I-1) to develop three data center buildings and supporting structures. In the I-1 district a data center is a permitted use. The proposed plan includes a total floor area of 1,525,000 square feet across the data center buildings, with approximately 24 acres of the site designated as undeveloped space. Submitted proffers include, but are not limited to, road improvements buffering, screening, lighting, building standards, and signage. The parcels are identified on Powhatan Couty's Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 contains an existing dwelling addressed as 1318 Page Road. The 2021 Comprehensive Plan designates the subject properties as Gateway Business and Economic Opportunity.

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The proposed total number of data center structures would be three (3) detached structures containing a combined floor area of 1,525,000 (1.525 million) square feet. The site would also contain additional supporting structures interior to the site.

The rezoning is for the property to transition from Agricultural-10 (A-10) to Light Industrial (I-1). The Minimum Spacing Standards for Commercial Entrances indicate the following for VDOT is 440 feet Centerline to Centerline for full access (Type II). It is unclear on the provided concept plan if this is met. If the required spacing cannot be met, then an access management exception per regulation is required. This is a separate process coordinated through the residency requiring district approval. Submission of an access management exception is not a guarantee of approval.

A Traffic and Access Supplemental Assessment was completed by Bowman Engineering on 3/15/2024. Bowman Engineering prepared and developed a Data Center Trip Generation on Assessment in coordination with the Virginia Department of Transportation's (VDOT) Fredericksburg District and Central Office, to determine the average weekday and peak hour trip generation on rates for data center facilities based on historical data from fully operational sites located in the Commonwealth of Virginia. As of May 2024, the assessment has been revised based on VDOT comments from April 2024 and is currently under review by VDOT.

The proposed development based upon Bowman's assessment is expected to generate 137 total trips (75 in and 62 out) during the morning peak hour, 46 total trips (14 in and 32 out) during the evening peak hour, and 1,144 trips (572 in and 572 out) during an average weekday.

VDOT has reviewed the "Page Road Conceptual Land Bay Plan" prepared by Dewberry, dated March 26, 2024 ("Conceptual Plan") and has the following comments:

- 1) Only One Access Point is shown on the conceptual Plan onto Page Road.
- 2) A Site Plan and Phasing Plan is required for review by VDOT and a Land Use Permit is required for any work within the ROW.
- 3) Turn Lane warrants are required and may result in a Full Turn Lane from Rt. 60 on Page Rd. (Include Traffic from the I-1 area parcels).
- 4) Access Management Exceptions may be required for the proposed entrances along Page Road.
- 5) Any work within Chesterfield County shall be reviewed and approved by Chesterfield County.
- 6) Proffer No. 10 Road Improvements.
 - a) Prior to the issuance of the first certificate of occupancy, the owner (or others) shall either:
 - (i) Pay to the County a dollar sum equal to the 38% fair share proportion of the cost of the improvements outlined in (ii) below and based on the VDOT approved March 2024 Bowman Supplemental Traffic Assessment Memo, which payment may be used for transportation improvements (as determined by the County), or

- (ii) make the following improvements at the intersection of Anderson Highway at Page Road:
- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
 - b. Install a directional median crossover on Anderson Highway approximately 700 - 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and a 200 foot long taper. *The median break to be reviewed and approved by the State Location and Design Engineer with consultation with District Traffic Engineering.*
- b) With construction of the commercial entrance onto Page Road, construct a 100 foot long taper, along north bound Page Road, into the Project entrance. *This shall be evaluated at time of site plan submission.*
- c) Dedication to the County or VDOT, as applicable, free and unrestricted, of any additional right-of-way easements required for construction of the Page Road taper into the property identified above. In the event the applicant (or others) elects to make the Anderson Road improvements and is unable to acquire, at a reasonable price, any "off-site" right-of-way that is necessary for the road improvements described in Section a. and b. above, the applicant may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be approved and borne by the applicant. In the event the County chooses not to assist the applicant in acquisition of the "off-site" right-of-way, the applicant shall be relieved of the obligation to acquire the "off-site" right-of-way or construct the Anderson Road improvements and instead make the required payment outlined in Section a(i) above.

Please note that VDOT has not approved the assessment from Bowman on March 2024 and revisions were received from Bowman by VDOT. Revisions are currently under review. VDOT expressed concern on the queues for Page Road and potential impacts along Route 60. In addition, VDOT asked for more information on construction phasing as interim phases during site development and operations can, at times generate greater traffic impacts than at full buildout.

- 7) Proffer No. 11 – Signage: All freestanding signs installed at the entrance onto Page Road, excluding directional signs, will be designed by the applicant thereof as monument signs with a masonry base. *Signs shall be outside of the Right-of-Way and meet clear zone requirements of Appendix B(1) of the VDOT Road Design Manual.*

Minimum Standards / Requirements:

24VA30-73 – Access Management Regulations

- All proposed commercial entrances and street intersections shall comply with the Virginia Access Management Regulations
- Applicant shall verify that all proposed access points meet the minimum spacing criteria as defined in Appendix F of the VDOT Road Design Manual.
- Applicant shall identify any proposed access points that do not comply with the

minimum spacing criteria. Any access point that does not comply with the minimum spacing criteria shall not be permitted by VDOT, unless VDOT grants an exception to the minimum spacing criteria. Note that commercial entrances are not permitted within the functional area of an intersection.

24VAC30-151 – Land Use Permit Regulations

- All proposed work within the right-of-way will require a Land Use Permit from VDOT prior to the commencement of work.

Recommendations / Policies:

Geometric Design Criteria - VDOT Road Design Manual

- All improvements to state-maintained roadways shall be in accordance with the applicable geometric criteria for the road classification and design speed, per VDOT Road Design Manual.

Bicycle and Pedestrian Accommodations – VDOT Road Design Manual

- All proposed bicycle and pedestrian accommodations within VDOT right-of-way shall be in accordance with the VDOT Complete Streets: Bicycle and Pedestrian Guidelines, per Appendix A(1) and Subdivision Street Design Guide Appendix B(1).

Commercial Entrance Design – VDOT Road Design Manual

- All commercial entrances shall be designed in accordance with the Commercial Entrance design criteria, per Appendix F.

Turn Lane Warrants – VDOT Road Design Manual

- Turn lane warrants shall be provided with the first site plan submittal for all proposed commercial entrances and street intersections, per Appendix F. The applicant will provide turn lanes for each turn lane that is warranted.

A Site Plan and Phasing Plan is required for review by VDOT and a Land Use Permit is required for any work within the ROW.

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

Please contact me, at (804) 674-2906, or Dustin Dunnagan at (804) 674-2384, should you have any questions or concerns regarding this project.

Sincerely,



Paul G. Bodie, P.E.,
Trans. Engr./Chesterfield Residency Land Use
Virginia Department of Transportation
804-674-2906

Paul.Bodie@VDOT.Virginia.gov

Cc: Bret Schardein Powhatan Co. Administrator
Ligon Webb Powhatan Co. Dir. of Planning
Sean Clendening Powhatan Co. Planner I
Jeffrey P. Geiger Hischler law



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
RICHMOND DISTRICT
2430 Pine Forest Drive
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Stephen C. Brich, P.E.
COMMISSIONER

May 24, 2024

Ms. Charity Gold
Planner II
Planning & Commercial Development
3837 Old Buckingham Road
Powhatan, Virginia 23139

REFERENCE: 24-03-CUP LC West LLC
(District #1: Subletts/Manakin/Flatrock)
Tax Map #043-61, #043-64 & #043-64E
1318 Page Road- Located on the north side of State Route 675 (Page Road)
near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the
Chesterfield County line
Anderson Hwy. – Rt. 60 –Rural Principal Arterial, AADT =34,593; 55 MPH
Page Road – Rt. 675 – Rural Major Collector, 35 MPH - AADT 1,207
County Line Road – Rt. 671 – Local, 45 MPH – 714 AADT
Date VDOT Received: 05/08/24

Dear Ms. Charity Gold,

The Virginia Department of Transportation Chesterfield Residency Land Use has reviewed the request submitted by LC West LLC for a conditional use permit (CUP) to exceed the 45-foot height limitation for principal data center structures. The proposed CUP would permit a height of 75 feet for these structures. The parcels are identified on Powhatan County's Tax Maps as 43-61, 43-64, and 43-64E; and TM 43-61 contains an existing dwelling addressed as 1318 Page Road. The 2021 Comprehensive Plan designates the subject properties as Gateway Business and Economic Opportunity.

The Conditional Use request appears to have minimal impact on VDOT maintained Rights-of-way. VDOT takes no exception to the request of LC West LLC for a conditional use permit.

Please contact me, at (804) 674-2906, or Dustin Dunnagan at (804) 674-2384, should you have any questions or concerns regarding this project.

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24-03-CUP LC West LLC

May 24, 2024

Page 2 of 2

Sincerely,



Paul G. Bodie, P.E..

Trans. Engr. I/Chesterfield Residency Land Use

Virginia Department of Transportation

804-674-2906

Paul.Bodie@VDOT.Virginia.gov

Cc:	Bret Schardein	Powhatan County Administrator
	Ligon Webb	Powhatan County Director of Planning
	Sean Clendening	Powhatan County Planner I/Code Enforcement
	Jeffrey P. Geiger	Hischler law



June 17, 2024

Mr. Ligon Webb
Planning Director
Powhatan County
3834 Old Buckingham Road
Suite E
Powhatan, VA 23139

RE: Tax Map #043-61, #043-64 & #043-64E
1318 Page Road- Located on the north side of State Route 675 (Page Road) near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the Chesterfield County line
Anderson Hwy. – Rt. 60 – Rural Principal Arterial, AADT – 31,000, Posted Speed – 55 MPH
Page Road – Rt. 675 – Rural Major Collector, AADT – 1,100, Posted Speed – 35 MPH
Date VDOT Received: 05/14/24

Dear Mr. Webb:

Bowman is in receipt of the Virginia Department of Transportation's (VDOT's) review comment letter (dated June 7, 2024) for the proposed Powhatan County Data Center Supplemental Assessment in Powhatan County, VA. As discussed during the 06/14/2024 coordination meeting with the County and VDOT, we are formally submitting our responses to document the agreed-upon approach for each outstanding comment.

In order to facilitate the review, the Department's comments are in italic text and our responses are in normal text.

General Notes/Summary

These comments were discussed thoroughly at a coordination meeting held on 06/14/2024 with representatives from VDOT, Powhatan County, Bowman, and the Applicant team. During that meeting, it was noted that the Applicant, in good faith, has agreed to fully install the following off-site improvements along Anderson Highway (US 60) that were previously identified and proposed as part of the "Ellis Farm Property" development.

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

The current Data Center proposal is expected to generate significantly fewer site trips than the previous Ellis Farm Property development program, and therefore, it was agreed that the previously identified improvements remain appropriate.

To secure the installation of these improvements prior to the proposed Data Center being active, the Applicant has agreed to commence this work prior to the time of issuance of a building permit for vertical construction.

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Previous/Outstanding Comments

Comment 1: 04/10/24 VDOT Comment: *The Concept Plan includes one street connection to Page Road (Route 675). The proposed access appears to be located across from the existing commercial entrance for the existing gas and convenience store. This would create an unsignalized full crossover entrance (type 2). Since Page Road is a Major Collector Posted at 35 MPH, this would require 440' of separation from the adjacent entrance. At the scale provided, it is difficult to tell if the required spacing is obtained. If required spacing is not provided, the access would need to be changed to partial access or an Approved AM-E would be required to permit a full access entrance.*

05/14/24 Bowman Response: The site access is proposed to be located across from the existing convenience store/gas station entrance, and as such, this location would be classified as a Type 2 entrance. There is currently **450'** of separation from the centerline of the proposed site access to the centerline of the Anderson Highway (US 60)/Page Road/County Line Road intersection, exceeding the 440' requirement.

06/07/24 Follow-Up VDOT Response: *450' would exceed the minimum and be acceptable. Please demonstrate on the site/construction plan when submitting to the county. In addition, please ensure the proposed entrance is outside of the functional area of the intersection per access management regulations.*

Response: Understood, the intersection spacing and functional area evaluation will be indicated as part of the site plan submittal.

Comment 2: 04/10/24 VDOT Comment: *Internal Roads were not presented with this plan. Any interior roads were assumed to be private and are not reviewed with this traffic study.*

05/14/24 Bowman Response: Comment acknowledged, it is the Applicant's intent that the interior roads to the site will be paved and private.

06/07/24 Follow-Up VDOT Response: *Understood.*

Response: Comment acknowledged.

Comment 3: 04/10/24 VDOT Comment: *Verify the buildout year. From discussions with developer and county, it is the Residency's understanding this development will take longer than the three years reported in this amendment for full buildout.*

05/14/24 Bowman Response: The development of the proposed site may take longer than three (3) years, and the proposed development may not be fully operational by year 2027.

However, please note that any change in the buildout year is not expected to materially impact the results and/or conclusions included in the supplemental assessment. The intersection of Anderson Highway (US 60) and Page Road/County Line Road currently fails under existing conditions, and is expected to continue to fail under both future No Build and Build Conditions.

Since these existing failures were observed in both the year 2024 and year 2027 analyses included in the supplemental assessment, material changes to the projected operations are not anticipated with the inclusion of additional background traffic growth.

06/07/24 Follow-Up VDOT Response: *While it may still fail, the extent of the failure may worsen under the actual buildout conditions. The analysis should be updated to reflect anticipated buildout years as accurately as feasible. In addition, based on the below, this will take roughly 5 years with this currently going through zoning, a buildout year of 2030 may be more appropriate.*

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

During that meeting, it was agreed that the previous Ellis Farm Property off-site improvements identified for Anderson Highway (US 60) remain appropriate, and VDOT/the County were also informed that the Applicant has agreed to fully install these improvements.

Since the current Data Center proposal is expected to generate significantly fewer site trips than the previous Ellis Farm Property development program (which previously evaluated these improvements), and the Applicant has agreed to commence the construction of the improvements prior to the time of issuance of a building permit for vertical construction, it was agreed that the additional analysis requested in Comment 3 is no longer required.

Comment 4: 04/10/24 VDOT Comment: *Please evaluate construction traffic and phasing to determine if there will be traffic impacts due to the construction and duration of construction for this project.*

05/14/24 Bowman Response: The Applicant provided the following narrative to Bowman, which describes the anticipated construction traffic operations throughout the development of the proposed site:

"The phased construction of the project (from site work through build-out of the last building) is anticipated to take approximately 60 months and there will be construction-related workforce traffic, and equipment and material deliveries. Traffic-generating construction activities related to the project will consist of the daily arrival and departure of construction workers to the site, and trucks hauling equipment and materials to the work site. The earthwork will balance so there are no soils imports or exports to and from the site.

During the construction of the buildings, we estimate that there will be up to 60 delivery / haul truck trips per day and up to 275 construction workers. Many of the construction worker trips will be expected to occur prior to the AM and PM peak hours, in accordance with typical construction schedules. To the extent feasible, it is anticipated that deliveries will occur throughout the day and will be scheduled for off-peak hours."

The building construction portion of the project is expected to consist of 275 workers and 60 deliveries per day, for a total of **670 anticipated daily trips** (275 entering workers + 275 exiting workers + 60 entering deliveries + 60 exiting deliveries).

The full buildout of the Powhatan Data Center that was evaluated in the supplemental assessment is projected to generate 1,144 daily trips. Since the maximum anticipated daily construction trips represent approx. 59% of the daily trips at full buildout, no additional impacts are expected as a result of the construction site traffic.

Furthermore, as noted in the construction traffic narrative, deliveries to and from the site are expected to occur throughout the day and will be scheduled for off-peak hours to the extent feasible.

06/07/24 Follow-Up VDOT Response: Please clarify if the estimated workers and deliveries provided are purely for building construction or if there is additional traffic generated by concurrent site work while the building is being constructed. In addition, clarify if the provided number is what is needed per building. Clarify if two buildings are completed and operational and the third being constructed, would the peak trips at that point be higher and how that would impact roadways.

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

The Applicant had originally committed to installing the previously discussed Anderson Highway (US 60) improvements prior to the issuance of the first certificate of occupancy for the site.

To address the Department's concerns regarding construction traffic, the Applicant agreed during the meeting to instead commence the installation of these improvements prior to the time of issuance of a building permit for vertical construction.

Comment 5: 04/10/24 VDOT Comment: Left turn lane warrants for Page Road into the site were not provided; however, traffic from the north is expected to be low in comparison to right turn traffic from Route 60.

05/14/24 Bowman Response: Due to the existing geometry and connectivity of the surrounding roadway network, it is anticipated that the majority, if not all, of trips to the site will originate from Anderson Highway (US 60). A left turn lane warrant analysis was not provided at this location since it is not expected that this movement will be heavily utilized, if at all.

06/07/24 Follow-Up VDOT Response: Understood, turn lane warrants will be required as part of plan submission.

Response: Comment acknowledged. Please note that it is not anticipated that a southbound left turn lane into the site will be warranted.

Comment 6: 04/10/24 VDOT Comment: *A Traffic Impact Analysis (TIA) and a Signal Justification Report (SJR) was submitted with the previous rezoning request for the subject property in 2019 and in 2022, with both reports being accepted by VDOT. The approved SJR determined the ultimate intersection control at the intersection of Anderson Highway with Page Road / County Line Road will be a signalized Restricted Crossing U-turn (RCUT) intersection. The traffic study for the current amendment references the approved RCUT. Proposed site desires to pay into a fair share fund for the improvements.*

05/14/24 Bowman Response: Correct, the traffic volume projections included in the Supplemental Assessment indicate that a fair share contribution of 38% should be provided by the Applicant towards the installation of the following improvements that were approved by VDOT as part of the previous rezoning request (Ellis Farm Property), even though the previous development program was projected to generate substantially more trips than the current application:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

06/07/24 Follow-Up VDOT Response: *The original supplemental assessment stated that "It was agreed that the evaluation would utilize updated traffic counts, and that the purpose of the analysis would be to determine if the existing intersection volumes and/or the new development program's site traffic would still justify the improvements previously approved by VDOT and Powhatan County in March 2023." It is still unclear which, if any, of the previously improved improvements are justified by the Data Center development.*

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

During that meeting, it was agreed that the previous Ellis Farm Property off-site improvements identified for Anderson Highway (US 60) remain appropriate, and VDOT/the County were also informed that the Applicant has agreed to fully install these improvements.

Comment 7: 04/10/24 VDOT Comment: *While the no-build and build options for 2027 show the same level of service F. The PM peak in the build option has nearly 60-minute queues for southbound left turns (from Page onto Route 60). This is nearly 50% greater than the no build option with queues almost double in length (586 ft to 1,004 ft). Please provide analysis of potential options to mitigate this impact such as providing the median u-turn along route 60. This could allow traffic to make a right-out and then make a u-turn to go east.*

05/14/24 Bowman Response: The southbound left turn/through movement and the southbound approach currently operate at a LOS F under Existing Conditions, and are

expected to continue to operate at a LOS F under both No Build and Build Conditions. To explore potential options to mitigate these existing deficiencies, a Signal Justification Report (SJR) was prepared for the intersection, which recommended the installation of a signalized Restricted Crossing U-Turn (RCUT).

Based on the analysis provided for the previous Ellis Farm Property submittal, VDOT recommended the following road improvements to mitigate the impact of the Ellis Farm Property's site traffic:

- a. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
- b. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and 200 foot long taper.

As shown in the list above, the referenced median crossover which would facilitate U-turns along Anderson Highway (US 60) was included in VDOT's recommendations for the Ellis Farm Property. VDOT also noted that these improvements would serve as an initial step towards the ultimate signalized RCUT intersection control.

The proposed Powhatan Data Center development is expected to generate significantly fewer site trips (approx. 69% fewer daily trips) than the Ellis Farm Property development program that was previously evaluated at the time of the recommended VDOT improvements. Therefore, it is Bowman's professional opinion that the identified Ellis Farm Property improvements would also accommodate the proposed Powhatan Data Center's site traffic, while improving the side-street levels of service and queues at the Anderson Highway (US 60) and Page Road/County Line Road intersection.

As noted in Response #6 above, a fair share contribution of 38% should be provided by the Applicant towards the installation of the identified improvements.

06/07/24 Follow-Up VDOT Response: It is unclear when these improvements will be designed, constructed, and installed and if they would be operational before site completion. This could lead to the site being either partially or fully operational for some time without the improvements to better the intersection. Please provide an analysis detailing when the improvements need to be implemented to help mitigate traffic issues along the corridor as part of the plan of development.

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

To address the Department's concerns regarding construction traffic, the Applicant agreed during the meeting that the commencement of construction of the previously discussed

Anderson Highway (US 60) improvements would occur prior to the time of issuance of a building permit for vertical construction.

This new approach will ensure that the improvements are in place prior to the site being open, and therefore, it was agreed that the additional analysis requested in Comment 7 is no longer required.

New Comments

Comment 1: Clarify if the SJR was updated or evaluated based on the new traffic numbers and if a sensitivity analysis was performed to evaluate at which stage the improvements would be needed.

Response: This comment was discussed at the 06/14/2024 coordination meeting referenced above.

During the meeting, it was agreed that an update to the Signal Justification Report (SJR) would not be required, as there is no traffic signal proposed by this Application at the intersection of Anderson Highway (US 60) and Page Road/County Line Road.

Please let us know if you have any questions or require additional information. You can contact me at 804.616.3240.

Thank you very much for your assistance and support with this project.

Sincerely,

BOWMAN CONSULTING GROUP, LTD.

A handwritten signature in blue ink, appearing to read "M. Young", with a long horizontal flourish extending to the right.

Michael J. Young, P.E.
Project Manager



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

RICHMOND DISTRICT

2430 Pine Forest Drive

COLONIAL HEIGHTS, VA 23834

www.VDOT.Virginia.gov

Stephen C. Brich, P.E.
COMMISSIONER

June 25, 2024

Mr. Ligon Webb
Planning Director, Powhatan County
3834 Old Buckingham Road, Suite E
Powhatan, VA 23139

REFERENCE: Tax Map #043-61, #043-64 & #043-64E
1380 Page Road- Located on the north side of State Route 675 (Page Road) near its intersection with U.S. Route 60 (Anderson Highway) adjacent to the Chesterfield County line.
Anderson Hwy. - Rt. 60 -Rural Principal Arterial, AADT - 31,000, Posted Speed - 55 MPH
Page Road - Rt. 675 - Rural Major Collector, AADT - 1,100 Posted Speed – 35 MPH
Date VDOT Received: 06/17/2024

Dear Mr. Webb:

The Virginia Department of Transportation has reviewed the amended traffic study for parcels at TM #43-61, #43-64 and #43-64E to facilitate 1,525,000 SF of Data Center and accessory uses. The subject property is a combination of three parcels located on Page Road (Route 675), north of Anderson Highway (US Route 60), along the Powhatan/Chesterfield County line. The total acreage for development is approximately 92 acres with three land bays.

The applicant intends to develop the property for a master planned development consisting of three land bays for data centers, totaling 1,525,000 SF of Data Center use with associated uses such as offices. The 2021 Comprehensive Plan designates the subject properties as Economic Opportunity on the Countywide Land Use Map. Included was a preliminary concept plan for development, updated traffic counts, and traffic generation.

Since the original zoning on the property from previous proposed developments by others, the proposed development no longer generates more than 5,000 trips a day formally required for a Chapter 527 review. This current traffic study has been reviewed as a local traffic study in support of an active zoning case on the subject property.

WE KEEP VIRGINIA MOVING

The Department has completed the review of the updated report and finds that the report generally conforms to the requirements for a local traffic study regarding the accuracy of the methodologies, assumptions, and conclusions presented in the study. Summarized below are key findings.

Proposed development:

The conceptual plan includes one proposed street connection to Page Road. Proposed use provided includes 1.5 million square feet of data center and associated structures. The proposed use generates fewer trips and lower peak trips, once operational, than the previously approved zoning case. The level of service impacts from the proposed use are within the same service level when compared to the no build conditions; however, the build condition does provide longer delays. It should be noted that both have level service of F, which is the lowest level of service.

Data Center – 1,525,000 SF – Weekday AM Peak Hour – 137 trips per day
Weekday PM Peak Hour – 46 trips per day
Average weekday – 1,144 trips per day

Study Area:

The analysis focused on the Anderson Highway (US 60) and Page Road/County Line Road intersection. This is consistent with previous studies for this intersection and parcels for development.

VDOT offers the following notes and comments based on the review of the provided Traffic Study Amendment and conceptual plan:

Traffic Analysis Categories:

The report expects a buildout date of 2027; however, discussions with developer indicates this may extend to 2029. With the significant amount of traffic on Route 60, the overall level of service is not expected to change between the two potential buildout years and should have no significant impact on the study. The overall impact is still lower than previously approved study for the property.

The buildout year was factored with a background 2% growth rate to determine future traffic along the corridor. This is consistent with previous studies.

Operational Analysis:

The analysis evaluated the performance of the intersection under existing 2024, no-build 2027, and build 2027 conditions and assigned a level of service (LOS) to each. The results of the operational analysis are summarized as follows:

Year	Approach	LOS AM Peak	LOS PM Peak
2024 Existing	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	B	C
2027 No Build	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	F	D
2027 Build	Eastbound	C	F
	Westbound	E	B
	Northbound	F	F
	Southbound – Left/Thru	F	F
	Southbound – Right	F	D

The results of the analysis indicate that Route 60 will experience significant traffic constraints in the both the build and no build conditions. The proposed data center is not expected to impact the overall performance of the intersection in terms of level of service; however, there is potential for longer delays and queues under the build condition.

Recommendations:

The report recommends that the following improvements be made as part of the development in order to help facilitate the construction of a full signalized restricted crossing u-turn (RCUT) in the future.

- Design and improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200-foot-long taper and 200-foot-long storage.
- Design and construct install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200-foot-long taper and 200-foot-long storage.

The applicant has offered for these improvements to occur prior to building permit for vertical construction to help address concerns with construction traffic creating a temporarily higher trip generation than the completed site. The Department supports this approach and the proposed improvements.

Since Route 60 is on the Arterial Preservation Network, any future signalization of the RCUT, when desired must be approved by VDOT Central Office.

A Site Plan is required to be submitted by the developer and approved by Powhatan County for the subject development. VDOT recommends that a phasing plan be developed and submitted

for review if the proposed development will be constructed in two or more phases. Additional comments for the development will be provided at time of site plan submission. Proposed development is subject to all applicable VDOT regulations and standards. A VDOT Land Use Permit will be required for any work within the Right of Way and any proposed streets to be state maintained.

The purpose of the traffic study and the summary findings is to assist the Planning Director, Planning Commission, and/or the Board of Supervisors in their decision-making process regarding the proposed development. The residency is available at your convenience to meet and discuss the traffic impact analysis report and the findings.

Sincerely,

Dustin Dunnagan, PE
Area Land Use Engineer
VDOT Richmond District – Chesterfield Residency

CC (Via E-mail)	Bret Schardein	Powhatan County Administrator
	Roxanne Salerno	Powhatan Economic Development Manager
	Rebecca Worley	VDOT Chesterfield Resident Engineer
	Jason Zhang	VDOT Richmond District Traffic Engineering
	Michael Young	Bowman

Attachment 4: Proffer Letter

6

Proffer Statement		
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. (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.)		
Proffer #1	See revised Proffers dated October 11, 2024	
Proffer #2		
Proffer #3		
Proffer #4		
Signature of Applicant		
Name of Applicant (Printed)	Jeffrey P. Geiger	
Commonwealth of Virginia County of <u>Richmond</u> , to wit: <u>City</u> Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Jeffrey P. Geiger</u> , whose name is signed to the above, on this <u>11th</u> day of <u>October</u> , 20 <u>24</u> .		
Notary Public	<u>Susan D. Smith</u>	
Commission Expires	<u>9.30.2026</u>	
Notary Number	<u>143796</u>	

CASE NO. #24-02-REZ: LC WEST, LLC
PROFFERED CONDITIONS
October 11, 2024

The property owner(s) and applicant (collectively, “owner”) in this rezoning case, pursuant to Section 15.2-2298 *et seq.* of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Powhatan County (the “Zoning Ordinance”), for themselves and their successors or assigns, proffer that the property under consideration, being Tax Map Numbers 043-64E, 043-61, and 043-64 (collectively, the “Property”) will be developed according to the following proffers (“Proffered Conditions”) if, and only if, (i) the Property is rezoned from Agricultural-10 to Light Industrial (I-1) with only those conditions proffered or agreed to by the owner (“Rezoning”) and (ii) the accompanying Conditional Use Permit request is approved by the Board of Supervisors (the “CUP”). In the event the Rezoning is denied or approved with conditions not agreed to by the owner or the CUP is not adopted concurrently with approval of the rezoning request submitted herewith, the Proffered Conditions shall immediately be null and void and of no further force or effect.

1. Conceptual Plan. The Property shall be developed as an industrial park in general conformance with the “Page Road Conceptual Land Bay Plan” prepared by Dewberry, dated September 16, 2024 (“Conceptual Plan”) attached as Exhibit A, subject to the requirements and adjustments permitted in the Proffered Conditions. The Conceptual Plan is conceptual in nature and may vary based on the final Site Plan depending on the final grading and soil studies, Resource Protection Area lines, entrance location(s), road design, buffer locations, building area dimensions, substation and switchyard area dimensions, parking area design and location, perimeter security fencing, guard and gate locations, division line locations for new parcels within the project, utility locations (including substations), VDOT requirements, BMP design and location, easements, approval requirements for state and federal agencies, and other design or engineering reasons. Any substantive changes that do not relate to the prior sentence shall be reviewed during the final Site Plan submission and substantive changes may be approved as presented, approved with modifications, or denied by the Director of Planning. If modified or denied, within seven (7) calendar days of the notice of modification or denial, the Director of Planning shall provide a letter, sent via e-mail or in writing, detailing specific reasons for final Site Plan modification or denial and outlining the necessary steps to be taken by the owner(s) necessary to gain approval and any modification or denial may be appealed to the Planning Commission. The Property may be subdivided into individual parcels in accordance with the Zoning Ordinance and the County’s subdivision ordinance. In the event of any conflict between information shown on the Conceptual Plan and these Proffered Conditions, these Proffered Conditions shall control.
2. Conservation Areas. The conservation areas shown on the Conceptual Plan are generally consistent with the Natural Conservation Land Use designation shown on the 2021 County Future Land Use Plan and as identified by the Powhatan County GIS Map Layer “Streams USGS NHD Intermittent and Perennial.” The required riparian buffers (as outlined in Section 83.471 of the County Zoning Ordinance) for these two streams and the wetlands

contiguous to these streams will be based on field locations and shown on the plans during final Site Plan review. Development within the conservation areas and associated riparian buffers will be limited to those listed in Sec 83-471 (5) "Allowable development within riparian buffers." Development impacts to other wetlands and streams that fall under the jurisdiction of the State of Virginia or the USACOE shall be permitted through the appropriate agencies prior to commencement of construction that includes the impacts.

3. Open Space. The owner will keep a minimum of twenty percent (20%) of the site in open space which shall include, but not be limited to, conservation areas, natural buffers and existing easements.
4. Plantings. Plants selected for the initial landscape plan submitted with the final Site Plan shall be native plants and, where possible, pollinating plants will be incorporated in the landscape plan where they meet landscape requirements.
5. Uses.
 - a. Initial Use. For the period of eighteen (18) months after the date of the Board of Supervisors acceptance of these Proffered Conditions (the "Initial Use Period"), the only uses permitted on the Property shall be a data center campus (including, without limitation, the uses set forth in item 6 below and other supporting or ancillary uses).
 - b. Other Uses. After expiration of the Initial Use Period, the permitted uses on the Property shall be (i) the data center campus use described in item a. above, and/or (ii) any other permitted uses so long as any one or more of such other permitted uses are integrated into a master planned industrial park on the Property.
 - c. Prohibited Uses. The following uses shall be prohibited on the Property:
 - i. Forestry and logging
 - ii. Newspaper or magazine publishing
 - iii. Radio or television broadcast studio
 - iv. Telecommunications facility collocated
 - v. Fire or EMS station
 - vi. Fire training facility
 - vii. Law enforcement facility
 - viii. Massage Clinic
 - ix. Helicopter landing facility
 - x. Surface transportation passenger station/terminal
 - xi. Marina commercial
 - xii. Auction facility
 - xiii. Automotive paint and body shop
 - xiv. Automotive wrecker service
 - xv. Parking lot or parking structure (as a principal use)
 - xvi. Taxi or limousine service facility
 - xvii. Heavy equipment sales, rental or storage

- xviii. Outdoor storage(as a principal use)
- xix. Truck or freight terminal
- xx. Distribution(with high truck traffic as a principal use)
- xxi. Convenience center, county
- xxii. Recycling drop of center
- xxiii. Shed sales, outdoors
- xxiv. Wood and stump recycling business

6. Permitted Supporting Uses. For clarity, the following supporting uses are also permitted on the Property: (i) buildings for support offices and security, (ii) buildings for maintenance and maintenance offices, (iii) all electric generation, distribution, switchyard, transmission and substation facilities (including solar facilities designed to serve the electricity or thermal needs of the data center buildings), (iv) energy, battery and fuel storage facilities, (v) office, general office and storage, (vi) logistics and maintenance facilities, (vii) water and sewer facilities, (viii) water treatment facilities, (ix) water storage and cooling facilities and associated water pumps and equipment, (x) communication, broadband, fiber optic utilities (xi) air handlers, cooling equipment and heat pumps, etc., and (xii) other private utilities, emergency generators, all utilities, and other uses that relate to the primary use(s) constructed on the Property.

7. Natural Buffer. In lieu of a Type C buffer, a natural buffer as follows (collectively, the "Natural Buffer"): (a) fifty feet (50') in width, shall be provided generally along the Property's northern and western boundary, in the location illustrated on the Conceptual Plan, to provide screening for the following off-site parcels of land identified by their Tax Map Number as of the date hereof: 043-2-1, 043-42A, 043-42B, 043-41, 043-63 (collectively, the "Adjacent Parcels"); and (b) fifty feet (50') in width along the County line located on the Property and along the east property line shared with Tax Map No. 043-62 and Tax Map No. 043-57 in the location illustrated on the Conceptual Plan. The Natural Buffer shall be included within any required building setback along the perimeter of the Property. The owner, to the extent reasonably possible for purposes of developing the Property, will preserve existing trees within the Natural Buffer. Dead or diseased trees may be removed. In the event the owner clears existing trees within the Natural Buffer, the owner agrees to install new planting materials (outside of any easement areas), consisting of one hundred percent (100%) evergreen plantings spaced in a manner required for successful plant growth as determined by the owner's landscape consultant and approved by the Planning Director. New plantings that fail to grow and/or die (brown in color) shall be replaced in accordance with Section 83-461(h)(i)(2)g. In the event the removal of dead or diseased trees creates a gap in the Natural Buffer, the gap shall be replanted in accordance with the plantings and spacing required by Type C Opaque Buffer, unless different plantings and spacing are required for successful plant growth as determined by the owner's landscape consultant and approved by the Planning Director.

8. Screening. The owner shall plant a row of evergreen (or similar) trees (minimum height of 5' at time of planting), or install an alternative screening technique (such as fencing), as approved by the Planning Director, where needed to enhance the screening between an existing residential structure on an Adjacent Parcel and a building, substation, switchyard

and/or battery storage system constructed adjacent to such Adjacent Parcel as mutually agreed by the owner and the Planning Director; provided, however, that the foregoing shall not limit the ability of the owner to install utilities, fencing and other items within the area to be planted with evergreen trees and/or shrubs or install alternative screening. In the event screening trees are removed due to death or disease, owner shall replace such dead or diseased trees with evergreens a minimum of 5' in height at time of planting.

9. Lighting. All exterior lighting fixtures, including pole-mounted exterior lighting and building-mounted exterior lighting, shall be shielded to reduce light pollution. Lighting that is exempt from these requirements includes, entrance signage, temporary lighting and lighting provided for emergency or safety and security purposes as required by: the Building Code, Electrical Code, or otherwise within the State and County Code. The uplighting of buildings is prohibited. This condition is intended to enhance, not diminish, the County's "dark sky" ordinance requirements in Section 83-469. In the event of any conflict, the requirements in Section 83-469 shall control.
10. Building Setback. Buildings shall be setback from the property lines as shown on Exhibit A; provided, however, this setback shall be reduced by the width of any dedicated Future Access (defined below).
11. Building Standards.
 - a. In all instances, the data center buildings, and any energy storage standalone structures, on the Property will be constructed in compliance with applicable codes, including the applicable provisions of the Virginia Uniform Statewide Building Code in effect at the time of building permit application.
 - b. Acceptable siding materials for buildings include brick, brick veneer, stone, stone veneer, stucco, concrete, E.I.F.S., cultured stone, other masonry materials, fiber cement siding (such as HardiPlank, HardieShingle, and HardieTrim), or engineered wood siding (such as LP SmartSide) and other masonry materials or a combination of the foregoing materials. Dutch lap, plywood, vinyl and metal siding are not permitted. Other materials may be used for parapets, roof or equipment screening (including but not limited to metal louvers), cornices, surrounds, trim, awnings, architectural decorations, and design elements. Roofing material for a sloped roof shall be standing seam metal, dimensional architectural shingles or similar, unless a different material is approved by the Planning Director at the time of plan review (however, flat roofs are exempt from this requirement). This subsection shall only apply to the data center buildings and not other supporting uses.
 - c. Pedestrian walkways at least five feet in width will be provided through parking areas to provide connections from parking lots to the primary building entrance, with such walkways separated from parking spaces and drive aisles by curbing and/or landscaping.

- d. Any secondary building entrance(s), if required, shall be connected by a pedestrian walkway to building parking.
 - e. Buildings shall use one or more neutral colors (such as taupe, tan, brown, beige, ivory, cream, white, black, grey or similar) with accent colors to complement the dominant building color.
 - f. Above-ground mechanical equipment will be screened from view from adjacent public streets and residential dwellings where feasible with landscaping as determined in the landscape plan submitted by the owner with the final Site Plan unless an alternative screening method is approved by the Planning Director at the time of final Site Plan review.
 - g. Any mechanical units placed on the rooftops of buildings shall, to the extent feasible, be screened from view from adjacent public streets and residential dwellings by architectural features which are compatible with building architecture.
 - h. In lieu of the Light Industrial (I-1) parking requirements, a data center campus shall be parked as follows: one parking space for each employee working on the shift with the largest number of employees. Additionally, one loading space and two ADA accessible spaces shall be required at each data center building.
 - i. The maximum lot coverage for the Property will not exceed fifty percent (50%), but individual development sites or phases may exceed fifty percent (50%).
12. Road Improvements. The following road improvements shall be completed (or paid for) by the owner or by others:
- a. Prior to the commencement of vertical construction, the owner (or others) shall:
 - i. Complete construction of the following “offsite” improvements near the intersection of Anderson Highway at Page Road:
 - 1. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
 - 2. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and a 200 foot long taper.
 - b. Prior to the commencement of vertical construction, complete construction of a 100 ft long turn lane and a 100 foot long taper, along north bound Page Road on

the Property's frontage, into the project entrance.

Any significant modification to the alignment, design and length specified above for the road improvements shall be approved by VDOT. If any of the road improvements identified above are completed by others, then the specific road improvement or related payment shall no longer be required of the owner. The timing for the construction of road improvements or payments may be adjusted by a phasing plan proposed by the owner and approved by the Planning Director at the time of site plan review.

Owner will attempt to acquire any "off-site" right-of-way (including any temporary construction easements) that is necessary for the road improvements described above (the "Required ROW"). If owner notifies the County that such attempts were unsuccessful, then the owner shall request, in writing, that the County or VDOT acquire the Required ROW as a road project. In the event the County or VDOT chooses not to acquire the Required ROW or is unable to acquire the Required ROW by the issuance of the site work disturbance permit, the owner shall be relieved of the obligations under section 12.a.i. above and shall instead pay to the County the sum of Two Million Dollars (\$2,000,000) concurrent with the issuance of the first building permit for vertical construction.

13. Construction Clean Up. The owner shall require (i) the placement of heavy equipment wash stations at the exit of the site and (ii) the removal of mud and debris tracked onto the internal roads during facility construction.
14. Noise. Noise levels at the Property's property line, as such line existed on the date the Board of Supervisors accepted these Proffered Conditions, during normal operations will not exceed an average noise level (Leq) of 70 decibels (dBA) between the hours of 7 AM to 10 PM weekdays and between 9 AM to 10 PM on weekends and legal holidays and will not exceed an average noise level (Leq) of 65 decibels (dBA) at the Property's property line between the hours of 10 PM to 7 AM weekdays, weekends and legal holidays. Measurements for compliance with these requirements shall be conducted 5' above the property line for a period of 20 minutes with a Class 1 Sound Level Meter per ANSI S1.4:2014. Emergency operations and the testing of emergency equipment shall not be subject to the foregoing limitations and the term "emergency" shall mean any situation arising from sudden or reasonably unforeseen events beyond the control of the facility, which situation requires the use of emergency generators.

At completion of construction, owner shall retain an acoustic engineer to take field measurements to verify compliance with the sound level proffer. If the measurements exceed the sound levels, sound attenuation measures shall be promptly performed, and the sound levels shall again be field measured to verify compliance with this proffer #14.

15. Signage. All freestanding signs installed at the entrance onto Page Road, excluding directional signs, will be designed by the owner thereof as monument signs with a masonry base and shall comply with the sign requirements in the Zoning Ordinance.

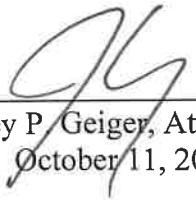
16. Noise Reduction. Each external emergency generator shall only be tested during the hours of 8 AM to 5 PM, Monday through Friday for no longer than thirty (30) minutes each, unless a longer time requirement is required by any federal, state, local or manufacturer's requirements for testing of emergency generators. In addition, to help attenuate noise, each external emergency generator shall have a manufacturer provided enclosure.
17. Construction Access. The owner shall require all contractors to direct their heavy-duty construction trucks (such as dump trucks) to access the Property via the Anderson Highway and Page Road intersection so that these trucks do not enter the site from eastbound Page Road and do not leave the site using westbound Page Road. This requirement shall be placed in all construction contracts.
18. Construction Hours. The hours of exterior construction on the Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours, or utility connections. No exterior construction shall occur on Sunday. All clearing, grading and construction contracts will contain these provisions.
19. Alternate Uses. Prior to the commencement of any use on the Property for other than a data center campus, and provided that such alternate use generates traffic trips in excess of the projected traffic set forth in the March 15, 2024 Supplemental Traffic Assessment, the owner shall submit an updated traffic study completed in accordance with VDOT requirements at the time of site plan submission or site plan amendment submission. The approved site plan or approved site plan amendment shall include the road improvements recommended in such updated traffic study and approved by VDOT.
20. Internal Roads. Internal roads shall be hard surfaces (e.g. asphalt) and privately owned and maintained.
21. Height. In lieu of the height requirements applicable to the Light Industrial (L-1) district, the exceptions to the maximum structure height shall be as set forth in CUP 24-03-CUP: LC West, LLC.
22. Access. In full satisfaction of any applicable access and inter-parcel connection requirements, including but not limited to Section 68-175 of the Powhatan County Code, an inter-parcel connection shall be provided for a fifty (50) foot wide portion of the Property for a future roadway (which may be located in a Natural Buffer on the south and east side of the Property), to provide access from Page Road to Tax Parcel 043-57 and Tax Parcel 043-62 (the "Eastern Access"). At the Owner's discretion, Owner may adjust the location of the Eastern Access so long as the Eastern Access ties into Owner's road at a location to be determined by Owner and which Owner's road connects to Page Road at the entrance location generally shown on the Conceptual Plan. To the extent the Eastern Access is located within a Natural Buffer, including any conservation area within the buffer, the width of the applicable Natural Buffer shall be reduced by the width of the

portion of the Eastern Access located within the applicable Natural Buffer. The Eastern Access shall be provided within sixty (60) days after the later to occur of: i) the Board of Supervisors approves the re-zoning of Tax Parcel 043-57 or Tax Parcel 043-62 to a commercial or industrial zoning district, ii) thirty (30) months after the date upon which the Board of Supervisors approves the rezoning case #24-02-REZ: LC West, LLC, and (iii) the completion of construction of the first phase of the Owner's road from Page Road through Land Bay 4. The Owner shall have no obligation to plat, design, permit, construct, maintain or otherwise pay for any aspect of the Eastern Access. The maximum lot coverage calculation, the open space calculation, and any other development standard shall be applied to the Property on the basis of the property lines and square footage of the Property at the time the Board of Supervisors accepted these Proffered Conditions.

[REMAINDER LEFT BLANK INTENTIONALLY; SIGNATURE PAGE FOLLOWS]

[PROFFER CONDITIONS SIGNATURE PAGE]

New County Line Farm, LLC

By: 
Jeffrey P. Geiger, Attorney-in-Fact
Date: October 11, 2024

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Per the submitted proffers, below is a list of allowable permitted/by-right uses and prohibited permitted/by-right uses if the subject site is rezoned to Light Industrial.

Permitted Uses

1. Data Center
2. Greenhouse, nursery, and floriculture production
3. Vocational or trade school
4. Government maintenance, storage, or distribution facility
5. Medical or dental clinic
6. Medical or dental lab
7. Park or greenway
8. Utility use, major
9. Utility use, minor
10. Animal grooming
11. Veterinary clinic
12. Conference or training center
13. Brewpub
14. Restaurant without drive-through service
15. Specialty eating or drinking establishment
16. Contractor's office
17. Professional offices
18. Recreation facility, commercial indoor
19. Recreation facility, commercial outdoor
20. Recreation facility, nonprofit
21. Recreation facility, public
22. Convenience store
23. Lawn care, pool, or pest control service
24. Self-service storage facility
25. Automotive repair and servicing
26. Gas station
27. Tire sales and mounting
28. Commercial landscape operation

29. Educational, scientific, or industrial research and development
30. Commercial industrial services
31. General industrial services
32. Heavy equipment repair and servicing
33. Metal-working, welding, pipe fitting, or woodworking
34. Moving and storage establishment
35. Printing or other similar reproduction facility
36. Woodworking
37. Bottling plant
38. Brewery or distillery
39. Manufacturing, assembly, or fabrication, light
40. Artisan food and beverage production
41. Micro-brewery or micro-distillery
42. Winery
43. Warehouse or storage*
44. Wholesale trade establishment
45. Contractor's storage yard

Prohibited Uses. The following uses shall be prohibited on the Property:

- a. Forestry and logging
- b. Newspaper or magazine publishing
- c. Radio or television broadcast studio
- d. Telecommunications facility, collocated
- e. Fire or EMS station
- f. Fire training facility
- g. Law enforcement facility
- h. Massage clinic
- i. Helicopter landing facility
- j. Surface transportation passenger station/terminal
- k. Marina, commercial
- l. Auction facility
- m. Automotive painting or body shop
- n. Automotive wrecker service
- o. Parking lot or parking structure (as a principal use)
- p. Taxi or limousine service facility
- q. Heavy equipment sales, rental, or storage

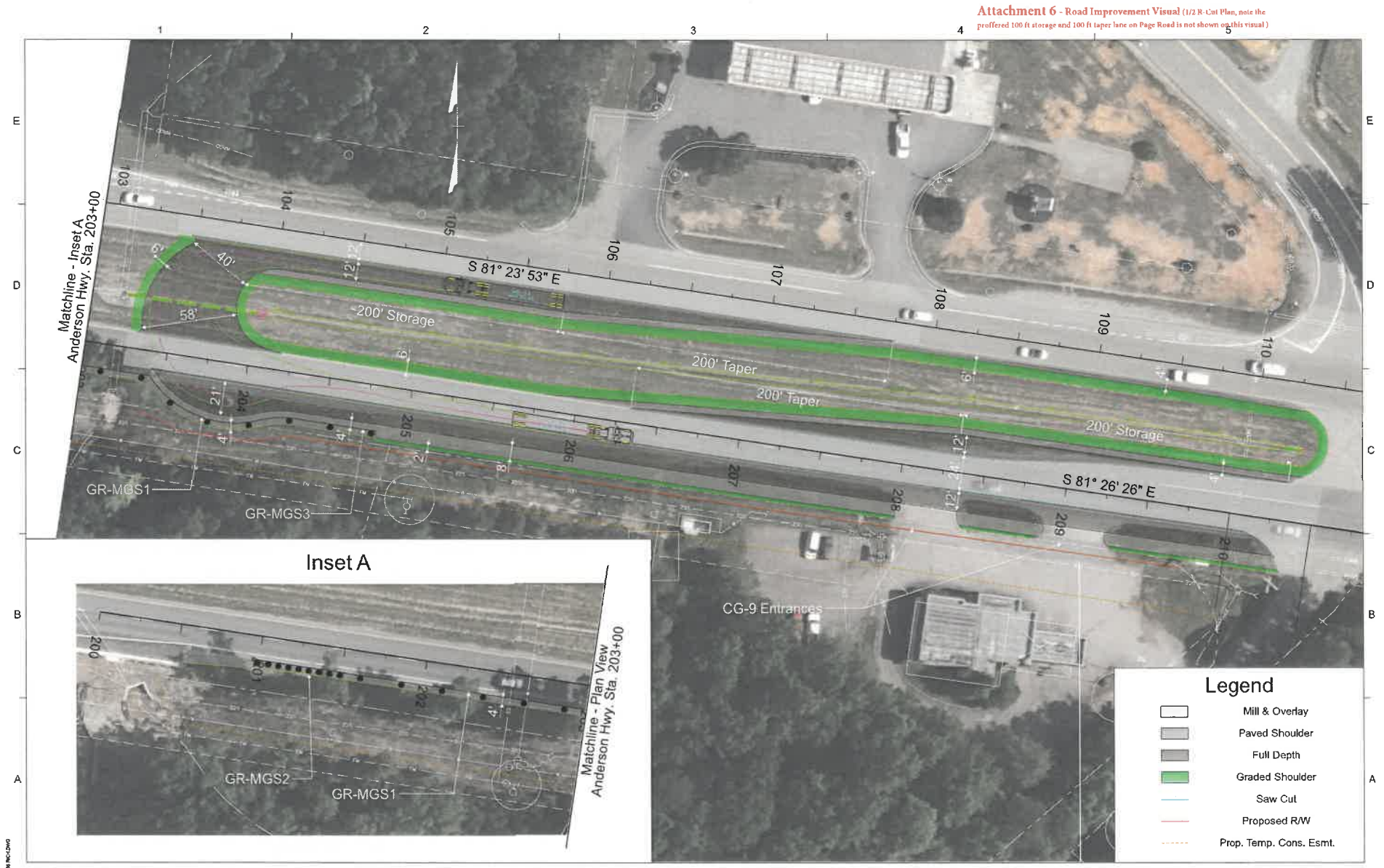
- r. Outdoor storage (as a principal use)
- s. Truck or freight terminal
- t. Distribution (with high truck traffic as principal use)*
- u. Convenience center, county
- v. Recycling drop-off center
- w. Shed sales, outdoors
- x. Wood and stump recycling business

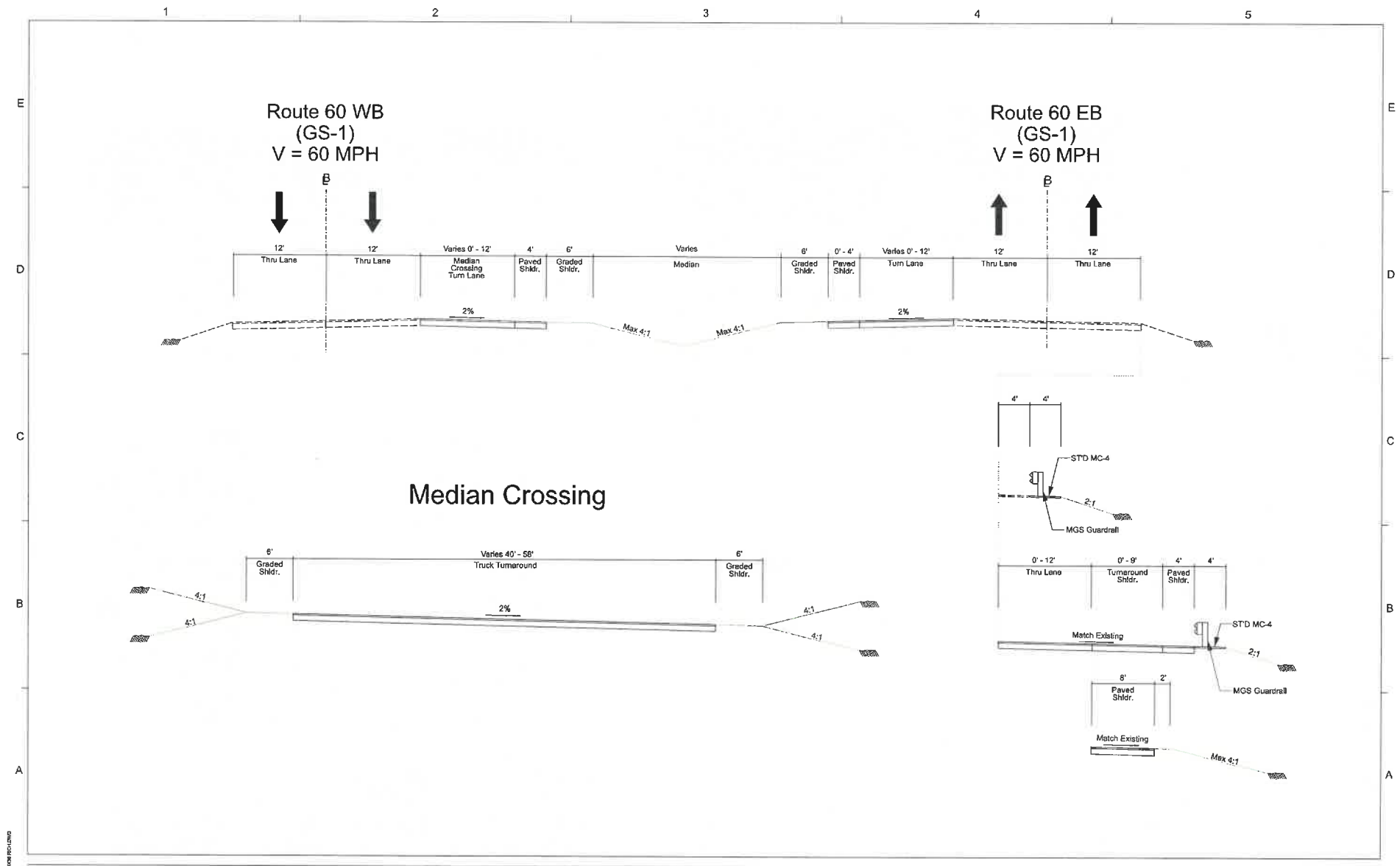
* Please note the highlighted lines as this is a single zoning code permitted use that has been split into two by prohibiting just the distribution with high traffic portion of the use as proffered.

17445919.1 048840.00001



Attachment 7: Road Improvement Visual





Typical Sections

NOT TO SCALE

PROVINCE
GROUP

Attachment 8

~~XXXXXXXXXXXXXXXXXXXX~~ ~~Attachment 7 - Community Meeting Summary~~ ~~XXXXXXXXXXXXXXXXXXXX~~

~~X~~ Summary of Neighborhood Meeting
1318 Page Road Rezoning
Meeting Date: April 18, 2024

A Neighborhood Meeting for the I-1 Rezoning request for 1318 Page Rd was held at 1355 Anderson Highway on April 18, 2024, from 6-7:30 PM. The meeting was conducted as an “Open House” and applicant provided information related to the application and proposed uses, and the community could ask questions.

Questions included:

1. The Page Road / Anderson Highway intersection is awful. What is going to be done to fix it?
2. When will the roadway improvements be made?
3. Why does VDOT want an R-CUT instead of a signal?
4. Did you do new traffic counts or just rely on the prior studies?
5. How much traffic will the new project create?
6. Will trucks go the other way on Page Road toward Walmart?
7. How will construction traffic be handled?
8. Will the buildings be leased?
9. How many companies will be created to serve the new data center?
10. How many buildings are proposed?
11. How large will the facility be?
12. Will it be visible from Anderson Highway?
13. What about noise?
14. Will the employees be there 24/7? In shifts?
15. How many employees will there be?
16. When will construction start?
17. How long will it take to build the project?
18. How much water will it use?
19. Where is the water coming from?
20. Can you extend sewer to my parcels in Chesterfield County adjacent to your property?
21. Where is the connection to the County’s sewer system?
22. Where are you in the process?
23. What will take place on Land Bay 4?
24. What will be the prohibited land uses?
25. Why was “data center” chosen as the preferred use?
26. How do we know that you will plant the evergreen screening?
27. Wow – is that right about the property tax revenues?

Attachment 9:

LC West, LLC

~~Attachment 8:~~ Letter

August 1, 2024

Honorable Planning Commissioner Hatcher II
Powhatan County
3834 Old Buckingham Road
Powhatan, VA 23139

RE: Case No. #24-02-REZ
1318 Page Road - Powhatan

Dear Commissioner Hatcher II:

The above zoning case will be before you on the evening of August 6th and we'd like to take this opportunity to share some important project characteristics with you. As you know from our Planning Commission Workshop session with you, we are proposing a data center campus on approximately 120 acres.

As you may know, the subject property is designated as Economic Opportunity in the Powhatan County Comprehensive Plan. This Economic Opportunity land use designation has been in place for several years now. The County's Comprehensive Plan specifically references data centers as a desired use for land with the Economic Opportunity designation such as the subject site. We are proposing a zoning category (I-1) that is entirely consistent with the Comprehensive Plan. I-1 zoning is proposed (with no proposed residential at the property whatsoever), and a data center is a permitted use under the I-1 zoning. This proposed project clearly implements the County's Comprehensive Plan and vision for the site.

Additionally, I'd like to highlight a few other project attributes:

- The project is an economic powerhouse for the County and Mangum Economics projects in excess of \$17 million annually in property taxes paid to the County upon build out.
- The project has very limited impacts (schools, police, fire, parks, etc.).
- The project will diversify the County tax base away from the current 92%/8% residential vs. commercial property tax income split.
- A data center generates far less traffic than almost every other allowable use for the site, and far less than residential uses.
- The site is surrounded by existing dense mature trees.
- The location is set back from Anderson Highway on the eastern edge of the County near the border with Chesterfield County.
- The application complies with all I-1 development standards with a CUP for the height.
- Despite that our project generates only 38% of the trips at the Page Road / Anderson Highway intersection, we will be responsible for all of the improvements directed by VDOT at this intersection.

LC West, LLC

In addition to the above positive attributes, we have included a number of proffers for: road improvements, open space, prohibited uses, building materials and standards, lighting, noise reduction, construction access and hours, third-party inspections and more. In total, this zone change request for a project that is consistent with the Comprehensive Plan and zoning category includes 31 proffers. We believe that we have sufficiently proffered this project to ensure that it is a high-quality development which minimizes impacts to the neighborhood, while providing tremendous economic benefits to the entire County.

While our neighbors have not complained about the proposed buffers and setbacks, please allow us to address them: the proposed buffers and setbacks significantly exceed the County's requirements. Our proposed 50' natural buffer is far superior to the required 30' Type C buffer because the existing trees are far more dense than the 4 trees per 100' required by the Type C buffer and the existing trees are mature, ranging from about 60' to 90' in height so you'll never see over them. There is also a 30' strip of land along our western property line owned by a third party that is heavily wooded and acts as an additional buffer. There are no neighbors to the east so no need to provide significant setbacks or buffers there. Similarly, there is no need to provide additional screening or setbacks on the southern property line (Chesterfield County side) as there is a $\pm 100'$ wide strip that we own in Chesterfield that will not be developed. Of the 6 homes near the west side of our property, the closest is 255' away from our building setback line and the others are 300' to 390' feet away. We only have one neighbor to the north and their home is approximately 330' from our building setback line. So all but one neighbor is located about a football field away from the building setback line. A proffer we provided for additional screening will further alleviate concerns about views through the trees.

We have worked hard to bring a high-quality project to the County and given the above considerations, especially the fact that, with the height CUP, the application meets or exceeds every I-1 development standard, we hope that you will find this application worthy of your support.

If you have any questions, please do not hesitate to call me at (949) 874-1459.

Sincerely,

LC West, LLC



Timothy Ramm

cc: Ligon Webb, Director of Planning ✓
cc: Bret Schardein, County Administrator

October 15, 2024

Attn: Mark Jacobson
LC West, LLC
614 E Hwy 50, Suite 272
Clermont, Florida 34711

RE: Collection and Management of Stormwater Runoff from the Page Rd Data Center Site

Dear Mr. Jacobson,

During the Powhatan County Planning Commission hearing on August 6, 2024 a question was raised about the collection and management of stormwater runoff at the Page Rd site in conjunction with the current rezoning application. Dewberry, as the civil engineer for this project, offers the following information for consideration in response to that comment.

The Powhatan Code of Ordinances includes sections on Stormwater Management (68-185) and Erosion and Sediment Control programs (42-103 and 104); and references the applicable Virginia Administrative Code standards and requirements. Section 42-104 includes the following statement, "Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the Powhatan County Department of Community Development an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the county. No approval to begin a land disturbing activity will be issued unless evidence of state permit coverage is obtained where it is required." As a result, Powhatan County has ensured that stormwater management must be addressed before any site work can begin.

The Virginia Administrative Code requires that the design of the on-site stormwater system for a new development limit the post-construction runoff rate from sites to less than or equal to the pre-construction rates for a number of storm events- including a storm with a 10-year average recurrence interval storm that produces approximately 4.96 inches of rain in a 24-hour period.

Prior to any onsite construction, the applicant will obtain a state permit that will show - via engineered plans and drainage calculations (provided by a registered Virginia Professional Engineer) - that the stormwater runoff from impervious areas including parking areas, drives and building roofs will be collected in drainage ditches or underground pipes and conveyed to on-site stormwater ponds. Those ponds will be equipped with outlet control structures that modulate the flow rate such that it is equal to or lower than the pre-construction flow rate in accordance with the state regulations.

For reference, the Oakbridge Business Park along the south side of Anderson Highway (including Oakbridge Dr, Oakbridge Terrace, and Standing Ridge Dr.) measures approximately 57 acres in total size and 60% of that is covered by impervious surfaces (34 acres) such as buildings, driveways, parking lots, equipment yards, etc. By contrast, the proposed Data Center Development at Page Road is 119 acres and, based on projects of similar proposed total two story building square footage, will only be approximately 36% covered by impervious surfaces (43 acres). This indicates that there are more densely developed areas of Powhatan than currently being proposed by the Page Road project.

Mr. Mark Jacobson
Page Road Data Center Site
October 15, 2024

In business for over sixty years, Dewberry has designed and permitted thousands of projects in Virginia, including numerous data center projects with larger building footprints. It is our professional opinion that the design of the stormwater management system for the proposed Page Road data center site will not pose any unique design or permitting challenges based on +/- 1,525,000 SF of two-story buildings.

Sincerely,


Digitally signed by Devin M. Keeler
DN: C=US,
E=dkeeler@dewberry.com,
O=Dewberry, OU=Richmond /
2775, CN=Devin M. Keeler
Date: 2024.10.15 15:56:32-04'00'

Devin Keeler, PE
Vice President
Dewberry Engineers Inc.

October 15, 2024

Mark E. Jacobson
LC West, LLC
614 E Hwy 50, Suite 272
Clermont, Florida 34711

Re: Powhatan County Page Rd Data Center Cooling System Options

Dear Mr. Jacobson:

Using currently available technology, data centers can be cooled primarily using either evaporative cooling or air-cooled chillers (ACC). Data centers that use evaporative cooling towers consume more potable water compared to those using ACC. The following is an overview of the two systems:

1. For systems that use evaporative cooling, e.g., cooling towers, the temperature of the condenser water is reduced using evaporation. (The condenser water transfers heat from within the data center to the outdoors.) Although evaporative cooling can be very energy efficient, it requires large quantities of water to dissipate the heat from within the data center to the exterior.
2. For systems that use air-cooled chillers (ACC) in large, multi-megawatt data centers the following information is provided.
 - Based on our experience, leading developers currently use ACC for their data centers, ranging from 70 MW to over 100 MW+. A limit on water quantity availability for cooling and other factors, such as reliability and maintainability, are the primary reasons for using ACC.
 - In Virginia, kW MCE is working on several data center projects using ACC. These projects are all multi-megawatt and are for leading data center developers. The design using ACC is also used throughout the U.S. for other large data center projects.
 - Over the last several years, ACC equipment manufacturers have been increasing their products' efficiency to ensure energy code compliance and suitability specific for use in data centers. This effort demonstrates the growing demand for ACC and the increasing efficiency requirements. As an example, the following manufacturers, all leaders in the data center cooling industry, offer ACC specifically for data centers:
 - i. Trane TCAA: Air-Cooled Oil-Free Magnetic Bearing Chillers
 - ii. Trane ACR: Air-Cooled Chiller with Integrated Free Cooling
 - iii. Air Stack ACF_M: Packaged Air-Cooled MagLev® Flooded
 - iv. Carrier 30XA: AquaForce® Air-Cooled Screw Chiller
 - v. Vertiv/Liebert AFC: Inverter Free Cooling
 - vi. YORK YVAM: Air Cooled Magnetic Bearing Centrifugal Chiller
 - There are no chemical by-products used in ACC systems and no potential for chemical spillage using ACC. Since ACC systems do not rely on evaporating water to achieve cooling, chemically treated water is only necessary to guard against rust and scaling internal to the piping.

In conclusion, major campus-scale data centers in design or currently being constructed use ACC as the primary data center cooling solution. Furthermore, future gigawatt data centers across the U.S. are being planned using ACC.

Based on the currently available cooling system designs and equipment, the proposed ± 1.5M SF data center project on Page Road can limit its water demand to only typical industrial and domestic water use needs such as potable water, irrigation, and fire water service. Not needing make-up water for

kW Mission Critical Engineering

233 N Water Street, 6th Floor
Milwaukee, WI 53202

cooling systems, the quantity of potable water is mainly based on the number of building occupants. Based on typical data center projects where occupant counts are low, it is reasonable to assume that water use will not exceed 100,000 gallons per day.

Please let me know if you have any comments or questions.

Best Regards,

A handwritten signature in black ink, appearing to read "Bill Kosik", is displayed on a light gray rectangular background.

Bill Kosik, PE, CEM, LEED AP
Senior Mechanical Engineer

October 16, 2024

Mr. Timothy Ramm
Vice President
Province Group
26 Corporate Plaza Drive, Suite 260
Newport Beach, CA 92660

RE: The Evolution of On-Site Generation in Data Centers

On-site emergency and stand-by generators in data centers have historically been important, but the application of 100% stand-by power has become more dependent on the data center's specific use case versus an absolute requirement. Some data centers must ensure uninterrupted operations to avoid catastrophic consequences, while others leverage geographic redundancy, and generators may be limited to powering a limited application, like networking equipment. This distinction is particularly evident when comparing data centers running mission-critical applications with those Artificial Intelligence (AI) data centers, focused on tasks such as inference learning or large language models (LLMs). Understanding the function of these different types of data centers helps explain why their emergency power requirements vary.

Mission Critical Data Centers

Mission critical data centers are at the core of many industries, supporting essential services such as financial transactions, healthcare systems, telecommunications, and government operations. In these sectors, downtime is not an option. Even a brief interruption in service could result in significant financial loss, data corruption, or, in the case of healthcare, potentially life-threatening situations. Therefore, mission-critical data centers are designed with robust power systems, including redundant capacity components, to ensure electrical resiliency. These facilities often operate 24/7 and must be capable of handling unexpected outages caused by power grid failures, natural disasters, or equipment malfunctions.

For these data centers, backup power systems, particularly emergency generators, are indispensable. Redundancy is built into every aspect of their power infrastructure. They may rely on diesel generators sitting atop double-walled fuel storage tanks (in compliance with state and federal laws and regulations) and sophisticated uninterruptible power supplies (UPS) with to bridge the gap between a power outage and the time it takes for the generators to come online. The goal is to maintain continuous operation regardless of external conditions.

Artificial Intelligence data centers

AI data centers that handle tasks like inference learning or running large language models operate under different circumstances. These facilities power tasks such as training and deploying machine learning models, processing large datasets, and managing AI workloads.

While these operations are important, they are not necessarily time-sensitive or mission-critical in the same way as financial, healthcare or government operations.

Large language models and machine learning applications typically involve complex computations that can be paused and resumed without immediate risk. While these processes require high computational power and efficiency, they can tolerate downtime. For instance, if a data center running a machine learning workload experiences a power outage, the system can resume from where it left off once power is restored. It is possible that no irreversible damage or critical loss of service would result from a temporary interruption.

Therefore, these types of data centers may not require the same level of emergency power infrastructure as mission-critical facilities. The operations in such data centers are generally flexible enough to accommodate occasional power interruptions, provided they do not occur frequently. Dominion's reliability is quite strong with their customers having service 99.9% of the time so interruptions are, by definition, infrequent.

The Powhatan Data Center Campus

In summary, the number and type of emergency backup generators in a data center depend on the nature of the facility's operations. Unfortunately, we cannot dictate the type of operations. In order to appeal to the various data center users in the marketplace, the Powhatan site must be flexible to offer myriad power configurations. That user's business case will influence the type of operations at the Powhatan data center campus. The goal for the data center campus is to put Powhatan in the best position to capture a data center user, and bring the monetary benefits brought by the user to the region. To do this, we must position the Powhatan campus to be as attractive as possible.

If the Powhatan data center campus develops as a mission critical facility which is somewhat less likely than an AI data center because of its 125-acre size (relatively small for a mission critical facility) and more remote location from the MAREA, BRUSA and DUNANT subsea cables that terminate in Richmond, it is likely to have between approximately 80 and 120 generators to supply emergency back-up power. The fuel storage on site will vary based on the operator. A reasonable estimate of 1,000 gallons per generator would equate to approximately 80,000 to 120,000 gallons on-site. The fuel is stored in above-ground, double walled storage tanks with built in spill containment and overflow prevention. A third-party service will re-fuel the tanks in the event of an emergency.

If the Powhatan data center campus develops as an AI data center which is more likely because of its smaller size and location, it is likely to have between approximately 10 to 20 generators to supply emergency back-up power. The fuel storage on site will vary based on the operator. A reasonable estimate of 1,000 gallons per generator would equate to approximately 10,000 to 20,000 gallons on-site. As with a mission critical data center facility, the fuel is stored in above-

ground, double, walled storage tanks with built in spill containment and overflow prevention. A third-party service will re-fuel the tanks in the event of an emergency.

As perspective, a medium sized gas station in Virginia is likely to have multiple underground storage tanks with a typical capacity of up to 50,000 gallons (a tank or two for regular gasoline, mid-grade gasoline, premium gasoline, and diesel). Large gas stations such as a large Sheetz or Buc-ee's may store up to 150,000 gallons of fuel.

Permitting

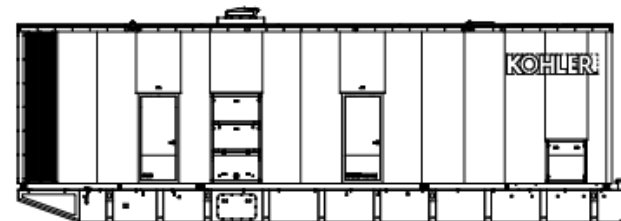
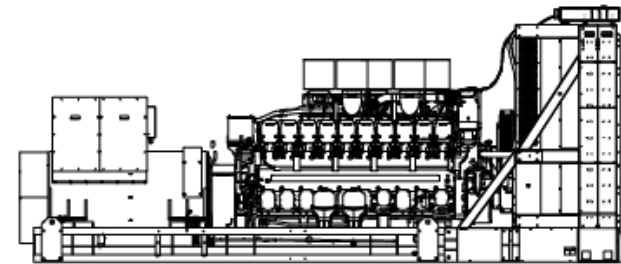
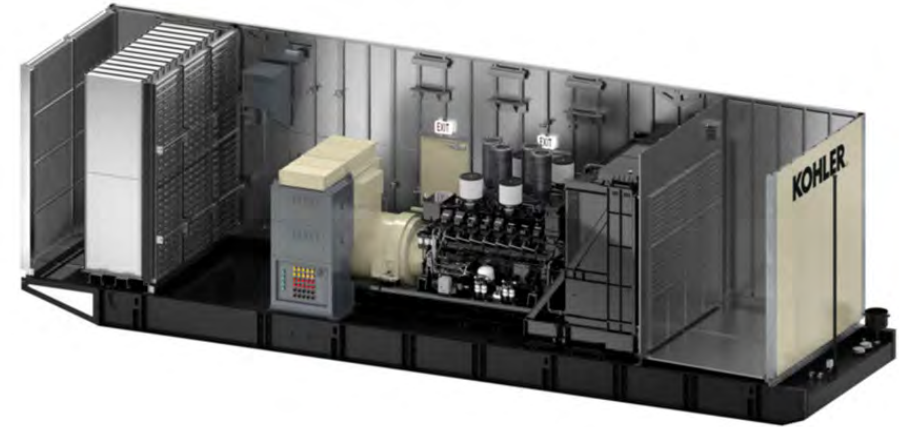
In Virginia, emergency backup generators and their fuel storage are regulated by a combination of state agencies, such as the Department of Environmental Quality (DEQ) for air quality (for both State and Federal standards) and fuel storage, and local building and fire codes enforced by local authorities. DEQ regulates fuel storage under its Petroleum Storage Tank Program. This program ensures that facilities with underground or above-ground fuel storage tanks comply with environmental safety regulations to prevent spills, leaks, or contamination of soil and water sources. Additionally, the federal EPA plays a role in overseeing strict emissions standards for these generators. Therefore, robust permitting is required before any emergency back-up generators may be placed at the property and any violations are strictly enforced by DEQ and the EPA.

EMERGENCY GENERATOR ENCLOSURES



All of the major generator manufacturers have enclosures available for the equipment

Above grade, double walled fuel storage tank with spill containment included





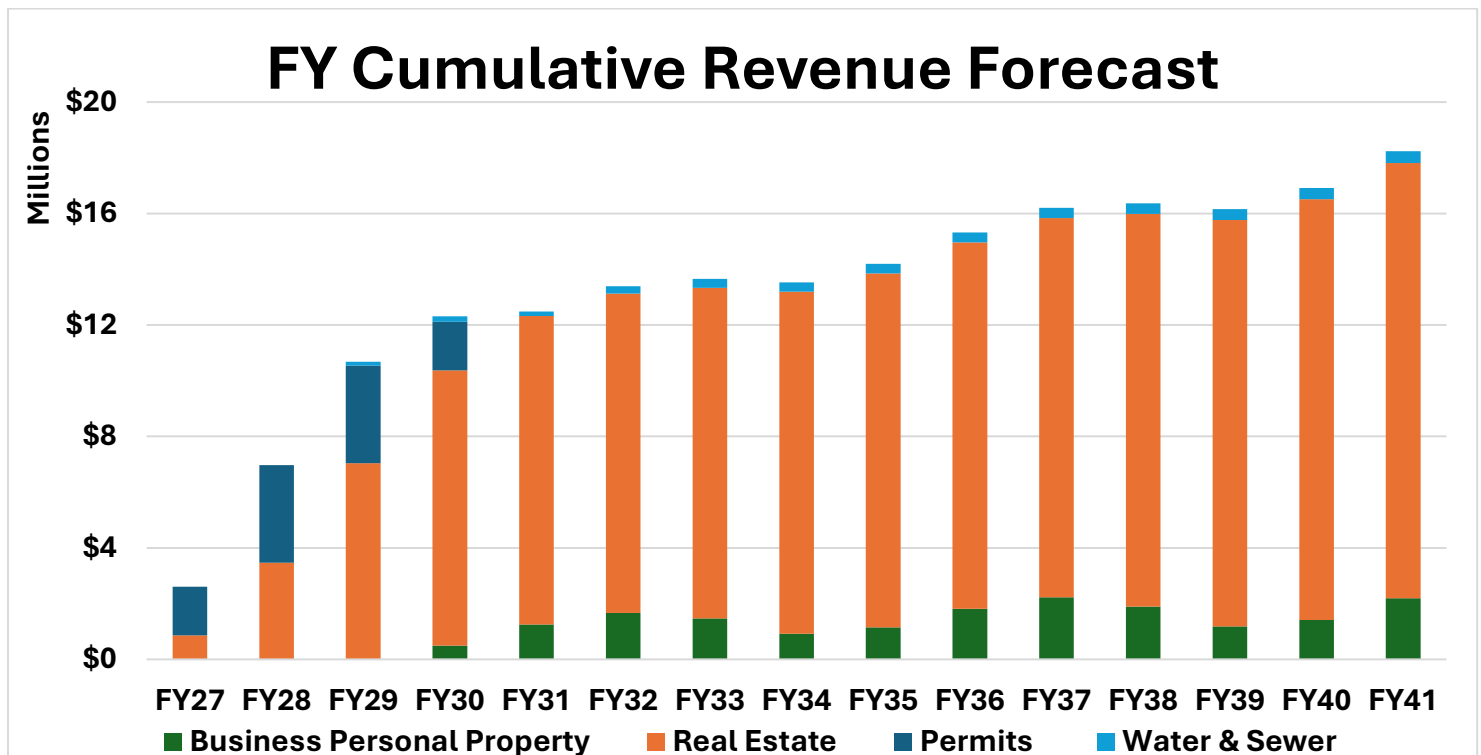
Attachment 10: County Revenue Projections

DATA CENTER REVENUE PROJECTIONS

Developer Proposed Estimates

- **\$3 Billion Capital Investment (50/50 Ratio)** at full Real Estate buildout in 2030 *with one tenant in use and 2032 for all tenants.*
- **Estimating \$1,000/SF of RE and \$1,000/SF of BPP**
 - RE Tax Rate- \$0.69
 - Data Center BPP Rate- \$0.40
 - Growth Rate Added in- 3.5%
 - Water- 100K/GPD & Sewer- 70K/GPD
 - One time Water/Sewer Fees in 2029
 - Building Permits based off \$1,500,000,000 valuation

Investment	Valuation	2027 Revenue	2028 Revenue	2029 Revenue	2030 Revenue	2031 Revenue	2032 Revenue
Real Estate	\$1,500,000,000	\$1,721,874	\$5,225,779	\$8,852,098	\$10,883,574	\$11,264,499	\$11,658,756
Business Personal Property	\$1,500,000,000	\$0	\$0	\$0	\$1,000,000	\$1,500,000	\$1,840,000
Water & Sewer		\$0	\$	\$292,800	\$101,348	\$206,243	\$314,810
Building Permits		\$3,500,070	\$3,500,070	3,500,070	\$0	\$0	\$0
Combined	\$3,000,000,000	\$5,221,944	\$8,725,849	\$12,644,968	\$11,984,922	\$12,970,742	\$13,813,566

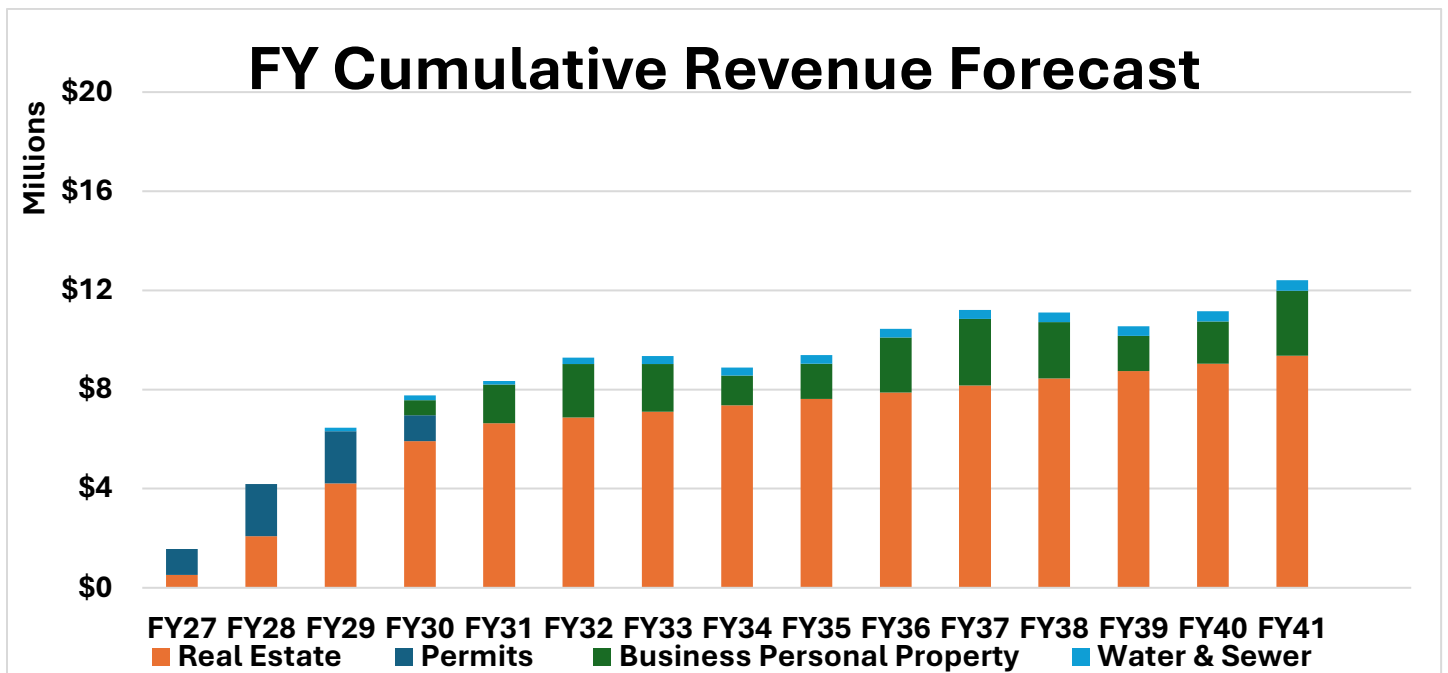




County Proposed Estimate

- **\$2.7 Billion Capital Investment (33/67 Ratio)** at full Real Estate buildout in 2030 *with one tenant in use and 2032 for all tenants.*
- **Estimating \$900/SF of RE and \$900/SF of BPP**
 - RE Tax Rate- \$0.69
 - Data Center BPP Rate- \$0.40
 - Growth Rate Added in- 3.5%
 - Water- 100K/GPD & Sewer- 70K/GPD
 - One time Water/Sewer Fees in 2029
 - Building Permits based off \$900,000,000 valuation

Investment	Valuation	2027 Revenue	2028 Revenue	2029 Revenue	2030 Revenue	2031 Revenue	2032 Revenue
Real Estate	\$900,000,000	\$1,031,874	\$3,131,629	\$5,304,653	\$6,521,968	\$6,750,237	\$6,986,495
Business Personal Property	\$1,800,000,000	\$0	\$0	\$0	\$1,200,000	\$1,920,000	\$2,400,000
Water & Sewer		\$0	\$0	\$292,800	\$101,348	\$206,243	\$314,810
Building Permits		\$2,100,070	\$2,100,070	\$2,100,070	\$0	\$0	\$0
Combined	\$2,700,000,000	\$3,131,944	\$5,231,699	\$7,697,523	\$7,823,316	\$8,876,480	\$9,701,305



**Composite Index can only be assumed from FY25 as around \$1.5M in reductions in overall budget with \$900M RE and \$2.5M in reductions in overall budget with \$1.5B RE.

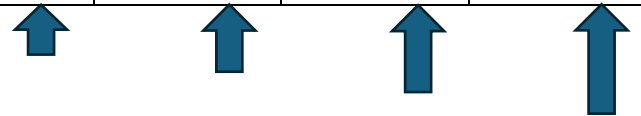


All numbers are based on assumed assessment values with 4% residential growth and 3% commercial growth.

Residential Growth	4%						
Commercial Growth	3%						

	2024	2025	2026	2027	2028	2029	2030
Residential	5,305,865,960	5,518,100,598	5,738,824,622	5,968,377,607	6,207,112,712	6,455,397,220	6,713,613,109
Commercial	344,882,012	355,228,472	365,885,327	376,861,886	388,167,743	399,812,775	411,807,158
Residential Share	93.9%	94.0%	94.0%	94.1%	94.1%	94.2%	94.2%
Commercial Share	6.1%	6.0%	6.0%	5.9%	5.9%	5.8%	5.8%
Commercial from Data Center	0	0	0	149,547,015	453,859,335	768,790,324	945,212,736

With Data Center Added	2024	2025	2026	2027	2028	2029	2030
Residential	5,305,865,960	5,518,100,598	5,738,824,622	5,968,377,607	6,207,112,712	6,455,397,220	6,713,613,109
Commercial	344,882,012	355,228,472	365,885,327	526,408,901	842,027,078	1,168,603,099	1,357,019,894
Residential Share	93.9%	94.0%	94.0%	91.9%	88.1%	84.7%	83.2%
Commercial Share	6.1%	6.0%	6.0%	8.1%	11.9%	15.3%	16.8%



ORDINANCE # O-2024-14

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 28, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance approving Case #24-02-REZ to rezone 119.9 acres from Agricultural 10 (A-10) to Light Industrial (I-1), with proffered conditions, for a data center development at 1318 Page Road on Tax Map Nos. 43-61, 43-64, and 43-64E

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable the Powhatan County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, LC West LLC, filed an application requesting to rezone 119.9 acres from Agricultural 10 (A-10) to Light Industrial (I-1), with proffered conditions, for Tax Map Nos. 43-61, 43-64, and 43-64E located at 1318 Page Road in Election District 1; and

WHEREAS, applicant plans to develop a data center development; and

WHEREAS, applicant has proffered 22 Conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the County Zoning Ordinance; and

WHEREAS, this request is being heard in conjunction with applicant's request for a Conditional Use Permit to exceed the 45-foot height limitation for principal structures in the Light Industrial (I-1) zoning district; and

WHEREAS, the County's Comprehensive Plan recommends this area for Economic Opportunity and Gateway Business; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on August 6, 2024, and voted 4-1 on September 3, 2024 to recommend denial of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearings on this application on September 23, 2024, and October 28, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 28th day of October 2024, the Powhatan County Board of Supervisors hereby grants the zoning classification change to Light Industrial (I-1) for 119.9 acres identified as Tax Map Nos. 43-61, 43-64, and 43-64E located at 1318 Page Road in Election District 1, subject to the following proffered conditions:

1. Conceptual Plan. The Property shall be developed as an industrial park in general conformance with the "Page Road Conceptual Land Bay Plan" prepared by Dewberry, dated September 16, 2024 ("Conceptual Plan") attached as **Exhibit A**, subject to the requirements and adjustments permitted in the Proffered Conditions. The Conceptual Plan is conceptual in nature and may vary based on the final Site Plan depending on the final grading and soil studies, Resource Protection Area lines, entrance location(s), road design, buffer locations, building area dimensions, substation and switchyard area dimensions, parking area design and location, perimeter security fencing, guard and gate locations, division line locations for new parcels within the project, utility locations (including substations), VDOT requirements, BMP design and location, easements, approval requirements for state and federal agencies, and other design or engineering reasons. Any substantive changes that do not relate to the prior sentence shall be reviewed during the final Site Plan submission and substantive changes may be approved as presented, approved with modifications, or denied by the Director of Planning. If modified or denied, within seven (7) calendar days of the notice of modification or denial, the Director of Planning shall provide a letter, sent via e-mail or in writing, detailing specific reasons for final Site Plan modification or denial and outlining the necessary steps to be taken by the owner(s) necessary to gain approval and any modification or denial may be appealed to the Planning Commission. The Property may be subdivided into individual parcels in accordance with the Zoning Ordinance and the County's subdivision ordinance. In the event of any conflict between information shown on the Conceptual Plan and these Proffered Conditions, these Proffered Conditions shall control.
2. Conservation Areas. The conservation areas shown on the Conceptual Plan are generally consistent with the Natural Conservation Land Use designation shown on the 2021 County Future Land Use Plan and as identified by the Powhatan County GIS Map Layer "Streams USGS NHD Intermittent and Perennial." The required riparian buffers (as outlined in Section 83.471 of the County Zoning Ordinance) for these two streams and the wetlands contiguous to these streams will be based on field locations and shown on the plans during final Site Plan review. Development within the conservation areas and associated riparian buffers will be limited to those listed in Sec 83-471 (5) "Allowable development within riparian buffers." Development impacts to other wetlands and streams that fall under the jurisdiction of the State of Virginia or the USACOE shall be permitted through the appropriate agencies prior to commencement of construction that includes the impacts.
3. Open Space. The owner will keep a minimum of twenty percent (20%) of the site in open space which shall include, but not be limited to, conservation areas, natural buffers and existing easements.
4. Plantings. Plants selected for the initial landscape plan submitted with the final Site Plan shall be native plants and, where possible, pollinating plants will be incorporated in the landscape plan where they meet landscape requirements.

5. Uses.

- a. Initial Use. For the period of eighteen (18) months after the date of the Board of Supervisors acceptance of these Proffered Conditions (the “Initial Use Period”), the only uses permitted on the Property shall be a data center campus (including, without limitation, the uses set forth in item 6 below and other supporting or ancillary uses).
- b. Other Uses. After expiration of the Initial Use Period, the permitted uses on the Property shall be (i) the data center campus use described in item a. above, and/or (ii) any other permitted uses so long as any one or more of such other permitted uses are integrated into a master planned industrial park on the Property.
- c. Prohibited Uses. The following uses shall be prohibited on the Property:
 - i. Forestry and logging
 - ii. Newspaper or magazine publishing
 - iii. Radio or television broadcast studio
 - iv. Telecommunications facility collocated
 - v. Fire or EMS station
 - vi. Fire training facility
 - vii. Law enforcement facility
 - viii. Massage Clinic
 - ix. Helicopter landing facility
 - x. Surface transportation passenger station/terminal
 - xi. Marina commercial
 - xii. Auction facility
 - xiii. Automotive paint and body shop
 - xiv. Automotive wrecker service
 - xv. Parking lot or parking structure (as a principal use)
 - xvi. Taxi or limousine service facility
 - xvii. Heavy equipment sales, rental or storage
 - xviii. Outdoor storage (as a principal use)
 - xix. Truck or freight terminal
 - xx. Distribution (with high truck traffic as a principal use)
 - xxi. Convenience center, county
 - xxii. Recycling drop off center
 - xxiii. Shed sales, outdoors
 - xxiv. Wood and stump recycling business

6. Permitted Supporting Uses. For clarity, the following supporting uses are also permitted on the Property: (i) buildings for support offices and security, (ii) buildings for maintenance and maintenance offices, (iii) all electric generation, distribution, switchyard, transmission and substation facilities (including solar facilities designed to serve the electricity or thermal needs of the data center buildings), (iv) energy, battery and fuel storage facilities, (v) office, general office and storage, (vi) logistics and maintenance facilities, (vii) water and sewer facilities, (viii) water treatment facilities, (ix) water storage and cooling facilities and associated water pumps and equipment, (x) communication, broadband, fiber optic utilities (xi) air handlers, cooling equipment and heat pumps, etc., and (xii) other private utilities, emergency generators, all utilities, and other uses that relate to the primary use(s) constructed on the Property.
7. Natural Buffer. In lieu of a Type C buffer, a natural buffer as follows (collectively, the "Natural Buffer"): (a) fifty feet (50') in width, shall be provided generally along the Property's northern and western boundary, in the location illustrated on the Conceptual Plan, to provide screening for the following off-site parcels of land identified by their Tax Map Number as of the date hereof: 043-2-1, 043-42A, 043-42B, 043-41, 043-63 (collectively, the "Adjacent Parcels"); and (b) fifty feet (50') in width along the County line located on the Property and along the east property line shared with Tax Map No. 043-62 and Tax Map No. 043-57 in the location illustrated on the Conceptual Plan. The Natural Buffer shall be included within any required building setback along the perimeter of the Property. The owner, to the extent reasonably possible for purposes of developing the Property, will preserve existing trees within the Natural Buffer. Dead or diseased trees may be removed. In the event the owner clears existing trees within the Natural Buffer, the owner agrees to install new planting materials (outside of any easement areas), consisting of one hundred percent (100%) evergreen plantings spaced in a manner required for successful plant growth as determined by the owner's landscape consultant and approved by the Planning Director. New plantings that fail to grow and/or die (brown in color) shall be replaced in accordance with Section 83-461(h)(i)(2)g. In the event the removal of dead or diseased trees creates a gap in the Natural Buffer, the gap shall be replanted in accordance with the plantings and spacing required by Type C Opaque Buffer, unless different plantings and spacing are required for successful plant growth as determined by the owner's landscape consultant and approved by the Planning Director.
8. Screening. The owner shall plant a row of evergreen (or similar) trees (minimum height of 5' at time of planting), or install an alternative screening technique (such as fencing), as approved by the Planning Director, where needed to enhance the screening between an existing residential structure on an Adjacent Parcel and a building, substation, switchyard and/or battery storage system constructed adjacent to such Adjacent Parcel as mutually agreed by the owner and the Planning Director; provided, however, that the foregoing shall not limit the ability of the owner to install utilities, fencing and other items within the area to be planted with evergreen trees and/or shrubs or install alternative screening. In the event screening trees are removed due to death or disease, owner shall replace such dead or diseased trees with evergreens a minimum of 5' in height at time of planting.

9. Lighting. All exterior lighting fixtures, including pole-mounted exterior lighting and building-mounted exterior lighting, shall be shielded to reduce light pollution. Lighting that is exempt from these requirements includes, entrance signage, temporary lighting and lighting provided for emergency or safety and security purposes as required by: the Building Code, Electrical Code, or otherwise within the State and County Code. The uplighting of buildings is prohibited. This condition is intended to enhance, not diminish, the County's "dark sky" ordinance requirements in Section 83-469. In the event of any conflict, the requirements in Section 83-469 shall control.
10. Building Setback. Buildings shall be setback from the property lines as shown on Exhibit A; provided, however, this setback shall be reduced by the width of any dedicated Future Access (defined below).
11. Building Standards.
- a. In all instances, the data center buildings, and any energy storage standalone structures, on the Property will be constructed in compliance with applicable codes, including the applicable provisions of the Virginia Uniform Statewide Building Code in effect at the time of building permit application.
 - b. Acceptable siding materials for buildings include brick, brick veneer, stone, stone veneer, stucco, concrete, E.I.F.S., cultured stone, other masonry materials, fiber cement siding (such as HardiPlank, HardieShingle, and HardieTrim), or engineered wood siding (such as LP SmartSide) and other masonry materials or a combination of the foregoing materials. Dutch lap, plywood, vinyl and metal siding are not permitted. Other materials may be used for parapets, roof or equipment screening (including but not limited to metal louvers), cornices, surrounds, trim, awnings, architectural decorations, and design elements. Roofing material for a sloped roof shall be standing seam metal, dimensional architectural shingles or similar, unless a different material is approved by the Planning Director at the time of plan review (however, flat roofs are exempt from this requirement). This subsection shall only apply to the data center buildings and not other supporting uses.
 - c. Pedestrian walkways at least five feet in width will be provided through parking areas to provide connections from parking lots to the primary building entrance, with such walkways separated from parking spaces and drive aisles by curbing and/or landscaping.
 - d. Any secondary building entrance(s), if required, shall be connected by a pedestrian walkway to building parking.

- e. Buildings shall use one or more neutral colors (such as taupe, tan, brown, beige, ivory, cream, white, black, grey or similar) with accent colors to complement the dominant building color.
 - f. Above-ground mechanical equipment will be screened from view from adjacent public streets and residential dwellings where feasible with landscaping as determined in the landscape plan submitted by the owner with the final Site Plan unless an alternative screening method is approved by the Planning Director at the time of final Site Plan review.
 - g. Any mechanical units placed on the rooftops of buildings shall, to the extent feasible, be screened from view from adjacent public streets and residential dwellings by architectural features which are compatible with building architecture.
 - h. In lieu of the Light Industrial (I-1) parking requirements, a data center campus shall be parked as follows: one parking space for each employee working on the shift with the largest number of employees. Additionally, one loading space and two ADA accessible spaces shall be required at each data center building.
 - i. The maximum lot coverage for the Property will not exceed fifty percent (50%), but individual development sites or phases may exceed fifty percent (50%).
12. Road Improvements. The following road improvements shall be completed (or paid for) by the owner or by others:
- a. Prior to the commencement of vertical construction, the owner (or others) shall:
 - i. Complete construction of the following “offsite” improvements near the intersection of Anderson Highway at Page Road:
 - 1. Improve the eastbound left turn lane on Anderson Highway at Page Road to a standard 200 foot long storage and 200 foot long taper.
 - 2. Install a directional median crossover on Anderson Highway approximately 700 – 800 feet west of Page Road that includes a westbound left turn lane with a minimum 200 foot long storage and a 200 foot long taper.

- b. Prior to the commencement of vertical construction, complete construction of a 100 ft long turn lane and a 100 foot long taper, along north bound Page Road on the Property's frontage, into the project entrance.

Any significant modification to the alignment, design and length specified above for the road improvements shall be approved by VDOT. If any of the road improvements identified above are completed by others, then the specific road improvement or related payment shall no longer be required of the owner. The timing for the construction of road improvements or payments may be adjusted by a phasing plan proposed by the owner and approved by the Planning Director at the time of site plan review.

Owner will attempt to acquire any "off-site" right-of-way (including any temporary construction easements) that is necessary for the road improvements described above (the "Required ROW"). If owner notifies the County that such attempts were unsuccessful, then the owner shall request, in writing, that the County or VDOT acquire the Required ROW as a road project. In the event the County or VDOT chooses not to acquire the Required ROW or is unable to acquire the Required ROW by the issuance of the site work disturbance permit, the owner shall be relieved of the obligations under section 12.a.i. above and shall instead pay to the County the sum of Two Million Dollars (\$2,000,000) concurrent with the issuance of the first building permit for vertical construction.

13. Construction Clean Up. The owner shall require (i) the placement of heavy equipment wash stations at the exit of the site and (ii) the removal of mud and debris tracked onto the internal roads during facility construction.
14. Noise. Noise levels at the Property's property line, as such line existed on the date the Board of Supervisors accepted these Proffered Conditions, during normal operations will not exceed an average noise level (Leq) of 70 decibels (dBA) between the hours of 7 AM to 10 PM weekdays and between 9 AM to 10 PM on weekends and legal holidays and will not exceed an average noise level (Leq) of 65 decibels (dBA) at the Property's property line between the hours of 10 PM to 7 AM weekdays, weekends and legal holidays. Measurements for compliance with these requirements shall be conducted 5' above the property line for a period of 20 minutes with a Class 1 Sound Level Meter per ANSI S1.4:2014. Emergency operations and the testing of emergency equipment shall not be subject to the foregoing limitations and the term "emergency" shall mean any situation arising from sudden or reasonably unforeseen events beyond the control of the facility, which situation requires the use of emergency generators.

At completion of construction, owner shall retain an acoustic engineer to take field measurements to verify compliance with the sound level proffer. If the measurements exceed the sound levels, sound attenuation measures shall be promptly performed, and the sound levels shall again be field measured to verify compliance with this proffer #14.

15. Signage. All freestanding signs installed at the entrance onto Page Road, excluding directional signs, will be designed by the owner thereof as monument signs with a masonry base and shall comply with the sign requirements in the Zoning Ordinance.
16. Noise Reduction. Each external emergency generator shall only be tested during the hours of 8 AM to 5 PM, Monday through Friday for no longer than thirty (30) minutes each, unless a longer time requirement is required by any federal, state, local or manufacturer's requirements for testing of emergency generators. In addition, to help attenuate noise, each external emergency generator shall have a manufacturer provided enclosure.
17. Construction Access. The owner shall require all contractors to direct their heavy-duty construction trucks (such as dump trucks) to access the Property via the Anderson Highway and Page Road intersection so that these trucks do not enter the site from eastbound Page Road and do not leave the site using westbound Page Road. This requirement shall be placed in all construction contracts.
18. Construction Hours. The hours of exterior construction on the Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours, or utility connections. No exterior construction shall occur on Sunday. All clearing, grading and construction contracts will contain these provisions.
19. Alternate Uses. Prior to the commencement of any use on the Property for other than a data center campus, and provided that such alternate use generates traffic trips in excess of the projected traffic set forth in the March 15, 2024, Supplemental Traffic Assessment, the owner shall submit an updated traffic study completed in accordance with VDOT requirements at the time of site plan submission or site plan amendment submission. The approved site plan or approved site plan amendment shall include the road improvements recommended in such updated traffic study and approved by VDOT.
20. Internal Roads. Internal roads shall be hard surfaces (e.g. asphalt) and privately owned and maintained.
21. Height. In lieu of the height requirements applicable to the Light Industrial (L-1) district, the exceptions to the maximum structure height shall be as set forth in CUP 24-03-CUP: LC West, LLC.
22. Access. In full satisfaction of any applicable access and inter-parcel connection requirements, including but not limited to Section 68-175 of the Powhatan County Code, an inter-parcel connection shall be provided for a fifty (50) foot wide portion of the

Property for a future roadway (which may be located in a Natural Buffer on the south and east side of the Property, to provide access from Page Road to Tax Parcel 043-57 and Tax Parcel 043-62 (the “Eastern Access”). At the Owner’s discretion, Owner may adjust the location of the Eastern Access so long as the Eastern Access ties into Owner’s Road at a location to be determined by Owner and which Owner’s road connects to Page Road at the entrance location generally shown on the Conceptual Plan. To the extent the Eastern Access is located within a Natural Buffer, including any conservation area within the buffer, the width of the applicable Natural Buffer shall be reduced by the width of the portion of the Eastern Access located within the applicable Natural Buffer. The Eastern Access shall be provided within sixty (60) days after the later to occur of: i) the Board of Supervisors approves the re-zoning of Tax Parcel 043-57 or Tax Parcel 043-62 to a commercial or industrial zoning district, ii) thirty (30) months after the date upon which the Board of Supervisors approves the rezoning case #24-02-REZ: LC West, LLC, and (iii) the completion of construction of the first phase of the Owner’s road from Page Road through Land Bay 4. The Owner shall have no obligation to plat, design, permit, construct, maintain or otherwise pay for any aspect of the Eastern Access. The maximum lot coverage calculation, the open space calculation, and any other development standard shall be applied to the Property on the basis of the property lines and square footage of the Property at the time the Board of Supervisors accepted these Proffered Conditions.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

William Donati, Jr. (District 1) _____
Steve McClung, (District 2) _____
Robert Powers (District 3) _____
Mark Kinney (District 4) _____
Denise Morrisette (District 5) _____

ORDINANCE # O-2024-15

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 28, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance granting conditional use permit 24-03-CUP to allow data center buildings and substation components to be constructed up to 75 feet in height, with an overall maximum height of 90' including accessory rooftop equipment, on 119.9 acres on Page Road, Tax Map Nos. 43-61, 43-64, and 43-64E

WHEREAS, Virginia Code § 15.2-2286(A)(3) enables the Powhatan County Board of Supervisors to grant conditional use permits under suitable regulations and safeguards; and

WHEREAS, LC West LLC, filed an application requesting a Conditional Use Permit (CUP) to exceed the 45-foot height limitation for structures in the Light Industrial (I-1) zoning district on 119.9 acres on Page Road, Tax Map Nos. 43-61, 43-64, and 43-64E in Election District 1; and

WHEREAS, applicant requests to construct data center buildings and substation components up to 75 feet in height, with an overall maximum height of 90' including accessory rooftop equipment; and

WHEREAS, the 119.9-acre property is currently zoned Agricultural 10 (A-10); however, this CUP request is being heard concurrent with applicant's request to rezone the property to Light Industrial (I-1), with proffered conditions, in Case #24-02-REZ; and

WHEREAS, the maximum structure height in the Light Industrial (I-1) zoning district is 45 feet, but Zoning Ordinance Sec. 83-250.C. allows structures to exceed 45 feet in height with approval of a conditional use permit; and

WHEREAS, the conditions imposed below represent suitable regulations and safeguards to protect the neighboring properties from the impact of the CUP; and

WHEREAS, the County's Comprehensive Plan recommends this area for Economic Opportunity and Gateway Business; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on August 6, 2024, and voted 4-1 on September 3, 2024 to recommend denial of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held public hearings on this application on September 23, 2024, and October 28, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors is empowered to grant this application pursuant to Zoning Ordinance Section 83-123(f), has considered each of the

applicable standards in Zoning Ordinance Section 83-123(f)(4), and hereby finds the granting of this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 28th day of October 2024, the Powhatan County Board of Supervisors does hereby grant conditional use permit 24-03-CUP to allow data center buildings and substation components to exceed the 45 foot structure height limitation on 119.9 acres on Page Road, Tax Map Nos. 43-61, 43-64, and 43-64E in Election District 1, subject to the following imposed conditions:

- 1) Data center buildings and substation components not exceeding 75 feet in height may be constructed on the Property (Tax Map Parcels 43-64E, 43-61, and 43-64) within the areas of the Property labeled Land Bay 1, Land Bay 2, and Land Bay 3 as such land bays are generally depicted on the Conceptual Plan entitled “Page Road Conceptual Land Bay Plan” prepared by Dewberry, dated September 16, 2024, which Conceptual Plan is attached and incorporated into these CUP conditions as **Exhibit A**.
- 2) Properly screened rooftop mounted equipment including but not limited to HVAC equipment may be placed on top of data center buildings provided the screening and equipment does not cause the overall height of the buildings and equipment to exceed 90 feet in overall height (except for antennas).

ATTEST:

Bret Schardein, Clerk Powhatan County Board of Supervisors	Steve McClung, Chairman Powhatan County Board of Supervisors
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Recorded Vote:

William Donati, Jr. (District 1)	_____
Steve McClung, (District 2)	_____
Robert Powers (District 3)	_____
Mark Kinney (District 4)	_____
Denise Morrisette (District 5)	_____



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Case 24-11-REZ:** Powhatan Gateway LC (District #1 Subletts/Manakin/Flat Rock) requesting to rezone a 43.14-acre parcel from Agricultural-10 (A-10) to Light Industrial (I-1) and Single-Family Residential (R-2), with proffered conditions. The subject parcel is on the north side of Anderson Highway, adjoins Greenberry Road to the west, and is identified on Powhatan County's Tax Maps as 42-74. The 2021 Comprehensive Plan designates the property as Gateway Business on the Countywide Future Land Use Map.

Summary of Item: The Board is requested to hold a public hearing and vote on the applicant's request to rezone 43.14-acres from Agriculture 10 (A10) to Light Industrial (I-1) and Single-Family Residential (R-2, with proffered conditions; 34.15-acres is proposed to be rezoned to Light Industrial and 8.9-acres is proposed to be rezoned to Single-Family Residential (R-2).

Draft Motions: **Approve:** Move to approve rezoning Case 24-011-REZ for 43.14-acres acres on the northside of Anderson Highway from Agriculture-10 (A10) to Light Industrial (I-1) and Single-Family Residential (R-2) (as presented / as amended).

Deny: Based on the information in the staff report and from the public hearing, I move the Board of Supervisors deny rezoning Case 24-011-REZ for 43.14-acres acres on the northside of Anderson Highway from Agriculture-10 (A10) to Light Industrial (I-1) and Single-Family Residential (R-2) on the grounds that:

- It is not in keeping with public necessity, convenience, general welfare, or good zoning practice, and _____.

Dates Previously
Considered by Board: None

Staff Recommendation: X Approve Deny See Comments

Planning Commission
Recommendation: Approve X Deny See Comments

Attachments: Ordinance
Staff Report with Attachments

Staff/Contact: Ligon Webb, Planning Director
(804) 598-5621 x 2006
Lwebb@powhatanva.gov



Case #24-11-REZ: Powhatan Gateway LC

Staff Report Prepared for the Board of Supervisors

Submitted by Ligon Webb, Director of Planning

Staff Report Prepared on October 16, 2024

(See updates to VIII. Proffer Analysis, Attachments #2 - proffers and #10 - Conceptual Development Plan)

I. PUBLIC HEARING

Planning Commission: October 1, 2024

Board of Supervisors: October 28, 2024

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Request	Rezone to ~ 34.15-acres Light Industrial (I-1) & ~8.99-acres to Single-Family Residential-2 (R-2)
Existing Zoning	Agricultural 10 (A-10)
Parcel Size	43.14-acres
Parcel Tax Map	42-74
Open Space/Lot Coverage	A minimum 10 percent of the 43.14-acre site would remain undeveloped/open space (buffers, conservation areas) and buildings can only cover 50 percent of the industrial zoned land.
Applicant	Powhatan Gateway LC
Owner	Cross Creek Development Corporation
Location of Property	TBD Anderson Highway (Directly North of Dogwood Rd)
Electoral District	District 1
2021 Future Land Use Plan	Gateway Business

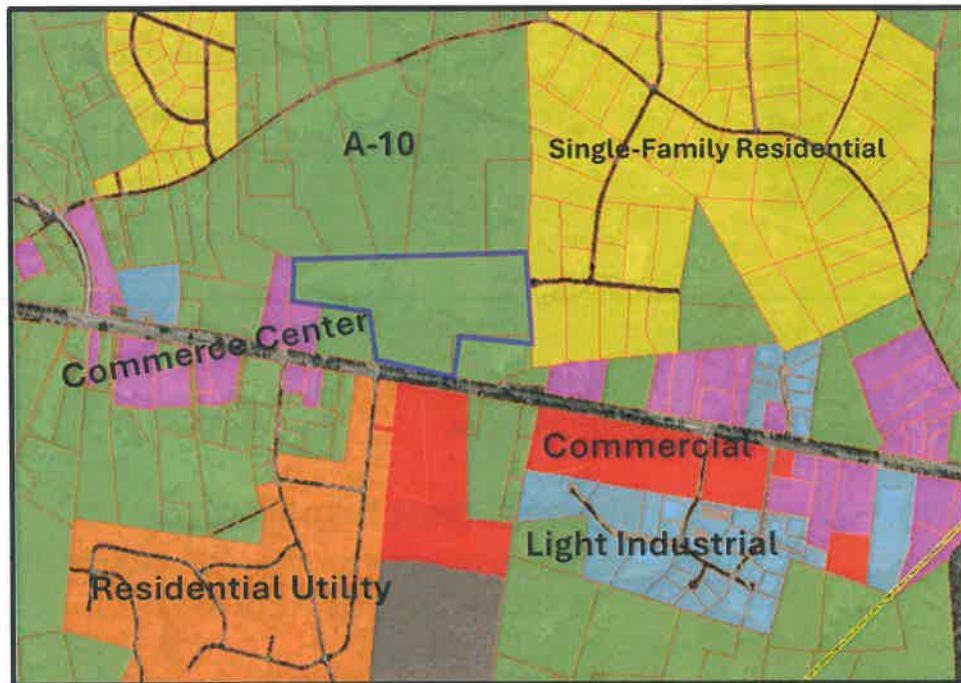
Adjacent Zoning/2021

North: A-10/Rural Areas

South: Residential Utility/General Commercial

East: Single-Family Residential

West: Agricultural-10/Commerce Center



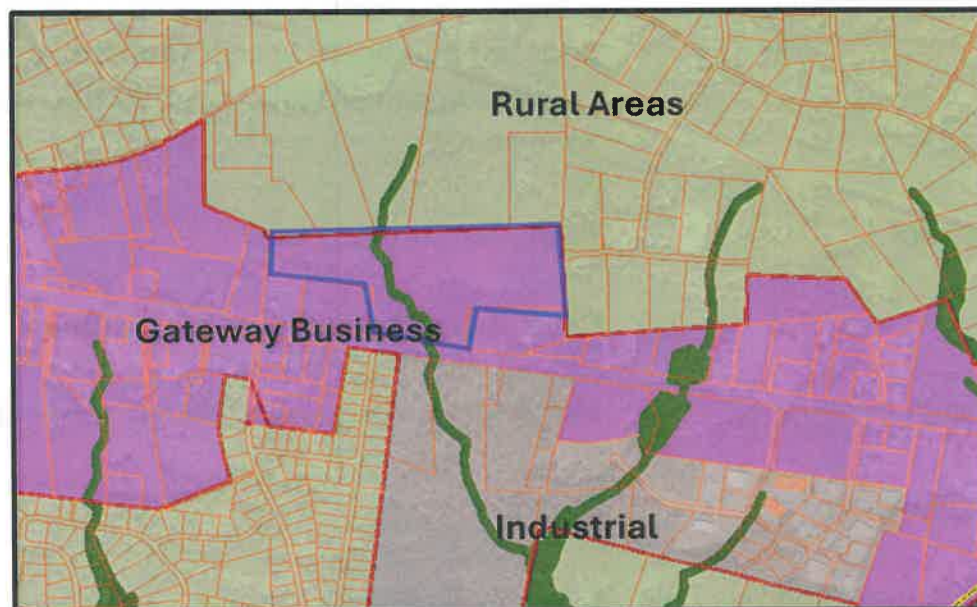
Future Land Use Plan

North: Rural Areas

South: Rural Areas, Industrial

East: Rural Areas, Gateway Business

West: Rural Areas, Gateway Business



III. EXECUTIVE SUMMARY

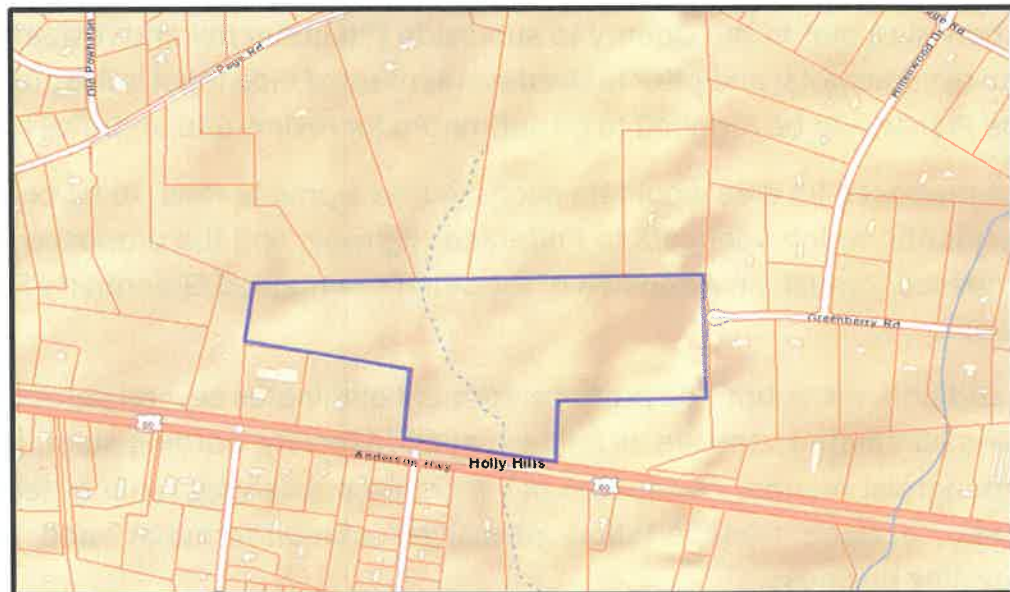
Powhatan Gateway, LC (“the applicant”) is requesting to rezone Tax Map parcel #042-74 (“the property”) located in the eastern part of Powhatan County from Agricultural-10 (A-10) to Light Industrial (I-1) and Single-Family Residential-2 (R-2). The property is 43.14-acres and located on the north side of Anderson Highway (Route 60). If approved, the applicant would develop 34.15-acres of the property for Light Industrial (I-1) and 8.9-acres for Single-Family Residential (R-2). As part of the rezoning application, the applicant has submitted a proffer statement and a Conceptual Development Plan/CDP (**see Attachment 2 and Attachment 3 respectively**). The CDP shows proffered turn and taper lanes, entrance location, and perimeter buffers and setbacks. Though the number of industrial lots is not proffered, the CDP shows four (4) industrial lots and four (4) residentially zoned lots, which is the maximum number of lots allowable under the R-zoning district. If the property is rezoned, the applicant would subsequently submit a subdivision plat to the County to subdivide the industrial and residentially zoned areas into separate lots; and prior to the development of individual industrial lots, an approved Site Plan would be required to be submitted for review and approval by County staff.

The proposed I-1 area would be accessed via a private road, to be constructed to VDOT standards, which connects to Anderson Highway; and the proposed R-2 area would be accessed through an extension of the VDOT maintained Greenberry Road’s existing cul-de-sac.

In addition, the submitted proffer statement eliminates several permitted (by right) uses, these eliminated uses are as follows: auction facility, bottling plant, fire training facility, commercial marina, newspaper or magazine publishing, radio or television broadcast studio, surface transportation passenger station/terminal, and wood and stump recycling business.

IV. PROPERTY DESCRIPTION

The subject property is in eastern Powhatan County, adjacent to established residential areas to the south and east, with larger agriculturally zoned lots (containing single-family homes) to the north and west. The southern and eastern portions of the property are densely wooded, and the land is bisected by an intermittent stream. In accordance with County ordinances, a 50-foot undeveloped buffer is required from the edge of both banks of this stream.

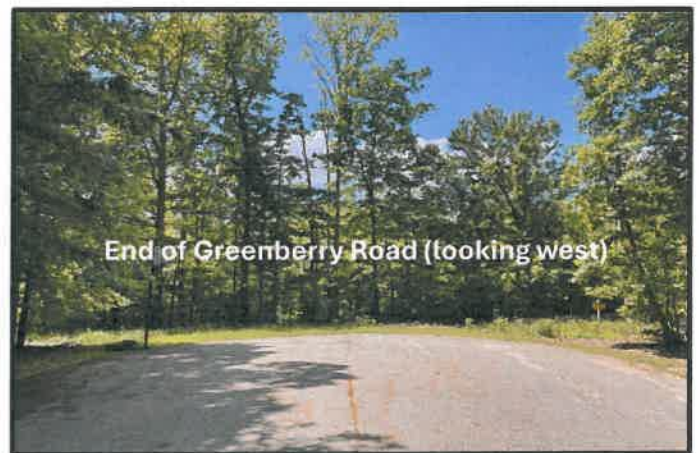


V. EXISTING CONDITONS

As noted, the property is currently heavily wooded with an intermittent stream bisecting the property from north to south but none of the site is in a 100-year floodplain. The property is in the James River/Beaver-Dam Creek/Fine Creek watershed. The property has moderate shrink swell soils and is not located in a prime farmland area (see map below).



Visuals



Surrounding Land Use

Direction	Zoning	Uses
North	Agricultural 10	Large lot single family
South	Residential / Commercial	Route 60/Commercial/Single Family
East	Agricultural 10	Large lot single family / Agricultural
West	Agricultural 10	Single Family / Commercial

Transportation/Roads/Access

Within the identified study area, Anderson Highway (US 60) is a four-lane divided roadway classified as a Principal Arterial on VDOT's Functional Classification Map. The highway runs east-west with a posted speed limit of 55 mph. According to VDOT traffic data from 2022, this section of Anderson Highway (US 60) carries an average of 34,500 vehicles per day, with the peak traffic hour volume (i.e., highest one hour of traffic) reaching 3,381 vehicle trips. In comparison, traffic data from 2017 indicates that Greenberry Road (from Hillenwood Drive) carries an average of 40 vehicles per day

Summary

Anderson Highway (US 60) within the study area is a four-lane divided roadway with high traffic volumes, averaging 34,500 vehicles per day according to 2022 VDOT data. Despite the heavy traffic, the roadway has good sight distance, and no significant problematic trends have been identified. Most reported accidents appear to occur during lane merging, with 14 accidents in 2023 and 9 in 2022, only one of which involved a serious but nonfatal injury.

VI. LAND USE ANALYSIS

The applicant has requested to rezone the 43.14-acre property from Agricultural-10 (A-10) to Light Industrial (I-10) and Single-Family Residential-2 (R-2); the boundaries of the proposed industrially zoned and residentially zoned areas are shown on the submitted Conceptual Development Plan/CDP (**see Attachment 3**).

Buffering

As shown on the Conceptual Development Plan (CDP), the northern and eastern property lines of the proposed industrially zoned area will feature a 30-foot "Type C - Opaque Buffer," as required by Section 83-461(e)(3) of the zoning ordinance. This buffer will include a 30-foot-wide strip containing the following plantings: 4 canopy trees, 5 understory trees, and 14 evergreen shrubs per 100 linear feet. Additionally, a solid fence or wall at least 6 feet high, or a solid evergreen hedge at least 6 feet high and 3 feet wide, will be installed. Along with a 45-foot natural buffer in the rear yards of all residentially zoned lots, this will create a total buffer of 75 feet between the industrial and residential areas.

The property has approximately 850 feet of direct frontage along VDOT's right-of-way, which extends 50 feet from the property line to the edge of the pavement on Anderson Highway. This right-of-way will remain undeveloped, except for the proposed commercial entrance and turn/taper lane to the property. Additionally, a 50-foot natural buffer will be maintained from the property line. Given that the I-1 zoning district requires

a 75-foot setback from the front property line, any new structure would be situated at least 125 feet from the edge of Anderson Highway. This setback distance is consistent with other buildings and structures located along Anderson Highway in the surrounding area.

Other property lines shall require a “Type B – Intermittent Buffer”. This buffer will include a 15-foot-wide strip containing 4 canopy trees, 7 understory trees, and 12 shrubs per 100 linear feet.

Site Plan Requirements

If this rezoning is approved, the following items would be subject to administrative review as part of an official Site Plan submittal:

- Access and circulation (Section 83-451)
- Off-Street Parking (Section 83-455)
- Tree Protection (Section 83-460)
- Landscaping and Buffering (Section 83-461)
- Screening (Section 83-465)
- Fences and Walls (Section 83-466)
- Exterior Lighting (Section 83-469)
- Open Space (Section 83-470)
- Environmental Protections/Riparian Buffers (Section 83-470)

Intensity and Dimensional Standards in Light Industrial (I-1) Zoning (Section 83-250, C.)

Minimum Lot Area	N/A
Minimum Lot Width	N/A
Maximum Density	N/A
Maximum Lot Coverage	50 percent
Maximum Structure Height	45 feet (may be increased via CUP)
Maximum Front Yard Depth	75 feet (fronting US 60), 25 feet front property line
Side and Rear Yard Depth	25 feet side property lines

VII. PUBLIC SERVICE ANALYSIS (Review by County Departments and State Agencies)

Building Official

A soil analysis with engineered footing design will be required for structures located within a moderate or high shrink/swell soil area based on the County GIS.

Public Safety Communications

No concerns with application.

Department of Public Works

A sewer pump will be required to connect to the existing force main sewer line located directly to the south of the eastbound lane of Anderson Highway. The County is currently planning the development of a regional sewer pump station to be situated south of eastbound Anderson Highway, which will serve the drainage basin in this area, including the subject property. Connecting this property to the proposed regional pump station, ideally through gravity flow, would be beneficial. While the exact location of the pump station is yet to be finalized, County staff will collaborate with the property owner during the Site Plan review process to determine the optimal method for servicing the property via the regional pump station.

Fire/Rescue

No concerns with application; will review Site Plan(s) once submitted.

VDOT

Please see VDOT letter dated on August 21, 2024, specially see page 2 of this letter, which states the following (**see Attachment 4 for complete letter**):

3. The location of the proposed private roadway entrance does not meet the minimum spacing for a full access or partial access along a 55 MHP Principal Arterial from the Dogwood Road Intersection. Full Access is 750' and a Partial Access of 495 feet, measured from the center of the entrance to the center of the intersection and shall be reviewed as part of site plan subject to approval of a VDOT Access Management Exception. See Road Design manual, Appendix F General Intersection and Access Spacing Criteria. A request for an exception if needed shall be submitted using Exception Form AM-E. This form is available on the VDOT web site.

4. The Four lot subdivision extension to Greenberry Road does not meet the 2011 SSAR requirements for connectivity. In accordance with the 2011 Secondary Street Acceptance Requirements (SSAR) 24VAC30-92, the proposed development does not comply with the Multiple Connections in Multiple Directions portion of the Public Benefit requirements, and therefore, will not be eligible for state acceptance and maintenance. A Secondary Street Acceptance Requirements Exception, Waiver, Modification Request Form may be submitted for SSAR connectivity requirements for Multiple Connections in Multiple direction, located on Page 94 of the Guidance Document. There is no guarantee VDOT district will approve the request.

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

Staff Comments – In response to VDOT comment number 3, the applicant's proffer number 7, states the following: *Prior to the issuance of a certificate of occupancy for any industrial lot, the following improvements shall be completed as shown on the CDP: a commercial entrance, a 200-foot turn/storage lane and 200-foot taper lane located on the north side of westbound Anderson Highway, and a 200-foot acceleration and 200-foot taper lane to be located on the north side of eastbound Anderson Highway. In the event the proposed entrance does not meet the minimum spacing for full access as required by VDOT, during the Site Plan submittal process to the County, an Access Management Exception (AM-E) shall be submitted to VDOT.*

Regarding VDOT comment number 3, the applicant does not see a deficiency for a full access intersection with Dogwood Trail, staff concurs with the applicant's assessment. The applicant has communicated with VDOT regarding this comment and is awaiting a response. However, it is the Planning Director's opinion the submitted proffers adequately addressed VDOT's concerns regarding entrance spacing, and if the spacing is indeed deficient an AM-E shall be submitted VDOT.

In addition, VDOT's comment number 3, the applicant's proffer number 8, states the following: *"As shown on the CDP, improvements to the existing dead end on Greenberry Road shall be limited to the addition of a VDOT standard cul-de-sac turnaround. During the Site Plan submittal process to the County, a Secondary Street Acceptance Requirements (SSAR) Exception, Waiver, Modification Request Form shall be submitted to VDOT and must be approved prior to residential construction. Under no circumstances shall a connection from Greenberry Road to Industrial uses be permitted."*

Regarding VDOT comment number 4, the applicant must have an approved SSAR prior to proceeding with construction on residential lots shown on the CDP.

VDH

The Health Department has no adverse comments regarding this rezoning submittal. If there are any wells on the property that will need to be abandoned, then the applicant will need to apply at the Health Department for an abandonment permit (one for each well) and then have the wells abandoned per the conditions in the approved permit.

VIII. PROFFER ANALYSIS

The proffers for the proposed rezoning of the 43-acre parcel from Agricultural to Industrial and Residential include several key commitments. The development will adhere to a Conceptual Development Plan (CDP), ensuring specific layout features like turn lanes, entrance locations, and buffers. A 50-foot natural vegetative buffer will be maintained along Anderson Highway, with additional evergreen plantings possibly

required during Site Plan review. All light industrial lots will connect to public water and sewer, while residential lots have the option of connecting to public or private systems.

Further commitments include constructing all internal industrial roads to VDOT standards, though they will remain privately owned and maintained. Various road improvements, including turn lanes and acceleration lanes, must be completed before industrial occupancy, with all associated costs borne by the applicant. Additionally, a 75-foot buffer will separate the industrial and residential areas.

Since the Planning Commission's hearing (October 1, 2024), the applicant has made (slight) modifications to proffers number 9 and 10; in both proffers "if required" has been added. And a proffer number 17 and 18 has been added; proffer number 17 and 18 state the following:

(17) Unless otherwise approved by the Director of Planning, a gravity-fed sanitary sewer system shall serve all I-1 uses on the property and shall connect to a county pump station south of US 60. The sewer alignment shall make use of the existing casing pipe across US 60 and shall coordinate with Powhatan County's design of the public system. This Proffer is conditional on substantial completion of the county pump station within 24 months of zoning approval.

(18) An aggregate turn lane and taper, designed to accommodate heavy truck traffic, shall be established during the initial phase of land disturbance. This turn lane will serve as the exclusive site entrance for westbound construction vehicles. The construction entrance will be engineered to ensure safe ingress and will be subject to enhancement and/or modification as deemed necessary by the Virginia Department of Transportation (VDOT) and the Powhatan County Planning Director to facilitate effective access management. This construction entrance and aggregate turn and taper lane shall be improved to serve as the commercial entrance, 200-foot turn/storage lane, and 200-foot taper lane in accordance with proffer (8) above.

IX. COMPREHENSIVE PLAN ANALYSIS

The 2021 Countywide Future Land Use map list the subject property as Gateway Business.

Powhatan County's Comprehensive Plan (p. 97) describes Gateway Business with the following intent:

"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”

The proposed residential development area does not meet the intent of the Comprehensive Plan for this property; however, staff believes this (proposed) residential area is a logical extension of the existing residential land uses and will not negatively impact the existing residences. And the industrial area fits into the Comprehensive Plan’s Gateway Business narrative and would help to increase the County’s business tax base.

X. STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning request to rezone 43.14 acres from A-10 to Light Industrial (I-1) for 34.15 acres and Single-Family Residential (R-2) for 8.99 acres, as depicted on the Conceptual Development Plan (CDP). The proposed rezoning of parcel 42-74 aligns with the County’s goals of promoting the health, safety, and general welfare of Powhatan County. The submitted CDP, combined with the voluntary proffers, ensures that the property will be developed in a manner compatible with surrounding land uses while also supporting opportunities for economic growth and an expanded tax base.

Moving forward, any development on the industrial portion of the parcel will require the submission of a Site Plan by the applicant. This Site Plan will be subject to thorough review by County staff and the Virginia Department of Transportation (VDOT) to ensure compliance with all applicable standards and regulations. Staff has no objections to the proposed rezoning and recommends approval of the request.

Staff has no objections to the proposed rezoning and recommends approval of the request.

XI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on the rezoning request on October 1, 2024, and voted 4-1 to recommend denial of the request.

- | | |
|-----|------------------------|
| NAY | Mr. Hall, District 1 |
| NAY | Ms. Bowlin, District 2 |
| AYE | Ms. Winall, District 3 |

NAY

Mr. Hughes, District 4

NAY

Mr. Hatcher, District 5

ATTACHMENTS

1. Application
2. Proffer Statement
3. Conceptual Development Plan/CDP
4. VDOT Letter – August 21, 2024
5. Traffic Impact Matrix without Specific User(s) Identified
6. Neighborhood Meeting Summary

END OF DOCUMENT

Attachment 1: Application



Application and Review Procedure for Rezoning Requests Powhatan County, Virginia Department of Community Development

1. Pre-Application Conference

The applicant must meet with representatives from the Department of Community Development to discuss the rezoning request and the review process.

2. Neighborhood Meeting

If the rezoning request will increase the intensity of uses on the property, a neighborhood meeting will be required. The applicant will invite adjoining property owners and the general public to learn more about their proposal.

3. Application Submittal and Acceptance

A rezoning application may be submitted to the Department of Community Development. Applications are due the first Friday of each month.

A complete rezoning application will include the following attachments:

- | | |
|---|---|
| ✓ Survey Plat of Subject Property | ✓ Consent of Owner(s) to Rezoning Request |
| ✓ Conceptual Development Plan | ✓ Statement of Validity of Information |
| ✓ Proffer Statement (Optional) | ✓ Summary of Neighborhood Meeting |
| ✓ List of Adjacent Property Owners | ✓ Traffic Study |
| ✓ Ownership Disclosure | |
| ✓ Required Rezoning Fees | |
| • Rezoning to Agricultural-10 or Agricultural-20: | \$600.00 per application |
| • Rezoning to Historic Overlay (H): | \$400.00 per application |
| • Rezoning to All Other Zoning Districts: | \$1,500.00 + \$35.00 per acre |
| <i>(If rezoning from a Transition District, then minus 10% of "Rezoning to All Other Zoning Districts" fee)</i> | |
| • Amendment to Proffered Conditions: | \$1,200.00 per application |

Incomplete applications will not be processed.

4. Staff Review

The application will be reviewed by the Department of Community Development and other local and state agencies.

5. Planning Commission: Public Hearing and Review

The Planning Commission will hold a public hearing and review the request. After discussion, the Planning Commission may recommend approval, denial, or deferral. This recommendation is forwarded to the Board of Supervisors.

6. Board of Supervisors: Public Hearing and Decision

The Board of Supervisors will hold a public hearing and review the request. After discussion, the Board of Supervisors may approve, deny, or defer the request.



**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	Powhatan Gateway, LC
Mailing Address	2150 Carter Gallier Blvd Ste C Powhatan, VA 23139
Phone Number	(804) 218-9806
Email Address	don.balzer@benchmarklc.com

Owner Information

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

Name of Owner	Cross Creek Development Corporation
Mailing Address	2150 Carter Gallier Blvd Ste C Powhatan, VA 23139
Phone Number	(804) 218-9806
Email Address	don.balzer@benchmarklc.com

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	Lane B. Hargroder, PE
Mailing Address	2150 Carter Gallier Blvd Ste C Powhatan, VA 23139
Phone Number	(417) 483-2160
Email Address	lane.hargroder@msa-rva.com

Parcel Information	
Tax Map Number	042-74
Physical Address	Anderson Hwy
General Description of Property Location	Property is located on the northern side of Anderson Hwy where it intersects with Dogwood Road
Election District	[1] Subletts / Manakin / Flat Rock
Total Acreage	43.14
Current Zoning	Agricultural-10 (A-10)
Requested Zoning	Light Industrial (I-1) and Single-family Residential-2 (R-2)
Acreage to Be Rezoned	43.14
Countywide Future Land Use: Land Use Designation	Gateway Business

Proposed Use	
Describe Proposed Use	Industrial uses shall be those permitted by right in the I-1 District, except where excluded by Proffer; Residential uses shall be as permitted by right in the R-2 district
Amount of Dedicated Open Space (Acreage + % of Site)	4.31 (10%, minimum)
If this request is approved, will new lots be created?	Yes
If this request is approved, will new structures be constructed?	Yes
Are there existing structures on the subject property?	No
Will the proposed use connect to public water and/or sewer?	Yes, both

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.

List of Adjacent Property Owners

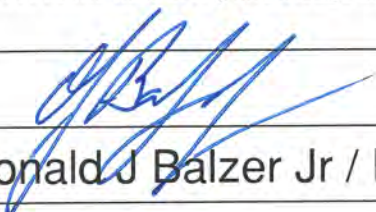
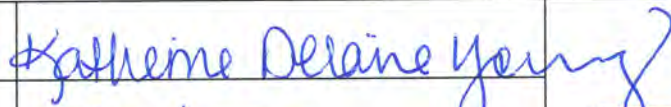

Tax Map No.	Owner Name	Mailing Address
042-55B	New Ventures Real Estate LLC	PO Box 10 Powhatan, VA 23139
042-55	Dorothy B Sims et al	1615 Page Rd Powhatan, VA 23139
042-47C	Dorothy B & Wesley N Sims	1615 Page Rd Powhatan, VA 23139
042-54	Marion M & Margaret M Garland	12101 Bromwich Dr Richmond, VA 23236
042-54A	George E III & Deborah H Duval	1555 Page Rd Powhatan, VA 23139
043-1A-9	Kathryn L Waycaster & Vanessa J Dayne	1530 Greenberry Rd Powhatan, VA 23139
043-1F-1	Douglas M & Janice G Burgess	1531 Greenberry Rd Powhatan, VA 23139
042-73	Holly Hills Holdings LLC	511 Branchway Rd Richmond, VA 23236
042-75	Evans Realty LLC	511 Branchway Rd Richmond, VA 23236
042-79	Walton Virginia LLC	8800 N Gainey Center Dr Ste 345 Scottsdale, AZ 85258
042A-1-8	Sherman T Garrett Jr	2692 Huguenot Springs Rd Midlothian, VA 23113

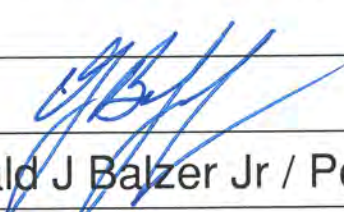
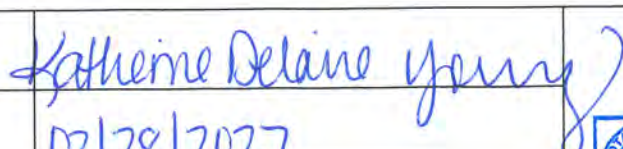

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
042A-3H-1	USA Homes LLC	5203 Juan Tabo Blvd NE Ste 2 B Albuquerque, NM 87111
042A-3A-17	1631 Enterprises LLC	4107 Hermitage Rd Richmond, VA 23227
042-73A 042-72	Sprouses Corner LLC	PO Box 10 Powhatan, VA 23139

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

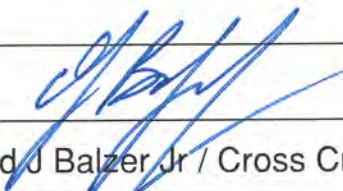
Statement of Validity of Information		
Every applicant shall sign the following document to substantiate the validity of submitted information.		
<p>I, being duly sworn, depose and say that I am the Lessee/Owner of the property involved in the application. If I am not the Lessee/Owner, I will provide written certification from the owner granting me the right to submit this application.</p> <p>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.</p>		
Signature of Applicant		
Name of Applicant (Printed)	Donald J Balzer Jr / Powhatan Gateway, LC	
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>Donald J. Balzer, Jr</u> , whose name is signed to the above, on this <u>12th</u> day of <u>August</u> 20 <u>24</u> .		
Notary Public		Seal 
Commission Expires	02/28/2027	
Notary Number	7707332	

Ownership Disclosure	
<p>List below the names and addresses of <u>all</u> owners or parties in interest of the land subject to this request.</p> <p>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.</p>	
Name	Address
Donald J Balzer Jr	2150 Carter Gallier Blvd Ste C Powhatan, VA 23139
Scott O'Connell	2150 Carter Gallier Blvd Ste C Powhatan, VA 23139
Catherine L Fens	2150 Carter Gallier Blvd Ste C Powhatan, VA 23139
<p>I, <u>Donald J Balzer Jr</u>, 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 <u>042-74</u>.</p> <p>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.</p>	
Signature of Applicant	
Name of Applicant (Printed)	Donald J Balzer Jr / Powhatan Gateway, LC
<p>Commonwealth of Virginia County of <u>Powhatan</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Donald J. Balzer, JR.</u>, whose name is signed to the above, on this <u>12th</u> day of <u>August</u> 20<u>24</u>.</p>	
Notary Public	
Commission Expires	02/28/2027
Notary Number	7707332
	


Consent of Owner(s) to Rezoning Request

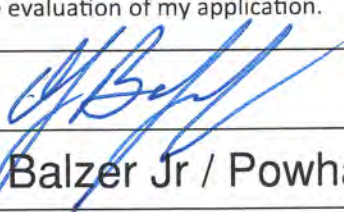
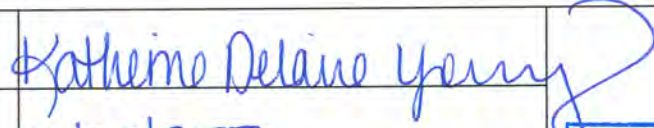

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the rezoning application and that the applicant may submit proffered conditions on the property owner's

I, Donald J Balzer Jr of Cross Creek Development Corporation, am the owner of the property subject to this rezoning request and consent to the request submitted by Donald J Balzer Jr of Powhatan Gateway, LC (Applicant) to rezone Tax Map 042-74 from Agriculture-10 (A-10) (Current Zoning District) to Light Industrial (I-1) and Single-family Residential-2 (R-2) (Requested Zoning District).

Signature of Owner	
Name of Owner (Printed)	Donald J Balzer Jr / Cross Creek Development Corporation

Commonwealth of Virginia
County of Powhatan, to wit:
Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Donald J. Balzer, JR. whose name is signed to the above, on this 12th day of August 2024.

Notary Public	<u>Katherine Delaine Young</u>	
Commission Expires	<u>02/28/2027</u>	
Notary Number	<u>7707332</u>	

Applicant's Permission for Inspection of Property		
I, <u>Donald J Balzer Jr of Powhatan Gateway, LC</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.		
Signature of Applicant		
Name of Applicant (Printed)	Donald J Balzer Jr / Powhatan Gateway, LC	
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>Donald J. Balzer, JR.</u> , whose name is signed to the above, on this <u>12th</u> day of <u>August</u> 20 <u>24</u> .		
Notary Public		 KATHERINE DELAINE YOUNG Notary Public - Reg. # 7707332 Commonwealth of Virginia My Commission Expires Feb. 28, 2027
Commission Expires	02/28/2027	
Notary Number	7707332	

Review Checklist (For Office Use Only)		
This form will be completed by the Department of Community Development as the application is reviewed.		
Action	Date of Action	
Application Submitted	August 13, 2024 (re-submittal of previous application)	
Application Deemed Complete	August 15, 2024	
Application Routed to Reviewing Agencies	December 2023 & August 2024	
Comments Received from Reviewing Agencies	Building Inspections	Feb. 2024
	Environmental	Aug. 2024
	Public Works	Aug. 2024
	Sheriff	Feb. 2024
	Fire	Feb 2024
	Health	Feb. 2024
	Transportation	Aug. 2024
	Other	
Planning Commission: Notice in Newspaper	Sept. 18, 23 & 25, 2024	
Planning Commission: Letters Sent to Adjoining Property Owners	September 20, 2024	
Planning Commission: Public Hearing	October 1, 2024	
Planning Commission: Recommendation Made	October 1, 2024	
Board of Supervisors: Notice in Newspaper	October 16, 21, and 23rd, 2024	
Board of Supervisors: Letters Sent to Adjoining Property Owners	October 11, 2024	
Board of Supervisors: Public Hearing	October 28, 2024	
Board of Supervisors: Recommendation Made		

Attachment 2: Proffer Statement

POWHATAN GATEWAY, LC PROFFER STATEMENT

October 23, 2024

In accordance with §15.2-2303 of the Code of Virginia and Article II of the Powhatan County Zoning Ordinance (the "Ordinance"), I do hereby voluntarily proffer, as the owner of record of the property subject to this rezoning request, the conditions listed herein for the parcel identified by Powhatan County's Tax Maps as 42-74. These proffered conditions shall be binding to the owner, and any subsequent owner(s), assignee(s), or designee(s). Therefore, I hereby acknowledge that the rezoning of the subject property gives rise to the need for these conditions:

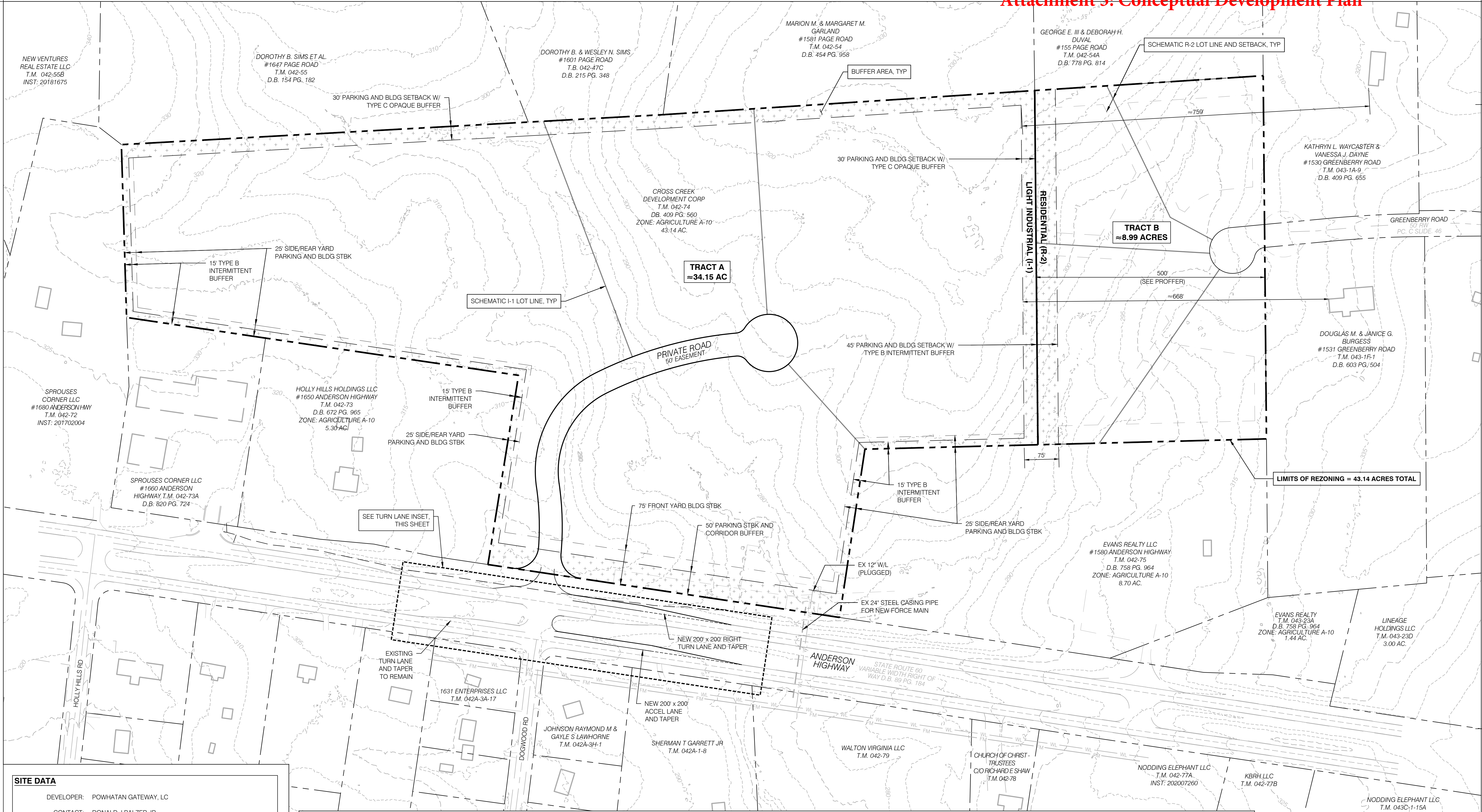
- (1) The property shall be developed in general conformance with the Conceptual Development Plan (CDP) titled Powhatan Gateway Zoning (attached as Exhibit A), last dated August 27, 2024, and prepared by MSA, which includes features such as turn lanes and taper lanes, the commercial entrance location, perimeter buffers and setbacks, and zoning district boundaries. The CDP is conceptual in nature and may vary based on the final Site Plan depending on the final grading, soil studies, entrance locations, road design, building area dimensions, stormwater design and location, easements, approval requirements for state and federal agencies, and other design or engineering reasons.
- (2) A natural 50-foot vegetative buffer, retaining the site's existing trees and vegetation, shall be maintained from the edge of the established Virginia Department of Transportation (VDOT) right-of-way along the parcel's entire frontage with Anderson Highway (US 60), excluding up to the greater of 15 feet on either side of the site's commercial entrance connecting to Anderson Highway, or the minimum length necessary to satisfy VDOT sight distance requirements. Additionally, during Site Plan review, and at the Planning Director's discretion, additional evergreen plantings may be required within this natural buffer.
- (3) Parking for light industrial lots shown on the CDP shall adhere to Article VIII (Development Standards) §83-454 (Off-street parking and loading) of the Ordinance.
- (4) The industrial park's unified (i.e., directory) signage shall be limited to a single externally illuminated freestanding monument style sign, not to exceed 15 feet in height as measured from ground level, and not to exceed 100 square feet in sign area. Signage for individual businesses located in the industrial park shall comply with Article VIII (Development Standards) §83-488 (Signage) (e) (4) b. 3 of the Ordinance.
- (5) Each proposed light industrial lot shall be connected to public water and sewer. Residential lots may be connected to public water and sewer, or private well and septic, in accordance with §80-112 of the Ordinance.
- (6) All utilities shall be underground except where power requirements such as 3-phase power would make underground service impractical.
- (7) As shown on the CDP, all internal roads in the industrial portion of the development shall be built to VDOT standards, but privately owned and maintained by a Property Owners Association (POA).
- (8) Prior to the issuance of a certificate of occupancy for any industrial lot, the following improvements shall be completed as shown on the CDP: a commercial entrance, a 200-foot turn/storage lane and 200-foot taper lane located on the north side of westbound Anderson Highway, and a 200-foot acceleration and 200-foot taper lane to be located on the north side of eastbound Anderson Highway. In the event the proposed entrance does not meet the minimum spacing for full access as required by VDOT, during the Site Plan submittal process to the County, an Access Management Exception (AM-E) shall be submitted to VDOT.
- (9) As shown on the CDP, improvements to the existing dead end on Greenberry Road shall be limited to the addition of a VDOT standard cul-de-sac turnaround, if required. During the Site Plan submittal process to the County, a Secondary Street Acceptance Requirements (SSAR) Exception, Waiver, Modification Request Form, if required, shall be submitted to VDOT and must be approved prior to residential construction. Under no circumstances shall a connection from Greenberry Road to industrial uses be permitted.

- (10) The entire cost and installation of road improvements shall be the sole responsibility of the applicant, their designee(s), and/or their assignee(s). All public road improvements shall be approved, permitted, and bonded as required by the VDOT Land Use Permit application process.
- (11) Outside storage shall not be permitted along US 60. Outside storage shall otherwise be permitted but must be screened subject to all applicable Ordinance requirements.
- (12) The following uses shall not be permitted: Auction facility, Bottling plant, Fire training facility, (commercial) Marina, Massage clinic, Newspaper or magazine publishing, Radio or television broadcast studio, Surface transportation passenger station/terminal, and Wood and stump recycling business.
- (13) Stormwater management shall be designed to account for the ultimate development of the entire 43-acre site and shall be approved by the Virginia Department of Environmental Quality prior to the commencement of any land disturbing activities.
- (14) Water system design and installation, including fire flows and fire hydrant spacing, shall be in accordance with Fire Department practices and standards.
- (15) A 75-foot buffer shall be provided between the light industrial and residential portions of the site as shown on the CDP, to be maintained by the respective lot owners. To the greatest extent possible, this natural buffer shall retain the site's existing trees and vegetation. Additionally, during site plan review, and at the Planning Director's discretion, additional evergreen plantings may be required within the buffer to achieve continuity and the desired level of screening.
- (16) Within the area to be zoned Single-family Residential-2 (R-2), the only permitted use shall be single-family detached dwellings, as listed in §83-211 of the Ordinance.
- (17) Unless otherwise approved by the Director of Planning, a gravity-fed sanitary sewer system shall serve all I-1 uses on the property and shall connect to a county pump station south of US 60. The sewer alignment shall make use of the existing casing pipe across US 60 and shall coordinate with Powhatan County's design of the public system. This Proffer is conditional on substantial completion of the county pump station within 24 months of zoning approval.
- (18) An aggregate turn lane and taper, designed to accommodate heavy truck traffic, shall be established during the initial phase of land disturbance. This turn lane will serve as the exclusive site entrance for westbound construction vehicles. The construction entrance will be engineered to ensure safe ingress and will be subject to enhancement and/or modification as deemed necessary by the Virginia Department of Transportation (VDOT) and the Powhatan County Planning Director to facilitate effective access management. This construction entrance and aggregate turn and taper lane shall be improved to serve as the commercial entrance, 200-foot turn/storage lane, and 200-foot taper lane in accordance with proffer (8) above.

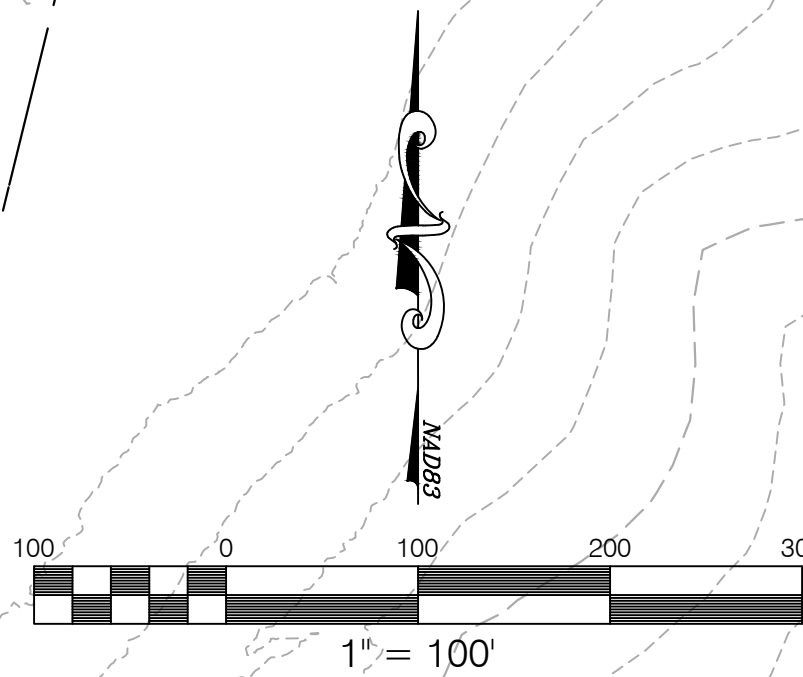
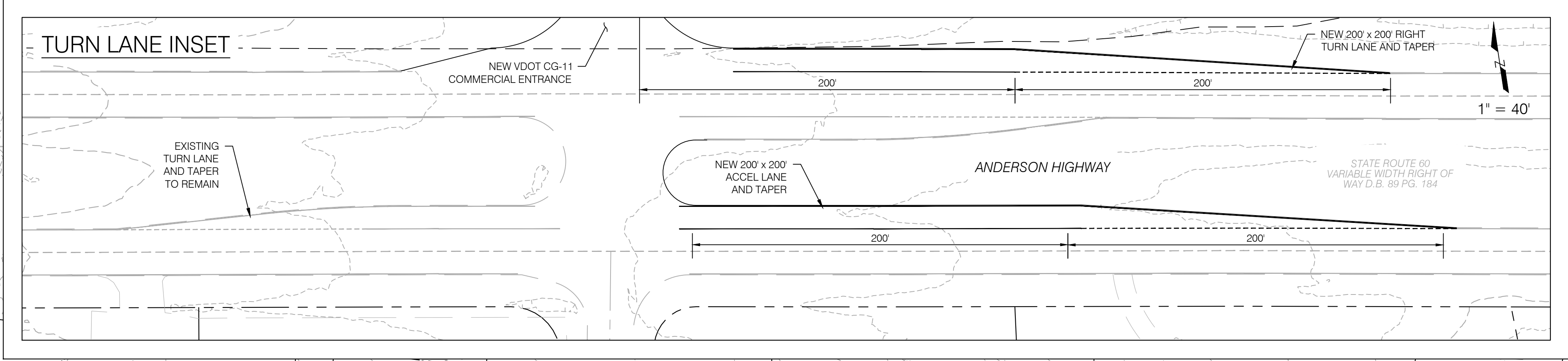
Signature of Applicant		
Name of Applicant (Printed)		
Commonwealth of Virginia County of _____, to wit: Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by _____, whose name is signed to the above, on this _____ day of _____, 20____.		
Notary Public		Seal
Commission Expires		
Notary Number		



08.27.2024



SITE DATA	
DEVELOPER:	POWHATAN GATEWAY, LC
CONTACT:	DONALD J BALZER JR (804) 218-9806 DON.BALZER@BENCHMARKLC.COM
SITE ADDRESS:	1580 ANDERSON HWY, POWHATAN, VA 23139
ELECTION DISTRICT:	1 - SUBLETTIS / MANAKIN / FLAT ROCK
MAGISTERIAL DISTRICT:	HUGUENOT
EXISTING ZONING:	AGRICULTURAL-10 (A-10)
PROPOSED ZONING:	LIGHT INDUSTRIAL (I-1) [TRACT A] SINGLE-FAMILY RESIDENTIAL (R-2) [TRACT B]
TAX MAP NUMBERS:	042-74
LAT, LONG:	37.5093, -77.7540
SITE AREA:	43.14 ACRE
DISTURBED AREA:	TBD
WATER:	PUBLIC (VIA EX 12" W/L)
SEWER:	PUBLIC (VIA FORCE MAIN THROUGH EX 24" STEEL CASING)
RECEIVING WATERS:	SWIFT CREEK - SWIFT CREEK RESERVOIR (JA41)



POWHATAN GATEWAY

PROJECT # 2022-009
ANDERSON HIGHWAY
POWHATAN COUNTY, VIRGINIA
HUGUENOT MAGISTERIAL DISTRICT

MSA
Architecture | Engineering | Development
2150 CARTER GALLIER BLVD
POWHATAN, VA 23139
804.218.0441

CONCEPTUAL
DEVELOPMENT
PLAN

EXHIBIT A



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Stephen C. Brich, P.E.
COMMISSIONER

Mr. Ligon Webb
Planning Director
Powhatan County
3834 Old Buckingham Road, Suite F
Powhatan, Virginia 23139-7051

August 21, 2024

REFERENCE: **23-11-REZ: Powhatan Gateway LC – Anderson Hwy
(District #1: Subletts/ Manakin / Flat Rock)
Tax Map #42-73, #42-74, #42-75, #43-23A
Date VDOT Received: 10/20/22
1580 Anderson Highway, Rte. 60, Principal Arterial, 55 MPH,
AADT 31,000
Greenberry Road – Rt. 1114, Local, 25 MPH, AADT = 30
Dogwood Road – Rt. 1102, Local, 25 MPH, AADT = 340**

Dear Mr. Webb:

The Virginia Department of Transportation has reviewed the request submitted By Powhatan Gateway LC for rezoning of the parcel at #42-74 from Agricultural-10 (A-10) to Light Industrial (I-1) and Single-Family Residential (R-2), with proffered conditions. The applicant's submitted conceptual plan proposes rezoning 34.15-acres to Light Industrial (I-1) and rezoning 8.99-acres to Single-Family Residential (R-2); the proposed R2 area would accommodate four residential parcels with access provided by extending the existing cul-de-sac on Greenberry Road (Rt. 1114). The Light Industrial areas would be accessed via a private road connected to Anderson Highway (US 60) and terminating in a cul-de-sac. The subject parcel is on the north side of Anderson Highway and adjoins Greenberry Road to the west; it is identified on Powhatan County's Tax Maps as 42-74. The 2021 Comprehensive Plan designates the subject property as Gateway Business on the Countywide Future Land Use Map.

VDOT has reviewed the zoning application and Conceptual Development Plan Zoning Exhibit 1 dated July 9, 2024, in addition the Traffic Impact Matrix for Rezoning Without Specific User(s) Identified by Lane B. Hargroder, PE; and offers the following comments:

1. Update the Calculation of Daily trips per Land Use to the ITE, 11th Edition in lieu of the 10th Edition and shall be reviewed as part of the site plan subject to approval.

2. A review of the Zoning Exhibit reveals that the proposed development will have one Private Street connection to Anderson Highway, with no proposed stub-outs to any adjacent property.
3. The location of the proposed private roadway entrance does not meet the minimum spacing for a full access or partial access along a 55 MPH Principal Arterial from the Dogwood Road Intersection. Full Access is 750' and a Partial Access of 495 feet, measured from the center of the entrance to the center of the intersection and shall be reviewed as part of the site plan subject to approval of a VDOT Access Management Exception. See Road Design manual, Appendix F General Intersection and Access Spacing Criteria. A request for an exception if needed shall be submitted using Exception Form AM-E. This form is available on the VDOT web site at <http://vdotforms.vdot.virginia.gov/>.
4. The Four lot subdivision extension to Greenberry Road does not meet the 2011 SSAR requirements for connectivity. In accordance with the 2011 Secondary Street Acceptance Requirements (SSAR) 24VAC30-92, the proposed development does not comply with the Multiple Connections in Multiple Directions portion of the Public Benefit requirements, and therefore, will not be eligible for state acceptance and maintenance. A Secondary Street Acceptance Requirements Exception, Waiver, Modification Request Form may be submitted for the SSAR connectivity requirements for Multiple Connections in Multiple Directions, located on page 94 of the Guidance Document. There is no guarantee VDOT District will approve the request.
5. One connection is proposed where an existing median crossover is located serving Dogwood Road (Rt. 1102) with a 200 ft x 200 ft Right turn lane and taper on west bound and on the east bound a Median 200' X 200' Accel Lane and Taper. No work is proposed on the existing Left Turn Lane median 95' X 140'. All left and right maneuvers and would be evaluated at the time of each site plan review. The Acceleration Lane shall be designed in accordance to VDOT's Road Design Manual Appendix F, Page F-90 and 2018 AASHTO Green Book, Chapter 10, Section 10.9.6, Table 10-4. The Acceleration Lane shall be reviewed as part of the site plan subject to review and approval by VDOT.
6. A Site Plan will be required to be submitted and approved for the proposed development that clearly details any proposed access to Anderson Highway. Note that any proposed commercial entrances must comply with the requirements of 24VAC30-73-70 – Commercial Entrance Design. The applicant will need to acquire a Land Use Permit from VDOT for any work within the Right-of-Way.

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

Should you have any questions, or need any additional information, please do not hesitate to contact me at (804) 674-2906, or Dustin Dunnagan at (804) 674-2384.

24-11-REZ Powhatan Gateway LC

August 21, 2024

Page 3 of 3

Sincerely,



Paul G. Bodie, P.E..

Trans. Engr. I/Chesterfield Residency Land Use

Virginia Department of Transportation

804-674-2906

Paul.Bodie@VDOT.Virginia.gov

CC:

Bret Schardein

Jonus Eppert

Charity Gold

Powhatan Gateway LC

- Powhatan County Administrator

- Powhatan Co. Env. Coord.

- Powhatan Co. Planner II


- Applicant

Attachment 5: Traffic Impact Matrix

Site Information				Calculation of Daily Trips per Land Use (ITE, 10th Edition)							Remarks	
Parcel ID	Owner	Impacted Roads	Current AADT	Total Parcel Area (acres)	Total Parcel Area (sf)	Area of Future Residential (sf)	Area of Private Road Easement (sf)	Area of Industrial Use (sf)	Total Maximum Building Area [50% Lot Coverage Per I-1] (sf)	General Light Industrial [LU 110] (Trip Ends)	Impacts	Comments
042-74	CROSS CREEK DEVELOPMENT CORP	RTE 60 / ANDERSON HIGHWAY	35,000	43.14	1,879,178	390,733	52,486	1,435,959	717,980	3,561	<div>This project proposes the construction of left and right turn lanes, as well as an eastbound acceleration lane, all having a 200-ft full-width lane and a 200-ft taper.</div> <div>The additional trip generation associated with the proposed use is consistent with the growth rates assumed in the US 60 Corridor Study conducted by VDOT, where the no-build scenario is representative of immediate potential impacts upon ultimate buildout.</div>	<div>These calculations are conservative due to the assumption that 50% lot coverage is achievable.</div> <div>Environmental features, topography, and site programming will all result in reductions in the value reported here.</div>

Engineer's Certification:

Signature



Lane B. Hargroder, PE

VDOT Review:

This proposed zoning case will generate less than the 5,000 vehicle per day threshold set by the Chapter 527 Traffic Impact Analysis Regulation; No formal VDOT review is required as part of the rezoning process.

References:

Powhatan County Subdivision Ordinance, Article II, Sec. 68-175. Access and circulation
Virginia Department of Transportation 24 VAC 30-155. TRAFFIC IMPACT ANALYSIS REGULATIONS; 24VAC30-155-10. Definitions.

MEETING MINUTES

POWHATAN GATEWAY NEIGHBORHOOD MEETING

Date: November 21, 2023

Time: 6:00 PM

Meeting called to order by: Lane B. Hargroder, PE of MSA (Lane H.)

IN ATTENDANCE

See sign-in sheet attached.

AGENDA AND PRESENTATION

See PowerPoint slides attached.

ATTENDEE COMMENTS, QUESTIONS, AND DISCUSSION ITEMS

- Utilities available on Route 60 may or may not provide for the residential tract.
- If the future residential parcel is not rezoned residential, it will not be developed for industrial use. There will be no road through the residential parcel.
- The residential tract could be rezoned in the future.
- The rezoning application will be submitted Friday, December 01, 2023, for a blanket industrial rezoning only. The residential rezoning effort will be well into 2024.
- 1581 Page Road resident does not want an easement through her property for a road connecting to Page Road and stated, "Page Road is not meant for industrial traffic."
- Residents also noted that speeds are too high on Page Road when traffic is diverted from Route 60 due to an accident.
- 4 Greenberry Road lots will be accessed by Greenberry Road only.

ATTENDEE COMMENTS, QUESTIONS, AND DISCUSSION ITEMS (CONTINUED)

- Building the cul-de-sac now might assure the neighbors it will be developed as residential in the future, but issues with VDOT may make it difficult to achieve.
- There is a stream buffer between the residential and industrial tracts.
- A resident recognized Bill Donati for his attendance and brought to his attention the need to stop activity on Page Road. The resident acknowledged that this project will not affect Page Road at all and said he is supportive so long as it doesn't. The resident also remarked that there should never be an extension to Page Road and that the residents of Page Road will, "fight against that until we die."
- Power lines were discussed as they relate to the eastern property line.
- Residential lots would be sold individually.
- One resident opined that the buffers along the north are "woefully undersized" and suggested a minimum of 150 feet be considered.
- Equipment and outdoor storage will be partitioned from residential properties with opaque screening.

SUMMARY

- Lane H. called the meeting to order and presented.
- Attendees were provided an opportunity to provide feedback and discuss the case.
- The meeting was adjourned around 7:00 PM after all questions had been answered.

ORDINANCE # O-2024-22

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 28, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

Ordinance approving Case #24-11-REZ to rezone 34.15 acres from Agricultural 10 (A-10) to Light Industrial (I-1) and 8.9 acres from Agricultural 10 (A-10) to Single-Family Residential (R-2), with proffered conditions, for a 43.14-acre parcel identified as Tax Map No. 42-74.

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable the Powhatan County Board of Supervisors to adopt and amend its zoning ordinance including both a map showing the division of land into districts and text setting forth the regulations applying to each district, and Virginia Code § 15.2-2303 allows the Board of Supervisors to accept reasonable conditions proffered by an applicant in a rezoning; and

WHEREAS, Powhatan Gateway LC, filed an application requesting to rezone 43.14-acres from Agricultural 10 (A-10) to Light Industrial (I-1) and Single-Family Residential (R-2), with proffered conditions, for Tax Map No. 42-74 located north of Anderson Highway and West of Greenberry Road in Election District 1; and

WHEREAS, applicant plans to develop a light industrial business park and single-family dwellings; and

WHEREAS, applicant has proffered 15 conditions governing the use of the property which are found to be reasonable modifications of or additions to the requirements applicable to the property pursuant to the County Zoning Ordinance; and

WHEREAS, the County's Comprehensive Plan recommends this area for Gateway Business; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this application on October 1, 2024, and voted 4-1 to recommend denial of this request; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this application on October 28, 2024.

NOW, THEREFORE, BE IT ORDAINED, the Powhatan County Board of Supervisors hereby finds that granting this request is a matter of public necessity, convenience, general welfare, or good zoning practice; and

BE IT FURTHER ORDAINED, this 28th day of October 2024, the Powhatan County Board of Supervisors hereby grants the zoning classification change to Light Industrial (I-1) and Single-Family Residential (R2) for 43.14 acres identified as Tax Map No. 42-74 located north of Anderson Highway and west of Greenberry Road in Election District 1, subject to the following proffered conditions:

- (1) The property shall be developed in general conformance with the Conceptual Development Plan (CDP) titled Powhatan Gateway Zoning (attached as Exhibit A), last dated August 27, 2024, and prepared by MSA, which includes features such as turn lanes and taper lanes, the commercial entrance location, perimeter buffers and setbacks, and zoning district boundaries. The CDP is conceptual in nature and may vary based on the final Site Plan depending on the final grading, soil studies, entrance locations, road design, building area dimensions, stormwater design and location, easements, approval requirements for state and federal agencies, and other design or engineering reasons.
- (2) A natural 50-foot vegetative buffer, retaining the site's existing trees and vegetation, shall be maintained from the edge of the established Virginia Department of Transportation (VDOT) right-of-way along the parcel's entire frontage with Anderson Highway (US 60), excluding up to the greater of 15 feet on either side of the site's commercial entrance connecting to Anderson Highway, or the minimum length necessary to satisfy VDOT sight distance requirements. Additionally, during Site Plan review, and at the Planning Director's discretion, additional evergreen plantings may be required within this natural buffer.
- (3) Parking for light industrial lots shown on the CDP shall adhere to Article VIII (Development Standards) §83-454 (Off-street parking and loading) of the Ordinance.
- (4) The industrial park's unified (i.e., directory) signage shall be limited to a single externally illuminated freestanding monument style sign, not to exceed 15 feet in height as measured from ground level, and not to exceed 100 square feet in sign area. Signage for individual businesses located in the industrial park shall comply with Article VIII (Development Standards) §83-488 (Signage) (e) (4) b. 3 of the Ordinance.
- (5) Each proposed light industrial lot shall be connected to public water and sewer. Residential lots may be connected to public water and sewer, or private well and septic, in accordance with §80-112 of the Ordinance.
- (6) All utilities shall be underground except where power requirements such as 3-phase power would make underground service impractical.
- (7) As shown on the CDP, all internal roads in the industrial portion of the development shall be built to VDOT standards, but privately owned and maintained by a Property Owners Association (POA).

- (8) Prior to the issuance of a certificate of occupancy for any industrial lot, the following improvements shall be completed as shown on the CDP: a commercial entrance, a 200-foot turn/storage lane and 200-foot taper lane located on the north side of westbound Anderson Highway, and a 200-foot acceleration and 200-foot taper lane to be located on the north side of eastbound Anderson Highway. In the event the proposed entrance does not meet the minimum spacing for full access as required by VDOT, during the Site Plan submittal process to the County, an Access Management Exception (AM-E) shall be submitted to VDOT.
- (9) As shown on the CDP, improvements to the existing dead end on Greenberry Road shall be limited to the addition of a VDOT standard cul-de-sac turnaround, if required. During the Site Plan submittal process to the County, a Secondary Street Acceptance Requirements (SSAR) Exception, Waiver, Modification Request Form, if required, shall be submitted to VDOT and must be approved prior to residential construction. Under no circumstances shall a connection from Greenberry Road to industrial uses be permitted.
- (10) The entire cost and installation of road improvements shall be the sole responsibility of the applicant, their designee(s), and/or their assignee(s). All public road improvements shall be approved, permitted, and bonded as required by the VDOT Land Use Permit application process.
- (11) Outside storage shall not be permitted along US 60. Outside storage shall otherwise be permitted but must be screened subject to all applicable Ordinance requirements.
- (12) The following uses shall not be permitted: Auction facility, Bottling plant, Fire training facility, (commercial) Marina, Massage clinic, Newspaper or magazine publishing, Radio or television broadcast studio, Surface transportation passenger station/terminal, and Wood and stump recycling business.
- (13) Stormwater management shall be designed to account for the ultimate development of the entire 43-acre site and shall be approved by the Virginia Department of Environmental Quality prior to the commencement of any land disturbing activities.
- (14) Water system design and installation, including fire flows and fire hydrant spacing, shall be in accordance with Fire Department practices and standards.
- (15) A 75-foot buffer shall be provided between the light industrial and residential portions of the site as shown on the CDP, to be maintained by the respective lot owners. To the greatest extent possible, this natural buffer shall retain the site's existing trees and vegetation. Additionally, during site plan review, and at the

Planning Director's discretion, additional evergreen plantings may be required within the buffer to achieve continuity and the desired level of screening.

- (16) Within the area to be zoned Single-family Residential-2 (R-2), the only permitted use shall be single-family detached dwellings, as listed in §83-211 of the Ordinance.
- (17) Unless otherwise approved by the Director of Planning, a gravity-fed sanitary sewer system shall serve all I-1 uses on the property and shall connect to a county pump station south of US 60. The sewer alignment shall make use of the existing casing pipe across US 60 and shall coordinate with Powhatan County's design of the public system. This Proffer is conditional on substantial completion of the county pump station within 24 months of zoning approval.
- (18) An aggregate turn lane and taper, designed to accommodate heavy truck traffic, shall be established during the initial phase of land disturbance. This turn lane will serve as the exclusive site entrance for westbound construction vehicles. The construction entrance will be engineered to ensure safe ingress and will be subject to enhancement and/or modification as deemed necessary by the Virginia Department of Transportation (VDOT) and the Powhatan County Planning Director to facilitate effective access management. This construction entrance and aggregate turn and taper lane shall be improved to serve as the commercial entrance, 200-foot turn/storage lane, and 200-foot taper lane in accordance with proffer (8) above.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steve McClung, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

William Donati, Jr. (District 1) _____
Steve McClung, (District 2) _____
Robert Powers (District 3) _____
Mark Kinney (District 4) _____
Denise Morrisette (District 5) _____



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Case 24-13-ZA – COUNTYWIDE ZONING ORDINANCE AMENDMENT**

Amendments are proposed to allow, by conditional use permit, additional density bonuses of up to 65 or 85 percent in conservation subdivisions provided at least 60 or 70 percent (respectively) of the site is permanently preserved in conservation open space, for the following zoning districts: Section 83-152 (Conditional Uses, Agricultural-20 District), Section 83-162 (Conditional Uses, Agricultural-10 District); Section 83-178 (Conditional Uses, Rural Residential District); and Section 83-182 (Conditional Uses, Rural Residential-5 District).

Draft Motion: Move (*approval / denial / deferral*) of the zoning ordinance amendments allowing additional density bonuses for conservations subdivisions by conditional use permit (*as presented / as amended*).

Summary of Item: If the amendments are adopted by the Board of Supervisors as proposed, additional density bonuses in conservation subdivisions would become a use allowable by conditional use permit (CUP) in the A20, A10, RR, and RR5 zoning districts.

The proposed zoning ordinance amendments involve updates to the A20, A10, RR, and RR5 zoning districts to include a new conditional use: A Conservation Subdivision with up to 65 percent or 85 percent density bonus, depending on the amount of open space dedicated. Specifically:

- 1) Agricultural 20 (A-20) District: The amendment proposes adding a new conditional use (number 28) to allow Conservation Subdivisions with up to a 65 percent or 85 percent density bonus. A 65 percent density bonus is allowable by conditional use permit if 60 percent of the site/parcel is dedicated to open space, and up to an 85 percent density bonus is allowable if 70 percent of the site/parcel is dedicated to open space.
- 2) Agricultural 10 (A-10) District: Similarly, a new conditional use (number 61) is proposed to allow Conservation Subdivisions with up to 65 percent or 85 percent density bonus. The same open space

If Board of Supervisors' members have questions, please call the staff / contact prior to the meeting.

requirements apply, 60 percent for a 65 percent density bonus, and 70 percent for an 85 percent density bonus.

- 3) Rural Residential (RR) District: The amendment proposes adding a new conditional use (number 17) to allow Conservation Subdivisions with up to 65 percent or 85 percent density bonus, again with the same open space requirements.
- 4) Rural Residential-5 (RR-5) District: A new conditional use (number 13) is proposed to allow Conservation Subdivisions with up to a 65 percent or 85 percent density bonus, under the same open space dedication criteria.

In each case, the reference to the density bonus ties back to Section 68-220 of the Subdivision Ordinance, which details the amount of open space required for achieving these density bonuses within conservation subdivisions. Additional regulations for the additional bonus density may be established by the Board of Supervisors during the conditional use permit process. Please note, if 60 percent or 70 percent of the site is placed in open space, the current density bonuses of 20 percent or 25 percent would remain by right under the subdivision ordinance.

Staff: X Approve Deny See Comments

Planning Commission Approve X Deny See Comments

Comments: On October 1, 2024, after a public hearing and discussion, the Planning Commission **recommended denial** of this request on a 4-1 vote.

Attachments: Proposed Ordinance Amendment, Staff Report

Staff/Contact: Ligon Webb: Planning Director
(804) 598-5621 x2006
wwebb@powhatanva.gov

If Board of Supervisors' members have questions, please call the staff / contact prior to the meeting.



Case #24-13-ZA

Countywide Zoning Ordinance Amendment

Amendments are proposed to the following sections of the zoning ordinance to allow, by conditional use permit, additional density bonuses of up to 65 or 85 percent in conservation subdivisions provided at least 60 or 70 percent (respectively) of the site is permanently preserved in conservation open space: Section 83-152 (Conditional Uses, Agricultural-20 District), Section 83-162 (Conditional Uses, Agricultural-10 District); Section 83-178 (Conditional Uses, Rural Residential District); and Section 83-182 (Conditional Uses, Rural Residential-5 District).

Staff Report Prepared for the Board of Supervisors
October 9, 2024

I. PUBLIC MEETINGS

Planning Commission	June 2, 2024	New Business
Board of Supervisors	June 24, 2024	New Business, Referral
Planning Commission	July 2, 2024	Work Session
Planning Commission	October 1, 2024	Public Hearing
Board of Supervisors	October 28, 2024	Public Hearing

II. SUMMARY OF AMENDMENTS

The proposed zoning ordinance amendments seek to update several agricultural and residential districts to provide additional density bonuses in Conservation Subdivisions as a new conditional use, offering up to a 65 percent or 85 percent density bonus depending on the amount of open space dedicated. The additional density bonuses will provide an increase from the current by right density bonuses of 20 percent and 25 percent provided in the subdivision ordinance. In the Agricultural 20 (A-20) and Agricultural 10 (A-10) districts, as well as the Rural Residential (RR) and Rural Residential-5 (RR-5) districts, this amendment would allow for up to 65 percent density bonus if 60 percent of the site or parcel is dedicated to open space. An even greater density bonus of up to 85 percent would be permitted if 70 percent of the site or parcel is preserved as open space. These provisions cross-reference

Section 68-220 of the Subdivision Ordinance, which outlines the percentage of open space required for density bonuses.

III. TEXT OF PROPOSED ORDINANCE AMENDMENTS

Amend Chapter 83 (zoning ordinance), Section 83-152 (Conditional Uses A20) to add a number (28) as follows:

(28) Conservation Subdivision with up to 65 percent or 85 percent density bonus (see Sec. 68-220 of Subdivision Ordinance)

Amend Chapter 83 (zoning ordinance), Section 83-152 (Conditional Uses A10) to add a number (61) as follows:

(61) Conservation Subdivision with up to 65 percent or 85 percent density bonus (see Sec. 68-220 of Subdivision Ordinance)

Amend Chapter 83 (zoning ordinance), Section 83-178 (Conditional Uses RR) to add a number (17) as follows:

(17) Conservation Subdivision with up to 65 percent or 85 percent density bonus (see Sec. 68-220 of Subdivision Ordinance)

Amend Chapter 83 (zoning ordinance), Section 83-182 (Conditional Uses RR5) to add a number (13) as follows:

(13) Conservation Subdivision with up to 65 percent or 85 percent density bonus (see Sec. 68-220 of Subdivision Ordinance)

IV. Comprehensive Plan Analysis

In Chapter 5, Housing, Objective HS.1 states “Foster the development of adequate supply and variety of housing that will meet the needs of all of the county’s population in a manner that is consistent with the land use vision, goals, and objectives.”

In Chapter 7, Natural and Cultural Resources, Objective NR.4 states “*Incorporate development through conservation subdivisions design pursuant to quality design standards.*”

In Chapter 8, Land Use and Community Character, Objective LU.2 states “*When development occurs in rural areas, the preferred form of development is conservation subdivisions, with smaller lots and preserved open space at an overall low density consistent with a rural character. Open spaces areas should protect environmental features and agricultural land and minimize visual impacts to adjacent roadways.*”

V. Staff Recommendation

The Planning Director **recommends approval** of the proposed amendments to allow increased density bonuses for conservation subdivisions through the conditional use permit process. These amendments are seen as a way to balance modest growth with the preservation of farmland and the protection of the county's visual landscape. The County's comprehensive plan emphasizes quality design and the use of open space, aligning with the goals of these amendments. The Planning Director believes that well-planned conservation subdivisions would be beneficial, and the conditional use permit process ensures that higher-density conservation subdivision developments are carefully regulated. However, the County should monitor the volume of conservation subdivisions post-amendment to determine if in time requiring such subdivisions via a rezoning, rather than CUP, may be a better long-term solution, primarily as CUPs do not permit the collection of cash proffers, where rezonings would.

VI. Planning Commission Recommendation

On October 1, 2024, after a public hearing and discussion, the Planning Commission **recommended denial** of this request (vote 4-1).

AYE	Mr. Bobby Hall, District 1
AYE	Ms. Darlene Bowlin, District 2
NAY	Ms. Jessica Winall, District 3
AYE	Mr. Craig Hughes, District 4
AYE	Mr. Kenneth Hatcher, District 5

ORDINANCE: O-2024-25

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 28, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

An Ordinance amending the Powhatan County Zoning Ordinance, County Code Chapter 83, Article III (Rural Districts), Sections 83-152 (Conditional Uses A20), 83-162 (Conditional Uses A10), 83-178 (Conditional Uses RR), and 83-182 (Conditional Uses RR5), to allow additional bonus densities for conservation subdivisions by conditional use permit

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable a local governing body to adopt and amend zoning ordinances including a map or maps showing the division of territory into districts and a text setting forth the regulations applying to each district; and

WHEREAS, this amendment would allow additional bonus densities for conservation subdivisions in certain zoning districts through approval of a conditional use permit; and

WHEREAS, on June 24, 2024, the Board of Supervisors initiated and referred this ordinance amendment to the Planning Commission for its recommendation in accordance with state law and County zoning ordinance Section 83-123(b)(2)(c); and

WHEREAS, pursuant to Virginia Code § 15.2-2286(A)(7), this amendment is a matter of public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this ordinance amendment on October 1, 2024, and voted 4-1 to recommend denial of this amendment; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this ordinance amendment on October 28, 2024; and

WHEREAS, the full text of the proposed ordinance amendment was available for public inspection in the Powhatan County Administration Office and the County Planning and Zoning Office, both located at 3834 Old Buckingham Road, Powhatan, Virginia, 23139.

NOW, THEREFORE, BE IT ORDAINED, by the Powhatan County Board of Supervisors that the following sections of the Powhatan County Zoning Ordinance (County Code Chapter 83) are hereby amended and reenacted as follows:

1. Article III (Rural Districts), Section 83-152 (Conditional Uses A20) is amended to add the following:

(28) Conservation Subdivision with up to 65 percent or 85 percent density bonus (see Sec. 68-220 of Subdivision Ordinance)

2. Article III (Rural Districts), Section 83-162 (Conditional Uses A10) is amended to add the following:

(61) Conservation Subdivision with up to 65 percent or 85 percent density bonus (see Sec. 68-220 of Subdivision Ordinance)

3. Article III (Rural Districts), Section 83-178 (Conditional Uses RR) is amended to add the following:

(17) Conservation Subdivision with up to 65 percent or 85 percent density bonus (see Sec. 68-220 of Subdivision Ordinance)

4. Article III (Rural Districts), Section 83-182 (Conditional Uses RR5) is amended to add the following:

(13) Conservation Subdivision with up to 65 percent or 85 percent density bonus (see Sec. 68-220 of Subdivision Ordinance)

5. Except as amended herein, all County Code provisions remain unchanged and in full force and effect.
6. This ordinance is effective immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON OCTOBER 28, 2024.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steven McClung, Chair
Powhatan County Board of Supervisors

RECORDED VOTE

William Donati, Jr. _____
Steven McClung _____
Robert Powers _____
Mark Kinney _____
Denise Morrisette _____



Powhatan County
Board of Supervisors
Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: Case 24-14-SA – COUNTYWIDE SUBDIVISION ORDINANCE

AMENDMENT: Amend Section 68-220 (Conservation Subdivisions) to reflect the additional density bonuses of up to 65 or 85 percent available by conditional use permit in the Agricultural-20 (A20), Agricultural-10 (A10), Rural Residential (RR), and Rural Residential-5 (RR5) zoning districts; to require a minimum of 50 acres to be eligible for a conservation subdivision; to allow the assemblage of contiguous parcels to meet the minimum acreage requirement; and to increase the minimum lot size for individual lots within a conservation subdivision from 40,000 square feet to one acre.

Motion: Move (*approval / denial / deferral*) of the proposed subdivision ordinance amendments regarding density bonuses, eligible acreage, and individual lot sizes (*as presented / as amended*).

Summary of Item: Amendments to the subdivision ordinance provisions for conservation subdivisions are proposed to conform with the proposed zoning ordinance amendments, being heard concurrently, that would allow additional density bonuses by conditional use permit. Other amendments update the 50-acre minimum eligible acreage for conservation subdivisions and increase the minimum lot size for individual lots from 40,000 SF to one acre.

Specifically, in the Agricultural-20 (A20), Agricultural-10 (A10), Rural Residential (RR), and Rural Residential-5 (RR5) districts, up to 65 percent density bonus would be allowed if 60 percent of the development is preserved as open space, and up to 85 percent if 70 percent is preserved. Additionally, the amendments would set a minimum of 50 acres for conservation subdivisions, allow for the combination of adjacent parcels to meet this threshold, and increase the minimum lot size from 40,000 square feet to one acre. These changes aim to balance development with the preservation of open space in rural areas.

Staff: ☒ X Approve ☐ Deny ☐ See Comments

If Board of Supervisors' members have questions, please call the staff / contact prior to the meeting.

Planning Commission: _____ Approve X Deny _____ See Comments

Comments: On October 1, 2024, after a public hearing and discussion, the Planning Commission **recommended denial** of this request (vote 4-1).

Attachment: Proposed Ordinance Amendment, Staff Report

Staff/Contact: Ligon Webb: Planning Director
 (804) 598-5621 x2006
 wwebb@powhatanva.gov

If Board of Supervisors' members have questions, please call the staff / contact prior to the meeting.



Case #24-14-SA

Countywide Subdivision Ordinance Amendment

Amend Section 68-220 (Conservation Subdivisions) to reflect additional density bonuses of up to 65 or 85 percent available by conditional use permit in the Agricultural-20 (A20), Agricultural-10 (A10), Rural Residential (RR), and Rural Residential-5 (RR5) zoning districts; to require a minimum of 50 acres to be eligible for a conservation subdivision; to allow the assemblage of contiguous parcels to meet the minimum acreage requirement; and to increase the minimum lot size for individual lots within a conservation subdivision from 40,000 square feet to one acre.

Staff Report Prepared for the Board of Supervisors
October 9, 2024

I. PUBLIC MEETINGS

Planning Commission	June 2, 2024	New Business
Board of Supervisors	June 24, 2024	New Business, Referral
Planning Commission	July 2, 2024	Work Session
Planning Commission	October 1, 2024	Public Hearing
Board of Supervisors	October 28, 2024	Public Hearing

II. SUMMARY OF AMENDMENTS

The proposed amendments would update the subdivision ordinance to reflect proposed amendments to the zoning ordinance being heard concurrently to allow increased density bonuses in conservation subdivisions across Agricultural-20 (A20), Agricultural-10 (A10), Rural Residential (RR), and Rural Residential-5 (RR5) districts – with approval of a conditional use permit from the Board of Supervisors. The amendments would reflect the allowable conditional use permit density bonuses of up to 65 percent or 85 percent, depending on whether 60 percent or 70 percent of the development is preserved as conservation open space. Additionally, the proposal includes setting a minimum of 50 acres for conservation subdivisions, allowing the combination of adjacent parcels to meet this requirement, and

increasing the minimum lot size from 40,000 square feet to one acre. These changes are designed to promote development while preserving significant open space in rural areas.

III. TEXT OF ORDINANCE AMENDMENTS

- Proposed Amendments to Article III (subdivision standards), Section 68-220 (conservation subdivision), (d) (conservation subdivision standards) to amend number (2) to state the following:

(2) *Minimum subdivision size.* A conservation subdivision shall be at least 50 acres in area, **which may be created by assembling multiple adjoining parcels.** ~~The minimum subdivision size may be reduced to 40 acres, if a minimum of 50 percent of the total acreage of the site is set aside as conservation area open space.~~

- Proposed Amendments to Article III (subdivision standards), Section 68-220 (conservation subdivision), (d) (conservation standards) to amend number (3) to state the following:

(3) *Minimum open space.*

a. No density bonus. A conservation subdivision shall set aside a minimum of 40 percent of the total acreage of the site as conservation area open space to be permanently maintained and protected. ~~except that conservation subdivisions that are 40 or more acres in size, but less than 50 acres in size, shall set aside a minimum of 50 percent of the total acres of the site as conservation area open space.~~

b. Density Bonus. For conservation subdivisions within the Agricultural 10 (A-10), Agricultural 20 (A-20), and Rural Residential (RR) zoning districts that dedicate a minimum of 60 percent or 70 percent of the total site acreage as permanently protected conservation open space, a corresponding density bonus of 20 percent or 25 percent may be applied as a matter of right. For conservation subdivisions within the Rural Residential-5 (RR-5) zoning district that dedicate a minimum of 60 percent or 70 percent of the total site acreage as permanently protected conservation open space, a corresponding density bonus of 10 percent or 15 percent may be applied as a matter of right.

c. Additional Density Bonus by Conditional Use Permit (CUP). For conservation subdivisions within the Agricultural 10 (A-10), Agricultural 20 (A-20), Rural Residential (RR), and Rural Residential-5 (RR-5) zoning districts that dedicate a minimum of 60 percent or 70 percent of the total site acreage as permanently protected conservation open space, a corresponding density bonus of up to 65 percent or 85 percent may be applied only on approval of a conditional use

permit from the Board of Supervisors as permitted in the Powhatan County Zoning Ordinance.

- Proposed Amendments to Article III (subdivision standards), Section 68-220 (conservation subdivision), (d) (conservation standards) to amend TABLE 68-220 (d) (4) to add the following text (**text** to be added):

TABLE 68-220(d)(4): Bonus Densities For Additional Open Space

Minimum Percentage of Total Subdivision Site Area Set Aside as Permanent Conservation Area Open Space	Percentage Increase of Maximum Density from that Established for the Zoning District
60%	Properties Zoned A-20, A-10, and RR: 20% ; up to 65% with approval of conditional use permit Properties Zoned RR-5: 10% ; up to 65% with approval of conditional use permit
70%	Properties Zoned A-20, A-10, and RR: 25% ; up to 85% with approval of conditional use permit Properties Zoned RR-5: 15% ; up to 85% with approval of conditional use permit

Note: Conservation subdivisions located on properties zoned R-2 are not eligible to receive a density bonus.

- Proposed Amendments to Article III (subdivision standards), Section 68-220 (conservation subdivision), (d) (conservation standards) to amend number (5) a. to state the following the following (~~text~~ to be deleted, **text** to be added):

(5) Modified lot area, lot width, lot coverage, and yard depth standards.

- a. The minimum lot area for individual lots within a conservation subdivision shall be ~~40,000 square feet~~ **one acre** if neither public/community water or sewer service are available. If either public/community water or sewer service are available, the minimum lot area for individual lots within a conservation subdivision shall be 15,000 square feet.

IV. Staff Recommendation

The Planning Director **recommends approval** of the proposed amendments to update the subdivision ordinance to match the proposed zoning ordinance amendments being heard concurrently that would allow increased density for through the conditional use permit process. These amendments are seen as a way to balance modest growth with the preservation of farmland and the protection of the county's visual landscape. The County's comprehensive plan emphasizes quality design and the use of open space, aligning with the goals of these amendments. The Planning Director believes that well-planned conservation subdivisions would be beneficial, and the conditional use permit process ensures that higher-density conservation subdivision developments are carefully regulated. However, the

County should monitor the volume of conservation subdivisions post-amendment to determine if in time requiring such subdivisions via a rezoning, rather than CUP, may be a better long-term solution, primarily as CUPs do not permit the collection of cash proffers, where rezonings would.

V. Planning Commission Recommendation

On October 1, 2024, after a public hearing and discussion, the Planning Commission **recommended denial** of this request (vote 4-1).

AYE	Mr. Bobby Hall, District 1
AYE	Ms. Darlene Bowlin, District 2
NAY	Ms. Jessica Winall, District 3
AYE	Mr. Craig Hughes, District 4
AYE	Mr. Kenneth Hatcher, District 5

ORDINANCE: O-2024-26

AT A MEETING OF THE POWHATAN COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 28, 2024, IN THE VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD, POWHATAN, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

An Ordinance amending the Powhatan County Subdivision Ordinance, County Code Chapter 68, Article III (Subdivision Standards), Section 68-220 (Conservation Subdivision), to reflect the additional density bonuses available by conditional use permit in the Agricultural-20 (A20), Agricultural-10 (A10), Rural Residential (RR), and Rural Residential-5 (RR5) zoning districts; to require a minimum of 50 acres to be eligible for a conservation subdivision; to allow the assemblage of contiguous parcels to meet the minimum acreage requirement; and to increase the minimum lot size for individual lots within a conservation subdivision from 40,000 square feet to one acre.

WHEREAS, Virginia Code §§ 15.2-2240, 15.2-2251, and 15.2-2253 enable a local governing body to adopt and amend subdivision ordinances to assure the orderly subdivision of land and its development; and

WHEREAS, this amendment would update allowances and requirements for conservation subdivisions in the County; and

WHEREAS, on June 24, 2024, the Board of Supervisors initiated and referred this ordinance amendment to the Planning Commission for its recommendation in accordance with state law; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this ordinance amendment on October 1, 2024, and voted 4-1 to recommend denial of this amendment; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this ordinance amendment on October 28, 2024; and

WHEREAS, the full text of the proposed ordinance amendment was available for public inspection in the Powhatan County Administration Office and the County Planning and Zoning Office, both located at 3834 Old Buckingham Road, Powhatan, Virginia, 23139.

NOW, THEREFORE, BE IT ORDAINED, by the Powhatan County Board of Supervisors that the following sections of the Powhatan County Subdivision Ordinance (County Code Chapter 83) are hereby amended and reenacted as follows:

- Chapter 68 (Subdivision Ordinance), Article III (Subdivision Standards), Sec. 68-220 (d) (*Conservation subdivision standards*), is amended as follows (~~text~~ to be deleted, text to be added):

(d) *Conservation subdivision standards.*

- (1) *Location.* A conservation subdivision shall be located within the Agricultural-20 (A-20), Agricultural-10 (A-10), Rural Residential (RR), Rural Residential-5 (RR-5), and Single-Family Residential-2 (R-2) zoning districts.
- (2) *Minimum subdivision size.* A conservation subdivision shall be at least 50 acres in area, **which may be created by assembling multiple adjoining parcels.** ~~The minimum subdivision size may be reduced to 40 acres, if a minimum of 50 percent of the total acreage of the site is set aside as conservation area open space.~~

- (3) *Minimum open space.*

a. No density bonus. A conservation subdivision shall set aside a minimum of 40 percent of the total acreage of the site as conservation area open space to be permanently maintained and protected. ~~except that conservation subdivisions that are 40 or more acres in size, but less than 50 acres in size, shall set aside a minimum of 50 percent of the total acres of the site as conservation area open space.~~

b. Density Bonus. For conservation subdivisions within the Agricultural 10 (A-10), Agricultural 20 (A-20), and Rural Residential (RR) zoning districts that dedicate a minimum of 60 percent or 70 percent of the total site acreage as permanently protected conservation open space, a corresponding density bonus of 20 percent or 25 percent may be applied as a matter of right. For conservation subdivisions within the Rural Residential-5 (RR-5) zoning district that dedicate a minimum of 60 percent or 70 percent of the total site acreage as permanently protected conservation open space, a corresponding density bonus of 10 percent or 15 percent maybe be applied as a matter of right.

c. Additional Density Bonus by Conditional Use Permit (CUP). For conservation subdivisions within the Agricultural 10 (A-10), Agricultural 20 (A-20), Rural Residential (RR), and Rural Residential-5 (RR-5) zoning districts that dedicate a minimum of 60 percent or 70 percent of the total site acreage as permanently protected conservation open space, a corresponding density bonus of up to 65 percent or 85 percent may be applied only on approval of a conditional use permit from the Board of Supervisors as provided in the Powhatan County Zoning Ordinance.

- (4) *Maximum density; bonus densities.*

- a. Except as otherwise provided in subsection b. below, the gross density of single-family lots or dwelling units within a conservation subdivision shall not exceed the maximum density established in the zoning ordinance for the zoning district applied to the subject property.
- b. The maximum density of single-family lots or dwelling units within a conservation subdivision may be increased from that established for the zoning district applied to the subject property, in accordance with Table 68-220(d)(4).

TABLE 68-220(d)(4): Bonus Densities For Additional Open Space

Minimum Percentage of Total Subdivision Site Area Set Aside as Permanent Conservation Area Open Space	Percentage Increase of Maximum Density from that Established for the Zoning District
60%	Properties Zoned A-20, A-10, and RR: 20% ; up to 65% with approval of conditional use permit Properties Zoned RR-5: 10% ; up to 65% with approval of conditional use permit
70%	Properties Zoned A-20, A-10, and RR: 25% ; up to 85% with approval of conditional use permit Properties Zoned RR-5: 15% ; up to 85% with approval of conditional use permit
Note: Conservation subdivisions located on properties zoned R-2 are not eligible to receive a density bonus.	

(5) *Modified lot area, lot width, lot coverage, and yard depth standards.*

- a. The minimum lot area for individual lots within a conservation subdivision shall be ~~40,000 square feet~~ **one acre** if neither public/community water or sewer service are available. If either public/community water or sewer service are available, the minimum lot area for individual lots within a conservation subdivision shall be 15,000 square feet.

....

2. Except as amended herein, all County Code provisions remain unchanged and in full force and effect.
3. This ordinance is effective immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON OCTOBER 28, 2024.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steven McClung, Chair
Powhatan County Board of Supervisors

RECORDED VOTE

William Donati, Jr. _____
Steven McClung _____
Robert Powers _____
Mark Kinney _____
Denise Morrisette _____



Powhatan County Board of Supervisors Agenda Item

Meeting Date: October 28, 2024

Agenda Item Title: **Case 24-15-CPA (COMPREHENSIVE PLAN AMENDMENT)**: Amend the 2021 Long-Range Comprehensive Plan adopted October 25, 2021, as follows: Part II (Plan Elements), Chapter 8 (Land Use and Community Character), specifically to Table 12 on page 69 of the plan, to change the high end of the recommended residential density range, high, for Rural Areas from 1 unit per 8 acres to 1 unit per 5 acres or 0.2 units per acre; and Part II (Plan Elements), Chapter 8 (Land Use and Community Character), specifically to Development Design on page 80 of the plan, to change the residential densities range from 1 unit per 8 – 10 acres to 1 unit per 5 – 10 acres or 0.2 units per acre.

Motion: Move (**approval / denial / deferral**) of the comprehensive plan amendments to update recommended residential density ranges for conservation subdivisions consistent with the zoning and subdivision ordinance text amendments being heard concurrently (**as presented / as amended**).

Summary of Item: If approved, the Comprehensive Plan amendments would align the plan with the proposed conservation subdivision additional density bonuses by conditional use permit and corresponding updates to section 68-220 of the subdivision ordinance, both being heard concurrently with this amendment.

Specifically, the amendments would change the recommended residential density range for Rural Areas from 1 unit per 8 acres to 1 unit per 5 acres (0.2 units per acre). Additionally, the proposed changes would revise the density range for conservation subdivisions from 1 unit per 8–10 acres to 1 unit per 5–10 acres (0.2 units per acre). These updates to Chapter 8 of the plan would ensure consistency with the proposed density bonuses outlined in section 68-220 of the subdivision ordinance.

Staff: ☒ Approve ☐ Deny ☐ See Comments

Planning Commission: ☐ Approve ☒ Deny ☐ See Comments

If Board of Supervisors' members have questions, please call the staff / contact prior to the meeting.

Comments: On October 1, 2024, after a public hearing and discussion, the Planning Commission **recommended denial** of this request (vote 4-1).

Attachment: Text of proposed amendments followed by Staff Report

Staff/Contact: Ligon Webb: Planning Director
(804) 598-5621 x2006
wwebb@powhatanva.gov

If Board of Supervisors' members have questions, please call the staff / contact prior to the meeting.



Case #24-15-CPA

Comprehensive Plan Amendment

Amend the October 25, 2021 Long-Range Comprehensive Plan, Part II (Plan Elements), Chapter 8 (Land Use and Community Character), Table 12 on page 69, to change the recommended residential density range, high, for Rural Areas from 1 unit per 8 acres to 1 unit per 5 acres or 0.2 units per acre; and Part II (Plan Elements), Chapter 8 (Land Use and Community Character), Development Design on page 80, to change the residential densities from 1 unit per 8 – 10 acres to 1 unit per 5 – 10 acres or 0.2 units per acre.

Staff Report Prepared for the Board of Supervisors
October 9, 2024

I. PUBLIC MEETINGS

Planning Commission
Board of Supervisors

October 1, 2024
October 28, 2024

Public Hearing
Public Hearing

II. SUMMARY OF AMENDMENTS

The proposed amendments to the 2021 Long-Range Comprehensive Plan would align the plan with new density bonuses for conservation subdivisions being proposed in the zoning and subdivision ordinances concurrent with this amendment. Specifically, the amendments would change the recommended residential density range, high, for Rural Areas from 1 unit per 8 acres to 1 unit per 5 acres (0.2 units per acre). Additionally, the proposed changes would revise the density range for conservation subdivisions from 1 unit per 8–10 acres to 1 unit per 5–10 acres (0.2 units per acre). These updates to Chapter 8 of the plan would ensure consistency with the proposed density bonuses outlined in section 68-220 of the subdivision ordinance.

III. TEXT OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS

Amend Part II (Plan Elements), Chapter 8 (Land Use and Community Character), Table 12 on Page 69 as follows (~~text~~ deleted; text added):

Rural Areas, Recommended Residential Density Range, High

~~0.12~~ **0.2** units/acre
(1 unit per ~~8~~ **5** acres)

Amend Part II (Plan Elements), Chapter 8 (Land Use and Community Character), Development Design on Page 80 as follows (~~text~~ deleted; **text** added):

Residential densities: 0.10 units/acre – ~~0.12~~ **0.2** units/acre
(1 unit per ~~8~~ **5** – 10 acres)

IV. Comprehensive Plan Analysis

In Chapter 7, Natural and Cultural Resources, Objective NR.4 states *“Incorporate development through conservation subdivisions design pursuant to quality design standards.”*

In Chapter 8, Land Use and Community Character, Objective LU.2 states *“When development occurs in rural areas, the preferred form of development is conservation subdivisions, with smaller lots and preserved open space at an overall low density consistent with a rural character. Open spaces areas should protect environmental features and agricultural land and minimize visual impacts to adjacent roadways.”*

V. Staff Recommendation

The Planning Director **recommends amending** the County's comprehensive plan to increase the residential density range (High) for Rural Areas from 1 unit per 8 acres to 1 unit per 5 acres. This amendment aligns with the comprehensive plan's objectives, particularly those emphasizing conservation subdivisions. In Chapter 7, Objective NR.4 promotes incorporating development through conservation subdivision design with quality standards. Similarly, in Chapter 8, Objective LU.2 supports the idea that conservation subdivisions are the preferred form of development in rural areas, encouraging smaller lots, preserved open spaces, and low-density development that maintains rural character, protects environmental features, and minimizes visual impacts.

VI. Planning Commission Recommendation

On October 1, 2024, after a public hearing and discussion, the Planning Commission recommended denial of this request (vote 4-1).

AYE	Mr. Bobby Hall, District 1
AYE	Ms. Darlene Bowlin, District 2
NAY	Ms. Jessica Winall, District 3
AYE	Mr. Craig Hughes, District 4
AYE	Mr. Kenneth Hatcher, District 5

ORDINANCE: O-2024-27

An Ordinance amending the October 25, 2021 Long-Range Comprehensive Plan, Part II (Plan Elements), Chapter 8 (Land Use and Community Character), Table 12 on page 69, to change the recommended residential density range, high, for Rural Areas from 1 unit per 8 acres to 1 unit per 5 acres or 0.2 units per acre; and Part II (Plan Elements), Chapter 8 (Land Use and Community Character), Development Design on page 80, to change the residential densities from 1 unit per 8 – 10 acres to 1 unit per 5 – 10 acres or 0.2 units per acre.

WHEREAS, pursuant to Virginia Code § 15.2-2229, Powhatan County adopted its 2021 Long-Range Comprehensive Plan on October 25, 2021, to establish policies, goals, and strategies that serve as a guide for orderly future growth and development; and

WHEREAS, Virginia Code § 15.2-2229 allows the comprehensive plan to be amended in accordance with § 15.2-2204 of the Code of Virginia; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Planning Commission advertised as required by law and held a public hearing on this ordinance amendment on October 1, 2024, and voted 4-1 to recommend denial of this amendment; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Powhatan County Board of Supervisors advertised as required by law and held a public hearing on this ordinance amendment on October 28, 2024; and

WHEREAS, the full text of the proposed ordinance amendment was available for public inspection in the County Administration Office and the County Planning and Zoning Office, both located at 3834 Old Buckingham Road, Powhatan, Virginia, 23139.

NOW, THEREFORE, BE IT ORDAINED, by the Powhatan County Board of Supervisors that several sections of the 2021 Long-Range Comprehensive Plan are hereby amended as follows:

1. Part II (Plan Elements), Chapter 8 (Land Use and Community Character), table 12 on Page 69 is amended as follows:

Rural Areas, Recommended Residential Density Range, High ~~0.12~~ 0.2 units/acre (1 unit per ~~8~~ 5 acres)

2. Part II (Plan Elements), Chapter 8 (Land Use and Community Character), Development Design on Page 80 is amended as follows:

Residential densities: 0.10 units/acre – ~~0.12~~ 0.2 units/acre (1 unit per ~~8~~ 5 – 10 acres)

3. Except as amended herein, all other provisions of the 2021 Long-Range Comprehensive Plan remain unchanged.
4. This ordinance is effective immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON OCTOBER 28, 2024.

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Steven McClung, Chair
Powhatan County Board of Supervisors

RECORDED VOTE

William Donati, Jr. _____

Steven McClung _____

Robert Powers _____

Mark Kinney _____

Denise Morrisette _____