

Issue Analysis Form



Date: May 24, 2016

Item: Donald P. Vtipil, Jr. – Rezoning Request

The applicant proposes to rezone 65 +/- acres from R-1, Limited Residential with proffered conditions back to R-A, Residential - Agricultural zoning to permit single family dwelling uses.

Lead Department: Community Development

Contact Person: Douglas Miles, Planning Manager

Description and Current Status

On January 25, 2005, the Board of Supervisors approved a conditional rezoning from R-2 and R-A zoning to R-1 zoning for the construction of a new single family dwelling subdivision with a maximum of 117 lots. The applicant had proffered that a maximum of 30 homes would be built each year; public water and sewer would be used; a \$3,544 payment would be made per lot for needed infrastructure improvements; and open space, sidewalks, street lights, and stormwater basins would be constructed for a new residential subdivision backing up to Branchester Lakes.

On October 14, 2008, the Board of Supervisors approved a Zoning Case Amendment to the 2005 zoning case that deleted proffered condition 2 that limited the subdivision developer to thirty (30) homes per year. The new developer received approval for a revised subdivision lot layout that he felt would allow for the new subdivision to be developed along with a \$12,585 payment per lot since the previous applicant had not requested to be vested at \$3,544 per lot.

Government Path

Does this require IDA action?

Yes No

Does this require BZA action?

Yes No

Does this require Planning Commission action?

Yes No
April 28, 2016
Recommended for
Approval by 7-0 vote.

Does this require Board of Supervisors action?

Yes No
May 24, 2016

Does this require a Public Hearing?

Yes No

If so, before what date?

n/a

Fiscal Impact Statement

The proposed rezoning will reduce the amount of capital facilities expenditures on future schools, parks, fire stations, and other government expenditure needs by reducing the number of potential homes from 117 to 3 resulting from the proposed rezoning case.

County Impact

The proposed rezoning if approved will place less traffic onto State Route 156 and the surrounding secondary roads due to the decrease in the number of proposed lots. The Prince George County Public School System will have less children and there will be less school buses needed to serve previously proposed development of 117 homes.

Notes

n/a

Board of Supervisors
County of Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 24th day of May 2016:

Present:

Vote:

William A. Robertson, Jr., Chairman
Jerry J. Skalsky, Vice Chairman
Alan C. Carmichael
Donald Hunter
T. J. Webb

REZONING CASE RZ-16-02 Request of Donald P. Vtipil, Jr. to rezone a 65 +/- acre parcel from R-1, Limited Residential to the R-A, Residential-Agricultural Zoning District, located on the west line of 156 and north of Trailing Rock Road and known as Tax Map 13B(01)00-00D-0. The comprehensive plan indicates the subject property is appropriate for residential land uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the rezoning case identified as RZ-16-02 is granted for R-A, Residential – Agricultural zoning to the official zoning map.

Adopted on May 24, 2016 and becoming effective immediately.

**BOARD OF SUPERVISORS
REZONING REPORT SUMMARY**

CASE NUMBER: RZ-16-02

APPLICANT: Donald P. Vtipil, Jr.

LOCATION OF PROPERTY: West line of Prince George Drive;
North of Trailing Rock Road

PARCEL ID #: 13B(01)00-00D-0

PLANNING DISTRICT: Prince George Planning Area

REQUESTED ACTION: Rezoning Case Request

EXISTING ZONING: R-1, Limited Residential with conditions

PROPOSED ZONING: R-A, Residential - Agricultural

EXISTING USE: Vacant

PROPOSED USE: Single Family Dwelling

SURROUNDING ZONING:

North and South	R-2, Branchester Lakes Subdivision
East	R-A, rural residential acreage parcels
West	R-1, Branchester Lakes Subdivision

UTILITIES: Well and Septic

REAL ESTATE TAXES: No delinquent taxes are owed to the County

MEETING INFORMATION:

Planning Commission:	Thursday, April 28, 2016 at 7:30 p.m.
	Planning Commission Recommended Approval to the Board of Supervisors as presented 7-0.
Board of Supervisors:	Tuesday, May 24, 2016 at 7:30 p.m.

RECOMMENDATION: Staff recommends Approval

ATTACHMENTS:

1. Rezoning Application
2. GIS Map showing area
3. Staff Report

**BOARD OF SUPERVISORS STAFF REPORT
REZONING REQUEST – CASE RZ-16-02
DONALD P. VTIPIIL, JR.
PUBLIC HEARING: May 24, 2016**

Request:

The applicant proposes to rezone 65 +/- acres from R-1, Limited Residential with proffered conditions back to R-A, Residential - Agricultural zoning to permit single family dwelling uses.

The applicant is a direct descendant of the original owners of the subject property formerly known as the Vtipil Farm that was much larger in size prior to being rezoned back in 2005.

Comprehensive Plan:

The 2014 Comprehensive Plan Update identifies this area for residential uses and the proposed rezoning would be in compliance with the County's established land use plan and its policies.

Zoning Case History:

On January 25, 2005, the Board of Supervisors approved a conditional rezoning from R-2 and R-A zoning to R-1 zoning for the construction of a new single family dwelling subdivision with a maximum of 117 lots. The applicant had proffered that a maximum of 30 homes would be built each year; public water and sewer would be used; a \$3,544 payment would be made per lot for needed infrastructure improvements; and open space, sidewalks, street lights, and stormwater basins would be constructed for a new residential subdivision backing up to Branchester Lakes.

On October 14, 2008, the Board of Supervisors approved a Zoning Case Amendment to the 2005 zoning case that deleted proffered condition 2 that limited the subdivision developer to thirty (30) homes per year. The new developer received approval for a revised subdivision lot layout that he felt would allow for the new subdivision to be developed along with a \$12,585 payment per lot since the previous applicant had not requested to be vested at \$3,544 per lot.

County Attorney:

The Planning Manager consulted with the County Attorney on the proposed rezoning case request that if the applicant submitted a rezoning from R-1 with proffered conditions to the R-A, Residential – Agricultural Zoning District, that the existing conditions would be vacated if the Board of Supervisors approved the proposed rezoning case. The County Attorney confirmed that the previous conditions could be vacated and the property would return to R-A Zoning.

Transportation:

VDOT has reviewed the request and stated that they have no comments and they are in support of the proposed rezoning case request as written from R-1 to R-A as it decreases vehicle traffic counts along Route 156 and the surrounding VDOT secondary road system within the County.

Recommendation:

County Staff recommends Approval of this rezoning case request that will allow for the applicant to return the subject property to R-A land uses along with single family dwelling uses. The R-A District would require that horses or goats be 150 feet away from the nearest adjoining dwelling.

***Community Development &
Code Compliance***



*Julie C. Walton, Director
Jeff Brown, Building Official
Douglas Miles, Planning Manager*

County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

May 11, 2016

BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel involved that is abutting property and property immediately across the street or the road from the property affected:

This is notification that the Prince George County Board of Supervisors will hold a public hearing on **Tuesday, May 24, 2016, beginning at 7:30 p.m.** in the Board Meeting Room, on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, VA, to consider the following request that involve the Prince George County Zoning Ordinance:

REZONING CASE RZ-16-02 Request of Donald P. Vtipil, Jr. to rezone a 65 +/- acre parcel from R-1, Limited Residential to the R-A, Residential-Agricultural Zoning District, located on the west line of 156 and north of Trailing Rock Road and known as Tax Map 13B(01)00-00D-0. The comprehensive plan indicates the subject property is appropriate for residential land uses.

A copy of the related materials may be examined in Planning and Zoning within the County Administration Building, (804) 722-8678. The department is open from 8:30 am to 5:00 pm, Monday - Friday. All interested persons shall have the opportunity to be heard at said public hearing.

Sincerely,

Douglas Miles

Douglas Miles
Planning Manager

**PRINCE GEORGE COUNTY
DEPARTMENT OF PLANNING & ZONING**

No. RZ-16-02

Date. 3-23-14

**APPLICATION FOR REZONING
(ZONING ORDINANCE AMENDMENT)**

1. LEGAL OWNER(S) OF PROPERTY REQUESTED TO BE REZONED:

Bank of McKenney

2. LOCATION OF PROPERTY:

ADDRESS: 4620 Prince George Drive

CITY/STATE/ ZIP Prince George, VA 23875

ASSESSOR'S PARCEL NO: #13B(01)00-000-0

DISTRICT: BLAND

SUBDIVISION: _____

RECORDED IN DEED BOOK 12 PAGE 2140 CIRCUIT COURT CLERK'S OFC

3. CHARACTERISTICS OF PROPERTY:

SIZE (Acreage): 65.31 Acres

DEED RESTRICTIONS: _____

PRESENT USE: VACANT RAW LAND

4. COMPREHENSIVE PLAN DESIGNATION: _____

5. ZONING CLASSIFICATION:

PRESENT ZONING: R-1

PROPOSED ZONING: R-A

6. REASON(S) FOR REZONING REQUEST, INCLUDING PROPOSED USE:

(Note: Attach separate sheet or letter, if necessary)

See Attached

7. AGENT(S) OR REPRESENTATIVE(S) OF PROPERTY OWNER(S), IF ANY
(SPECIFY INTEREST):

Don Vtipil, JR for the Bank of McKenney

MAILING ADDRESS: 4307 Fox Hill Place

CITY/STATE/ZIP Prince George, VA 23875

TELEPHONE NUMBER: 804-691-5237

8. AFFIDAVIT:

A. The undersigned (1) Property Owner or (2) duly authorized agent/representative thereof (Check 1 or 2) certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

SIGNED: Donald P. [Signature] DATE: 23 March 16

MAILING ADDRESS: 4307 Fox Hill Place

CITY/STATE/ZIP Prince George, Va 23875

TELEPHONE NUMBER: 804-691-5237

STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP _____

TELEPHONE NUMBER: _____

STATE OF VIRGINIA
COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this 23 day of March, 2019.

[Signature]
Notary Public

My Commission expires: NOV 30, 2019:

Department of Planning & Zoning
6602 Courts Drive, Prince George, VA 23875
Phone: (804) 722-8678; Fax: (804) 732-2119
www.princegeorgeva.org

CHARLES BROWN
NOTARY PUBLIC
REG. #7622986
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES NOV. 30, 2019

March 22, 2016

Request for Rezoning of Bank of McKenney Property located at:

4620 Prince George Drive
Prince George, VA 23875
Parcel # 13B(01)00-00D-0

Dear Planning Commission and Board of Supervisors,

After a careful year of planning it is our desire to request the rezoning of the Bank of McKenney property, formally the Vtipil Farm, from its current zoning of R-1 to R-A. The Vtipil' s have a family history in the county dating back to 1910 when the family settled in Prince George County and purchased the land to build a life for themselves. Over the past hundred years the Vtipil' s worked the land and made a living for their descendants.

You will recall that my father sold the land to the Fleming Group in 2005 and at that time it was rezoned to R-1. For numerous reasons, including a bust in the housing market that lingers today, the property was never developed and has sat idle ever since it was purchased. Unfortunately it has become a dumping ground for those desiring to trespass and dump off their trash.

As one of the Vtipil descendants my wife and I would like to purchase the farm and return it back to what we remember. Our plan is very simple. Purchase the land, do a family division to our daughters if they would like a piece of the farm, and then relocate our own home to the property. We envision enjoying the land by planting fruit trees, grapes, gardening and a long list of hobbies that we participate in. We want to bring the Vtipil Farm to life again and be able to pass on a piece of history to our children and grandchildren. As a family we don't see ourselves clearing the fields and planting crops. It will be a great piece of land for our family to enjoy and an improvement to its current condition.

It is our hope that both the planning commission and the board of supervisors see this as a great opportunity to put the land back in use while returning a piece of history to the Vtipil family with the rezoning approval. After spending 22 years on the road in the United States Army we always knew returning to Prince George County was in our hearts and we were blessed with that opportunity.

We are available to answer any and all questions regarding our plans for the farm. I can be reached at 804-691-5237 or dvtipil@redcld.com.

Very Respectively,



Don and Debby Vtipil
4307 Fox Hill Place
Prince George, Virginia

SPECIFIC LIMITED POWER OF ATTORNEY

BANK OF MCKENNEY, of P.O. Box 370, McKenney, Virginia, owner of Prince George Tax Parcel #13B(01)00-00D-0 does hereby grant unto DONALD P. VTIPIL, JR. a limited and specific power of attorney in its place and stead for the sole purpose of applying for a change of zoning for said Tax Parcel #13B(01) 00-00D-0 to "R-A" through the Prince George Planning and Zoning Department, with full power to execute and deliver any and all documents needed and necessary to effect said re-zoning as well as the full power and authority to appear before the Planning and Zoning Department, its commission and the Board of Supervisors/ Directors for Prince George County on its behalf for such purpose.

This power of attorney is effective upon execution, and shall remain effective until final action or withdrawal of the application on the rezoning application but in any event this power of attorney shall expire on December 31, 2016. Until final action, withdrawal or expiration on December 31, 2016 any person relying on this power of attorney shall have full right to accept and rely upon the authority given hereunder until receipt of actual notice of revocation.

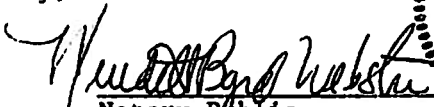
Address of Attorney in Fact: 4307 Fox Hill Place, Prince George, Virginia 23875
Telephone Number: 804 691-5237

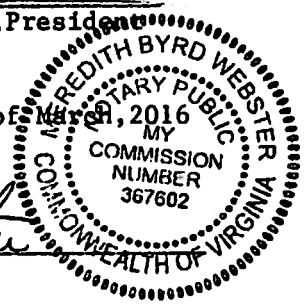
IN WITNESS WHEREOF, Bank of McKenney has caused its corporate name to be signed hereto this 21st day of March, 2016 by its President, Richard M. Liles, which officer is duly authorized to act herein.

Bank of McKenney
By 
Richard M. Liles, President

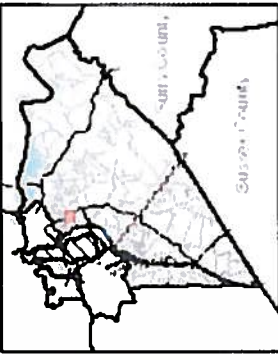
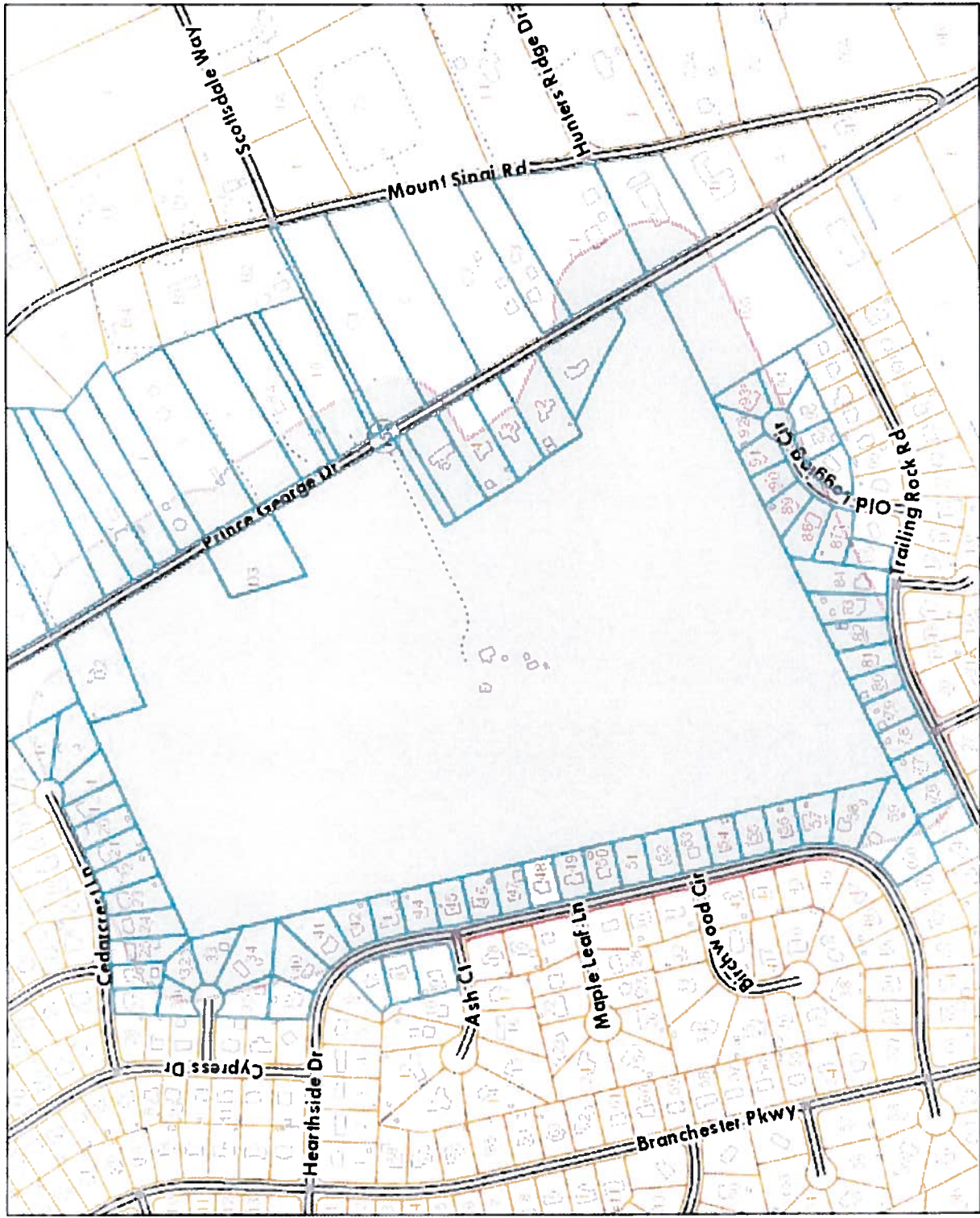
COMMONWEALTH OF VIRGINIA
City/County of Dinwiddie, to-wit:

The foregoing instrument was acknowledged before me this 21st day of March, 2016 by Richard M. Liles, President of Bank of McKenney, on its behalf.
My commission expires: 9-30-2017
Registration Number: 367602


Notary Public



County of Prince George



- Legend**
- Schools
 - Firestations
 - Political Boundaries
 - Tax Parcels
 - Access Easements
 - Swamps

Notes



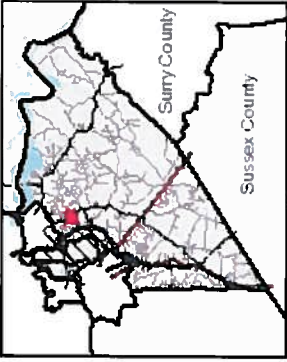
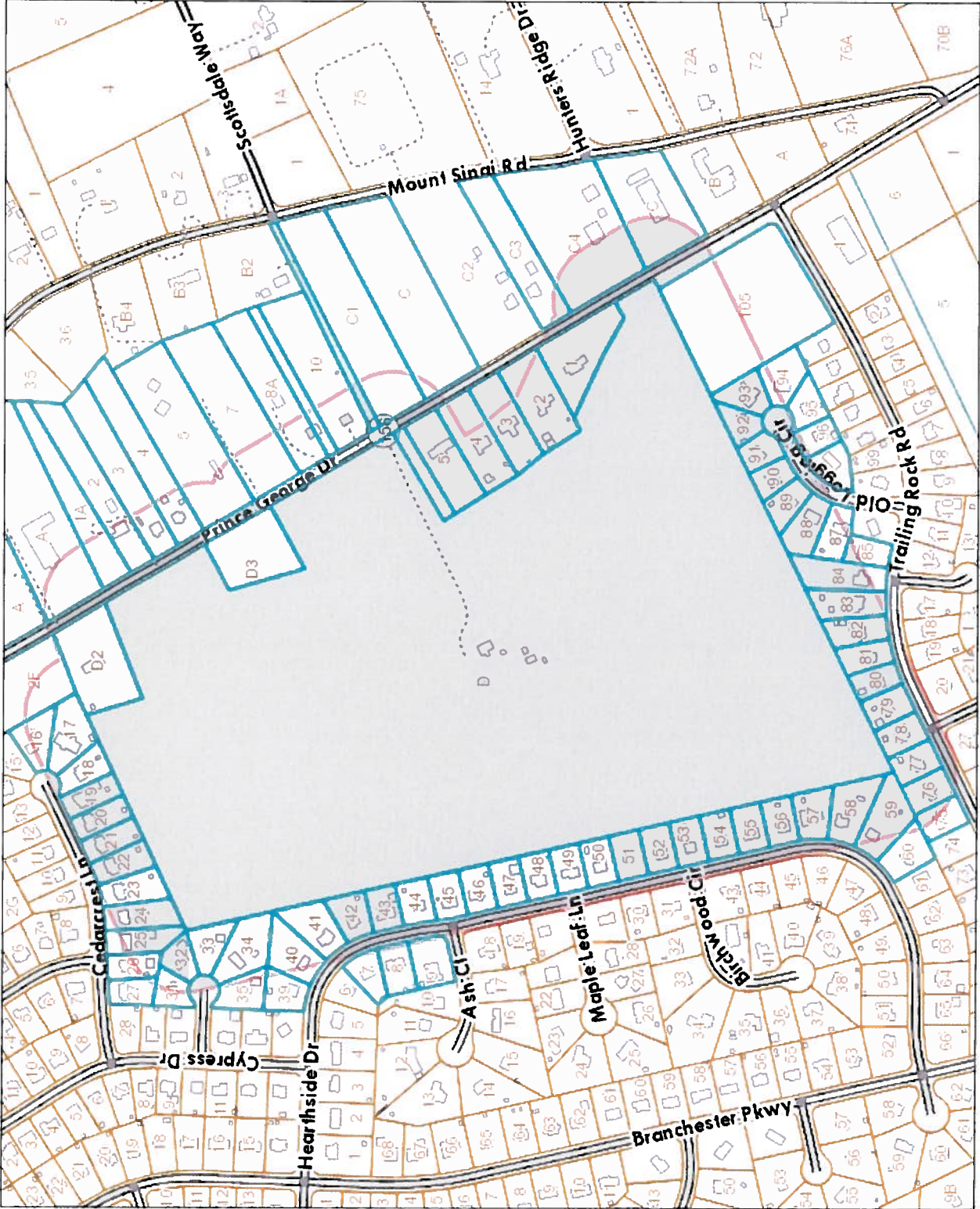
Map Scale 1 : 5,600
3/23/2016



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County of Prince George



Legend

- Schools
- Firestations
- Political Boundaries
- Tax Parcels
- Access Easements
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