



AMELIA COUNTY PLANNING COMMISSION

Regular Meeting

County Administration Conference Room

**16360 Dunn Street,
Amelia, Virginia 23002**

**Monday, June 26, 2023
7:30 P.M.**

AGENDA

**Action
Needed**

- | | | |
|---|--|---------------|
| 1. Call to Order and Welcome of Guests | Larkin Moyer, Chairman | Call to Order |
| 2. Determination of Quorum | | Quorum |
| 3. Approval of Minutes | | |
| | I. Regular Meeting May 22, 2023 | Motion |
| 4. Old Business | | |
| 5. New Business | | |
| | I. Public Hearing - Rezoning Request - Dutch Gap & Grill LLC (R-1 to Planned Community District) | Motion |
| 6. Chairman Comments | | |
| 7. Informational | | |
| 8. Adjournment | | |

SPEAKER RULES PROCEDURE

Please respect all speakers and allow all opinions to be expressed in a tolerant atmosphere.

- a) Speakers may speak only once during a specific comment time and all comments should be directed to the Planning Commission.
- b) Speakers should approach the podium so they may be visible and audible to the Commission.
- c) Each speaker should clearly state his/her name and address.
- d) All questions should be directed to the Chairman. Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
- e) Speakers should be brief and avoid repetition of previously presented comments.

VIRGINIA: AT A REGULAR MEETING OF THE AMELIA COUNTY PLANNING COMMISSION HELD IN THE CONFERENCE ROOM OF THE COUNTY ADMINISTRATION BUILDING ON MONDAY, May 22, 2023, AT 7:30 P.M.

PRESENT: LARKIN MOYER- Chairman
ROY EASTER – Vice-Chairman
JERRY “WHIT” MORRIS
DENNIS RAMSEY
RICHARD CUMBIE, JR.
JOHN AARON
MICHAEL BATES
TRAVIS BARNARD
JUAN WHITTINGTON
DAVID FELTS, JR. – Board of Supervisors Representative

ABSENT: JENNIFER HARRIS

Amelia County Planning Commission

BRADY DEAL, Director of Community Development

I. CALL TO ORDER

Chairman Moyer called the meeting of the Amelia County Planning Commission to order at 7:35 p.m. The meeting start was delayed as the speakers in the room were not functioning properly.

II. DETERMINATION OF QUORUM

Chairman Moyer declared there was a quorum with 10 of 11 members present at 7:35 p.m.

III. APPROVAL OF MINUTES

Vice-Chairman Easter made a motion, seconded by Commissioner Morris that the Planning Commission approve the minutes of the April regular meeting.

The motion carried 10-0 recorded as follows: Larkin Moyer- AYE, John Aaron- AYE, Dennis Ramsey- AYE, Juan Whittington- AYE, Michael Bates- AYE, Travis Barnard- AYE Whit Morris- AYE, Roy Easter- AYE, Richard Cumbie- -AYE, David Felts- AYE.

IV. OLD BUSINESS

Chairman Moyer updated the Planning Commission on the items that had gone before the Board of Supervisors at their May Regular meeting.

V. NEW BUSINESS

Public Hearing – Special Exception – Estebon Yoder – Stationary Sawmill

Mr. Deal provided the staff report, stating that the applicant, Estebon Yoder, was requesting a special exception permit to operate a stationary sawmill on the property. He stated that the applicant had been operating the mill since January under the portable sawmill use provision and has since decided that he would like to continue the operations for the foreseeable future which would require him getting this special exception permit.

Mr. Deal stated that he made a site visit and that the applicant was operating the mill along with his two sons. He stated that he had some boards prepared to go to Stuart's Draft and be made into flooring and some 6x6 material that would be sent to Crewe to be made into railroad ties.

Chairman Moyer asked if there would be any new buildings constructed for the operation. Mr. Deal responded that the existing building would continue to serve as the only structure.

Commissioner Felts asked the applicant what the operating hours would be. Mr. Yoder stated that the mill would operate from 7:00 a.m. to 4:00 p.m., 5 days a week.

Chairman Moyer opened the public hearing at 7:50 p.m.

Audrey L. Walker, 7 Woodgate Drive, Monmouth Junction, New Jersey, spoke in opposition of the request citing the following concerns; toxicity related to a sawmill, impact on property's value, sawdust in the area, trucking noise, and noise from sawmill.

Deidre Walker White provided a presentation of grievances regarding harmful effects related to sawmills and spoke in opposition of the project.

Chairman Moyer closed the public hearing at 8:07 p.m.

Chairman Moyer asked if Mr. Yoder was just sawing lumber, not treating it. Mr. Yoder responded yes.

Commissioner Felts asked if it was a band mill. Mr. Yoder responded that it was being blown straight into a trailer and hauled away.

Commissioner Morris asked what the applicant was doing with the dust. Mr. Yoder responded that it was being pumped into a trailer to take off of site.

Commissioner Easter asked if it was noisy. Mr. Deal stated that it reminded him of a grain driver, being a constant hum during operation.

Chairman Moyer asked how close the individuals' land who spoke in the hearing was to this property. Mr. Deal responded that it was adjacent to it.

The Commissioners asked some general questions regarding the property and the operation. A discussion ensued between them on the characteristics of the property.

Commissioner Whittington asked if he had any intention of treating the material. Mr. Yoder responded that he would not be treating any lumber.

Commissioner Cumbie asked if he had a fuel run sawmill or electric run sawmill. Mr. Yoder responded fuel, but that he plans to transition to electric if this request is approved.

Commissioner Easter mentioned that the dust would not be an issue since it is pumped into the trailer. He also mentioned it would be very unlikely to combust due to the way it's stored. A discussion ensued between the Commissioners regarding the setbacks for the structure. Mr. Deal responded that a primary structure would need to be 100 feet from the road, 40 feet from the side, and 40 feet from the rear. He added that he was not sure if this building was constructed under an exemption for an agricultural structure or under a permit for an accessory or primary structure and would look further into that matter.

Commissioner Whittington asked if there would be any drying performed on site. Mr. Yoder responded that he pretty much loads it and sends it off once it is cut.

Commissioner Easter stated that since he is not performing any treatment, he did not see that there would be any environmental concerns or dangers that would be created from this operation.

Commissioner Whittington asked if the applicant's property abutted the creek that was referenced. Mr. Yoder stated that the creek was behind is brother's property which is between his property and the creek.

The individuals that spoke during the public comment wanted to speak again and the Chairman permitted them too even though the public hearing had been closed.

Audrey Walker asked some further questions, and the Chairman answered her questions with the information that was presented during the hearing.

The husband of the Deidre Walker White asked who would enforce the rules of the facility and monitor the environmental areas. Chairman Moyer responded to his questions.

Audrey Walker spoke further to her concerns and the Chairman responded to her questions as he was able.

Commissioner Easter made a motion, seconded by Dennis Ramsey, that the Planning Commission recommend approval of the Special Exception Permit to the Board of Supervisors.

The motion carried 10-0 recorded as follows: Larkin Moyer- AYE, John Aaron- AYE, Dennis Ramsey- AYE, Juan Whittington- AYE, Michael Bates- AYE, Travis Barnard- AYE Whit Morris- AYE, Roy Easter- AYE, Richard Cumbie- -AYE, David Felts- AYE.

Comp. Plan Update Discussion

Mr. Deal provided the Planning Commission with information on the Comprehensive Plan Update process. He indicated that staff had received one quote from a consultant and was awaiting a second quote. Mr. Deal stated that he just wanted the Commissioners to be aware that this process was about to begin.

VI. CHAIRMAN'S COMMENTS

VII. INFORMATIONAL

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Moyer adjourned the meeting at 8:45 p.m.

Larkin Moyer, Chairman
Amelia County Planning Commission

ATTEST:

Brady Deal
Director of Community Development

PAID

FEB 28 2023

Treasurer-Amelia Co.

APPLICATION FOR REZONING
COUNTY OF AMELIA
P.O. BOX A
AMELIA, VA 23002
(804)561-3039

FOR OFFICE USE ONLY

Application No. _____
Date Application Filed _____
Date and Time of Hearing _____

Applicant: Dutch Gap Gas and Grill, LLC
Address: PO Box 909, Midlothian, VA 23113
Phone No.: (804) 598-7758

PROPERTY DESCRIPTION

Location: Dunn St, Amelia Courthouse, VA 23002
Owner/Lessee: Dutch Gap Gas and Grill, LLC
Tax Map No: Section 31 Lot No. 110 & 111 Subdivision _____
Magisterial District [] Leigh [] Jackson [☒] Giles Public Road Access: _____
No. of Parcels: 2 Acreage: 18.860 Deed Book/Page: _____ Plat Book: _____
Date Acquired: 01/26/2023 Zoning District: R-1
Are there any deed restrictions? [] Yes [☒] No, if yes, attach copy of deed restrictions.
Date restrictions expire: _____

Instrument No.
202300109

NECESSITY OF REQUEST

The applicant requests a change of zoning classification for the above-described property from R-1 zone to PCD zone. Describe the proposed use and the reason for the proposed zoning request. Parcels 31-110 and 31-111 will together form the Meadows at Dunn Street, a new single family subdivision. Re-zoning from R-1 to PCD will adjust the setbacks such that the layout of the community and the resulting number of homes is more ideal for its location in Amelia Courthouse village area.

PROFFERS

List proffer(s), if the rezoning request is a conditional rezoning. NONE.

REQUIREMENTS AND INSTRUCTIONS FOR FILING APPLICATION FOR REZONING

The following must be filled out completely and submitted by the applicant.

1. The application form must be filled out completely with full answers to every statement and question. The application may be signed by an agent or attorney or by the lessee, owner, or owners in front of a Notary Public in the space provided on Page 4. Additional sheets may be attached, as necessary.
2. Furnish a site plan for any cases involving expansion of an existing structure or construction of a new building. The plan shall consist of the following:
 - a. Plot plan or survey plat showing the dimensions of the property drawn to an appropriate scale.
 - b. Location and dimensions of existing structures, right-of-ways, easements, boundaries, water courses, and bodies of water.
 - c. Location and dimensions of proposed development including structures, types of uses, access drives, setbacks, easements, etc.
 - NA d. In the case of commercial and industrial developments, sketches and plans for proposed off-street parking and loading areas, signage, outdoor lighting, buffers and screening.

APPLICATION FEE

The application fee required by Section 1-6 of the Amelia County Zoning Ordinance is \$300.00. This fee must be paid at the time of the filing of the application. This fee only partially covers the County's costs for advertising and processing the application through the various stages. Make checks payable to "Treasurer of Amelia County."

PHOTOGRAPHS

See attached EXHIBIT A

Photographs of the property involved (not over 8½ X 11 inches) to illustrate the conditions of the property under consideration are always helpful and are suggested as exhibits to accompany this application.

LEGAL DESCRIPTION

SEE attached EXHIBIT B

Legal description of the area to be rezoned shall be submitted with the application.



Aerial of 31-110 and 31-111 with approximate perimeter highlighted.

EXHIBIT A DUNN ST REZONING // DUTCH GAP GAS AND GRILL LLC

Road frontage of property (31-110) on Dunn St at proposed entrance



On 31-110, looking to the left, toward 31-111. There is a line of trees between the two but 31-111 is otherwise very similar to 31-110.



EXHIBIT A DUNN ST REZONING // DUTCH GAP GAS AND GRILL LLC

On 31-110, looking to the right, toward the adjacent properties.



EXHIBIT *A* DUNN ST REZONING // DUTCH GAP GAS AND GRILL LLC

On 31-110, looking to the rear, toward the adjacent wooded property.



EXHIBIT

A

DUNN ST REZONING // DUTCH GAP GAS AND GRILL LLC

On 31-110, looking into the wooded area containing the pond/ditch features.



EXHIBIT ~~A~~ DUNN ST REZONING // DUTCH GAP GAS AND GRILL LLC

Legal Description of parcels 31-110 and 31-111

PARCEL 1: (31-110):

ALL THAT certain tract or parcel of land lying and being in Giles District, Amelia County, Virginia, containing eighteen (18) acres, more or less, and shown on a plat by W. C. Rives, C.P.E., as Parcel #1, said plat dated August 27, 1924, entitled, "Plat of 30 acres of land belonging to Green & Craddock, being a portion of the Dunn Tract at Amelia Court House, Va.", and recorded in Plat Book 1 at Page 293, as Plat #3, as recorded in the Clerk's Office, Circuit Court of Amelia County, Virginia. Plat reference is hereby made for a more particular description.

LESS AND EXCEPT Lots 1, 2, 3, 4 and 5 as shown on a survey prepared by E. F. Massie, Jr., C.E. and C.L.S., dated November, 1957, entitled "Plat of lots surveyed for L. W. Clarke lying in the Village of Amelia Court House, Virginia". Said plat recorded in the aforesaid Clerk's Office in Plat Book 2, at Page 359. Plat reference is hereby made for a more particular description.

FURTHER LESS AND EXCEPT a 1.00 acre, more or less, parcel of land in Giles District, Amelia County, Virginia, and more particularly described on plat prepared by Sarah Ann Edens, Land Surveyor, Blue Ribbon Surveyors, LLC, dated September 3, 2019, and entitled "PLAT SHOWING 1,000 ACRES OF LAND LOCATED IN THE VILLAGE OF AMELIA IN THE GILES DISTRICT OF AMELIA COUNTY, VIRGINIA". a copy of which plat is attached for a more particular description.

TOGETHER WITH a 25' wide non-exclusive easement for ingress and egress to Dunn Street described as "25' INGRESS/EGRESS EASEMENT" on the attached plat.

EXHIBIT B DUNN ST REZONING // DUTCH GAP GAS AND GRILL LLC

PARCEL II: (31-111):

ALL THAT certain lot or parcel of land lying and being in Giles District of Amelia County, Virginia, and bounded and described as follows: Containing four (4) acres, more or less, and beginning at a point at the South-East corner of the land formerly of the Imperial Tobacco Company and running thence N. 6 degrees 15' E. 355 feet to a corner at a post; thence running along the lines of the estate of H.O. Marshall and R.A. Marshall S. 82 degrees E. 400 feet to a point; thence along the line of the land of Jones S. 84 degrees 30' E. 102' to a corner at a stake and stone; thence along the line of the land of the said L.W. Clarke S. 16 degrees 15' W. 518' to a point and thence running in a new straight line about 442 feet to the point or place of beginning and bounded North by the lands now or formerly of H.W. Marshall, R.A. Marshall and Jones; on the East by the lands of L.W. Clarke; on the South by other lands of the said R.R. Barnes and on the West by the lands now or formerly of the Imperial Tobacco Co., and being a part of the land conveyed to the said R.R. Barnes by Deed dated November 23, 1923, from H. F. Green and others and recorded in Amelia County Circuit Court Clerk's Office in Deed Book 77, Page 404, and to which said deed and plat therewith recorded reference is hereby made for a further and more accurate description of the land hereby conveyed.

TOGETHER WITH a 25' wide non-exclusive easement for ingress and egress to Dunn Street, described as "25' INGRESS/EGRESS EASEMENT" on the attached plat.

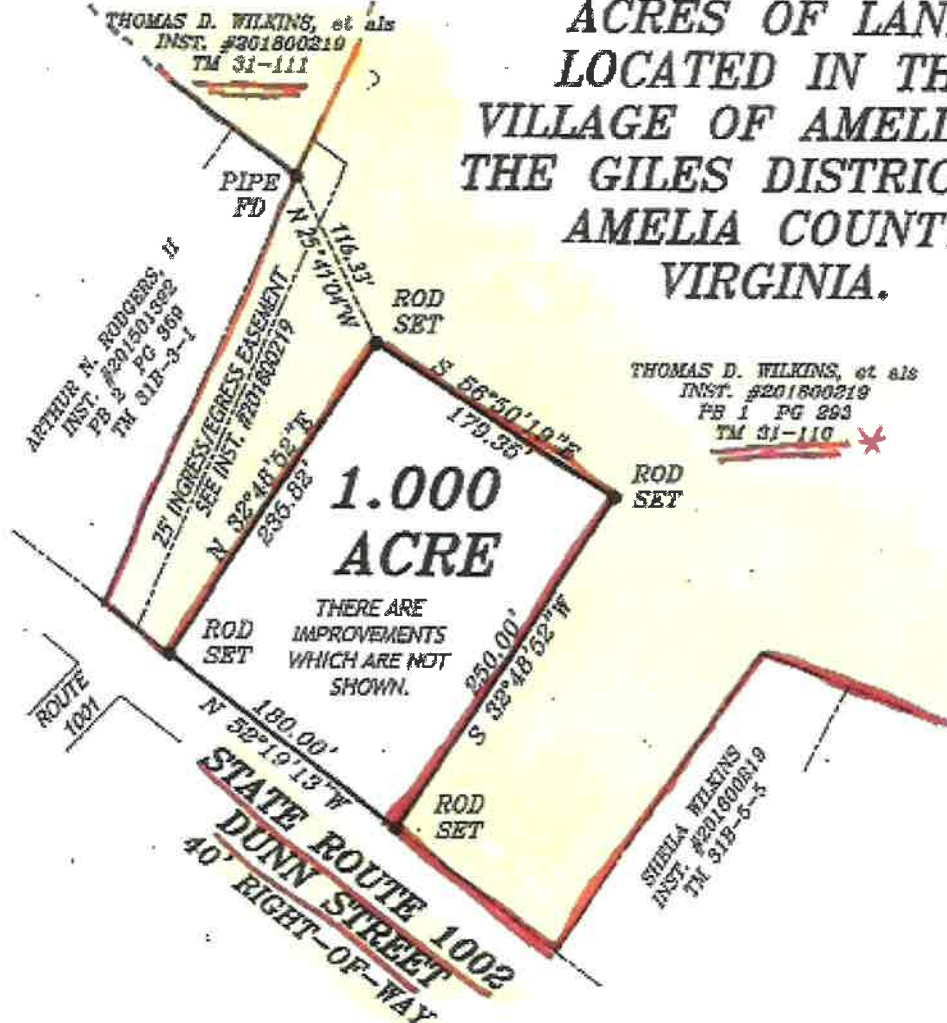
IT BEING the same property conveyed to Thomas Dale Wilkins, Michael G. Wilkins and Joseph Calvin Wilkins by Deed of Partition and Confirmation dated September 22, 2019, and recorded October 22, 2019, in the Clerk's Office of the Circuit Court of Amelia County, Virginia, as Instrument Number 201901480. The aforesaid Michael G. Wilkins conveyed his 1/3 undivided interest in the property to Tyrone E. Ashman, Jr., by deed dated September 28, 2021, and recorded in the aforesaid Clerk's Office as Instrument Number 202102161. It further being a part of the same property conveyed to Thomas Dale Wilkins, Michael G. Wilkins, Joseph Calvin Wilkins and Sheila J. Wilkins by deed from Avallee Wilkins, a/k/a Avallee Wilkins, by deed dated February 14, 2012, and recorded in the aforesaid Clerk's Office as Instrument Number 201800219, reserving unto Avallee Wilkins and Clarence Glenn Wilkins a life estate. The said Clarence Glenn Wilkins died on November 27, 2016, thereby extinguishing his life estate. The said Avallee Wilkins died on January 19, 2018, thereby extinguishing her life estate.

This property is classified as Zone "C", an area of minimal flood hazard in accordance with Flood Hazard Boundary Map 510314 0004 A, dated October 23, 1981.

This plat meets the exemption requirements of the Amelia County Subdivision Ordinance.

David H. Glick 10/2/19
Subdivision Agent/Designee Date

**PLAT SHOWING 1.000
ACRES OF LAND
LOCATED IN THE
VILLAGE OF AMELIA IN
THE GILES DISTRICT OF
AMELIA COUNTY,
VIRGINIA.**



THE DEED RECORDED IN INSTRUMENT #201800219 CONVEYS ONE ACRE OF LAND TO SHEILA J. WILKINS AND DESCRIBES IT AS BEING ADJACENT TO TAX PARCEL 31B-5-5. IT IS THE INTENT WITH THE RECORDATION OF THIS PLAT TO RELOCATE THE 1.000 ACRE FROM THE ABOVE MENTIONED LOCATION. THERE IS NO TAX PARCEL ASSIGNED TO THIS PARCEL AT THIS TIME BUT IT IS A PORTION OF 31-110 IN AMELIA COUNTY, VIRGINIA.



**Blue Ribbon
Surveyors, LLC**

PO Box 252 * Amelia, VA 23002
(804) 551-5288 * (804) 551-5905 fax

THIS IS TO CERTIFY THAT ON 8-28-19 I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MEASUREMENT PROCEDURES AND STANDARDS AS SET FORTH BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS. SEE TITLE REPORT FOR ENCUMBRANCES AND RESTRICTIVE COVENANTS WHICH MAY NOT BE SHOWN ON THIS PLAT. NO TITLE REVIEW WAS PROVIDED FOR THIS SURVEY.

Exhibit B

DUNN ST REZONING
DUTCH GAP GAS & GRILL, LLC



Lic. No. 3256

IMPROVEMENTS PROPOSED

Describe briefly the improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used and/or renovated or additions are to be made to existing buildings.

Creation of a new community of single family detached homes, located in a walkable neighborhood that incorporates open space common areas with amenities like gardening and outdoor seating. Homes to be 2-4 bedroom with a focus on single level living.

PROTECTION TO ADJOINING PROPERTY

Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

Some adjoining properties are vacant land and would experience very limited (if any) disruption from additional activities on these two parcels. During construction, appropriate SWPPP measures will be utilized to limit effect on adjacent properties due to land disturbance resulting from construction activities.

ENHANCEMENT OF COUNTY

See Exhibit C attached.

Why does the applicant believe that this requested change will be advantageous to the County?
(Please substantiate with facts)

PLAN

See Exhibit D attached.

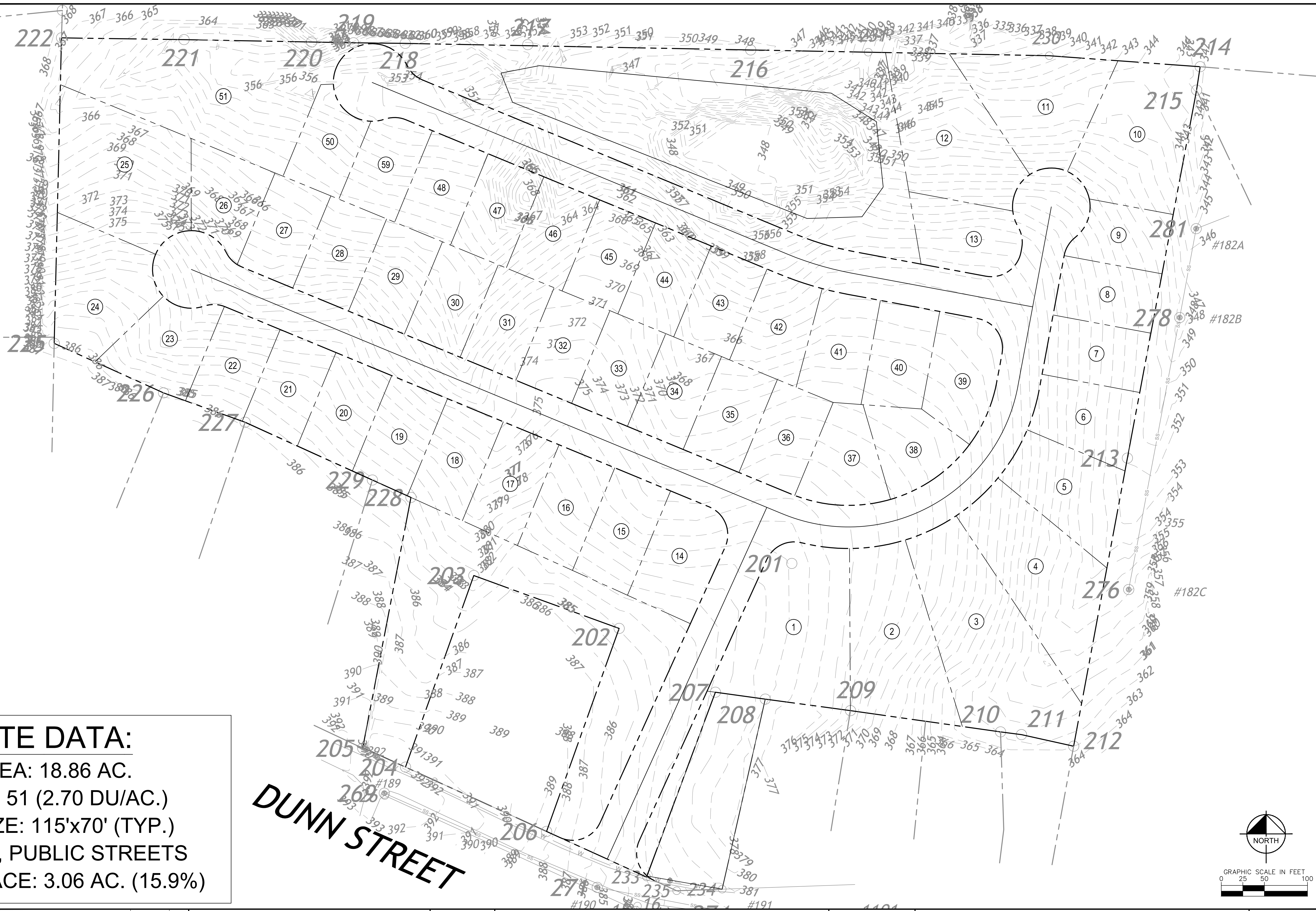
Furnish a plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable.

ENHANCEMENT OF COUNTY:

- Establishes an affordable, low-maintenance, energy-efficient single family housing option within the Amelia Courthouse Village area.
- Provides an opportunity for town center infill growth through housing creation that aligns with Amelia County values and Comprehensive Plan objectives. Amelia's available home inventory increases, while no farmland and very minimal forested land would be sacrificed for this development.
- Enhances the appearance of the Amelia Courthouse area with a thoughtfully designed community layout and attractive home elevations.
- Increases County tax revenue from real estate and personal property taxes by growing the tax base.
- Adds new customers to the County's water and sewer services. The immediate main lines on Dunnston Dr can support nearly three times the number of homes proposed for the Meadows at Dunn Street community (per Amelia Public Works).
- Drives business to the town center by increasing demand as people would like to shop, dine, etc close to where they live.
- Creates housing that meets the needs of many Amelia residents. Most floor plans are designed with the ease of single level living in mind, ideal for a number of buyers, including 55+ residents who are currently underserved in Amelia.

Exhibit C

DUNN ST REZONING
DUTCH GAP GAS & GRILL, LLC



SITE DATA:

AREA: 18.86 AC.

UNITS: 51 (2.70 DU/AC.)

LOT SIZE: 115'x70' (TYP.)

50' ROW, PUBLIC STREETS

OPEN SPACE: 3.06 AC. (15.9%)



© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
2035 MAYWILL STREET, SUITE 200, RICHMOND, VA 23230
PHONE: 804-673-3882
WWW.KIMLEY-HORN.COM

KHA PROJECT 113666000	
DATE 03/08/2023	
SCALE AS SHOWN	
DESIGNED BY	MRB
DRAWN BY	GW
CHECKED BY	MRB

DUNN STREET DEVELOPMENT

PREPARED FOR
GITS MASONRY INC.

LICENSED PROFESSIONAL

DATE:

CONCEPT PLAN

SHEET NUMBER

EX1

Current vs Proposed Zoning

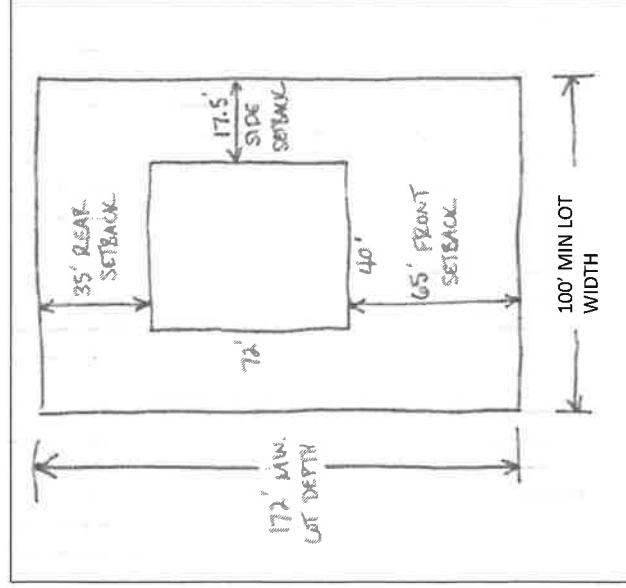
R-1 – Current zoning

Setbacks:
65' Front
35' Rear
15' Side min, 35' Total

Frontage: 100' MIN
w/water & sewer

Lot Area: 15,000 SF
MIN w/water & sewer

Density: Actual is
closer to 2DU/Acre
MAX, depending on
streets & open space.



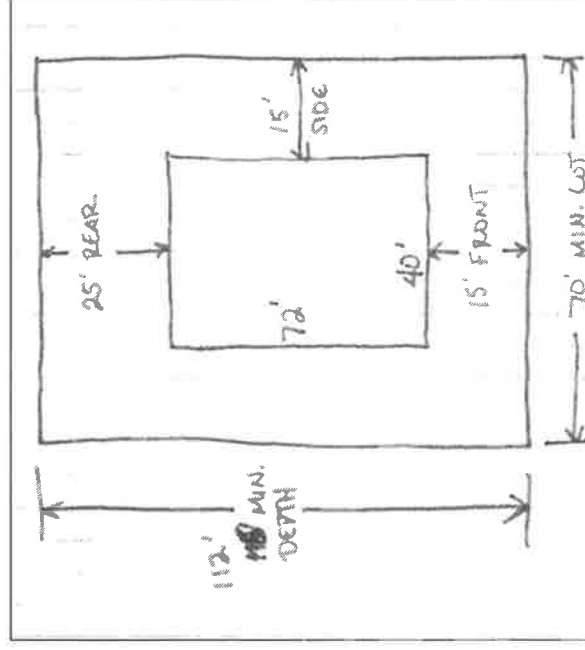
Planned Community District - Proposed

Setbacks:
15' Front
25' Rear
15' Side

Frontage: 70' MIN

Lot Area: 8,000 SF MIN

Density: 4 DU/Acre
MAX, current layout is
2.83 DU/Acre



Orientation of structure on lot subject to change with structure footprint size, but these are the minimum setbacks shown with a hypothetical structure.

STATE OF VIRGINIA
COUNTY OF AMELIA

)
) to wit

I, Jacques Gits, 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 produce a copy of a contract to purchase the property or right to submit this application. I further declare that I have familiarized myself with respect to preparing and filing the application and that the foregoing statements and answers herein contained and the information on the attached sheets thoroughly and to the best of my ability present the argument on behalf of the applicant herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my knowledge and belief.

Signed [Signature]
MANAGING Member, Dutch Gap Gas and Grill LLC

Phone Number 804-598-7758

Subscribed and sworn to before me this 24th Day of FEBRUARY 2023



[Signature]
Notary Public

12/31/2024
My Commission Expires

ADJACENT PROPERTY OWNER'S LIST

Section/Lot

Owner

Address

See attached list.
Exhibit E.

Parcel ID	Owner	Address	Mailing (if different)
31B-5-5	Shelia Wilkens	16130 Dunn St	
31B-5-4	Stephen J Byrd	16104 Dunn St	PO Box 313, Amelia Court House, VA 23002
31B-5-3	Stephen J Byrd	0 Dunn St	PO Box 313, Amelia Court House, VA 23002
31B-5-2	Timothy E Langford	16024 Dunn St	8351 Amelia Springs Rd, Jetersville, VA 23083
31B-5-1	Timothy E Langford	16012 Dunn St	8351 Amelia Springs Rd, Jetersville, VA 23083
31-109	David E Poore, III	16000 Dunn St	11401 Winterham Rd, Amelia Court House, VA 23002
31F-1-1	Xiao L Xu	8900 Dunnston Dr	
31F-1-2	Katy Anne Williams	8910 Dunnston Dr	
31F-1-3	John L Sims	8920 Dunnston Dr	
31F-1-4	Timothy Sowell, Jr.	8930 Dunnston Dr	
31F-1-5	Thomas G Fields	8940 Dunnston Dr	
31-116	Stephen J Byrd	0 Church St	PO Box 313, Amelia Court House, VA 23002
31C-1-4A	Stephen J Byrd	0 Church St	PO Box 313, Amelia Court House, VA 23003
31C-1-4	Stephen J Byrd	16101 Church St - Lot 4	PO Box 313, Amelia Court House, VA 23004
31C-1-3	Stephen J Byrd	0 Church St - Lot 3	PO Box 313, Amelia Court House, VA 23005
31C-1-2	Stephen J Byrd	0 Church St - Lot 2	PO Box 313, Amelia Court House, VA 23006
31C-1-1	Stephen J Byrd	0 Church St - Lot 1	PO Box 313, Amelia Court House, VA 23007
31C-1-A	Nelson D Ray Rodgers	16211 Church St	
31C-2-4	Martin J Konkel	16301 Church St - Lot 4	1 Sandy Lake Dr, Hampton, VA 23666
31A-1-50	DC Real Estate LLC	9015 Five Forks Rd	PO Box 869, Amelia Court House, VA 23002
31B-2-3A	Jennifer Lowery	16236 Dunn St	
31B-2-4	Raymond W Gallagher	16230 Dunn St	
31B-3-3	Thomas C Reames	16220 Dunn St	4300 Dennisville Rd, Amelia Court House, VA
31B-3-2	Stephen A Legat, Jr	16210 Dunn St	
31B-3-1	Arthur Nelson Rodgers II	16200 Dunn St	

Exhibit E

DUNN ST REZONING
DUTCH GAP GAS & GRILL, LLC

Across
the street
not included

STATEMENT FOR VALIDITY OF INFORMATION

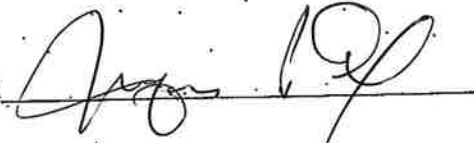
Every applicant shall sign the following document to substantiate the validity of submitted information.

State of Virginia
County of Amelia to wit

I, Jacques Gits, 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 produce a copy of a contract to purchase the property or I will present written certification contract to purchase the property or I will present written certification from the owner granting me the right to submit this application.

I, declare that I have familiarized myself with the rules and regulation 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.

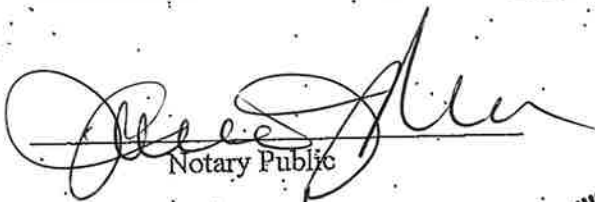
Signed



Print Name

Jacques Gits, Managing Member
Dutch Gap Gas and Grill LLC.

Subscribed and sworn to before me this 34th day of February 2023.


Notary Public

12/31/2024
My Commission Expires



STATEMENT FOR VALIDITY OF INFORMATION

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

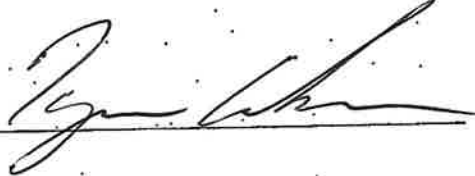
State of Virginia

County of Amelia to wit

I, Tyrone Ashman, 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 produce a copy of a contract to purchase the property or I will present written certification contract to purchase the property or I will present written certification from the owner granting me the right to submit this application.

I, declare that I have familiarized myself with the rules and regulation 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.

Signed



Print Name

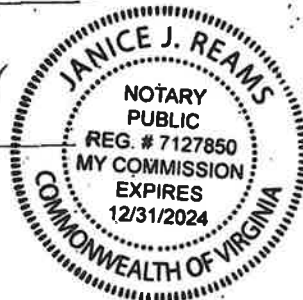
Tyrone Ashman

Subscribed and sworn to before me this 24th day of FEBRUARY, 2023.



Notary Public

12/31/2024
My Commission Expires



OWNERSHIP DISCLOSURE

Dutch Gap Gas and Grill, LLC

Please list below the names and addresses of all owners or parties in interest of the land subject to this request:

NOTE: 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 (Include Zip Code)

Jacques Gits

P.O. Box 909, Midlothian VA 23113

Tyrene Ashman

12641 N Lodore Rd, Amelia Courthouse VA 23002

I, Tyrene Ashman, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) 110 + 111 of tax map number(s) 31 requesting Rezoning Conditional Use Permit, and Variance/Appeal. (Please circle one)

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

STATE OF VIRGINIA

COUNTY OF DUNN

Tyrene Ashman

Signature

Tyrene Ashman

This day 24th of FEB, 2023, Tyrene Ashman personally appeared before me, Janice J. Reams, a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 24th day of FEB, 2023.

Janice J. Reams
Notary Public

My commission expires: 12/31/2024



OWNERSHIP DISCLOSURE

Dutch Gap Gas and Grill, LLC

Please list below the names and addresses of all owners or parties in interest of the land subject to this request:

NOTE: 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 (Include Zip Code)

Jacques Gits

PO Box 909, Midlothian VA 23113

Tyrone Ashman

12641 N. Lodore Rd, Amelia Courthouse VA 23002

I, Jacques Gits, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) 110 + 118 of tax map number(s) 31 requesting Rezoning, Conditional Use Permit, and Variance/Appeal. (Please circle one)

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

STATE OF VIRGINIA
COUNTY OF FOUNTAIN

to wit:

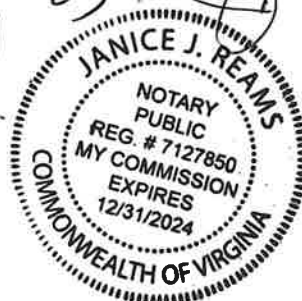
This day JACQUES GITS personally appeared before me, JANICE J. REAMS Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 24th day of FEB, 2023

My commission expires: 12/31/2024

Signature
Jacques Gits

Notary Public



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We
(Name) Jacques Gits Telephone 804-598-7758
(Address) PO Box 909, Midlothian, VA 23113
(Name) Tyrene Ashman Telephone 804-690-6283
(Address) 12641 N Lodove Rd, Amelia Courthouse VA 23002
(Name) _____ Telephone _____
(Address) _____
(Name) _____ Telephone _____
(Address) _____

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

31-110 and 31-111

and authorized to take such action, do hereby make, constitute and appoint:

2. (Name) Emily Hayzlett Telephone 804-598-7758
(Address) PO Box 909, Midlothian VA 23113

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, or variance, and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. _____

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

24th day of Feb 2023

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.

APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, Jacques Gits, hereby grant access to the Planning Director,
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 for
REZONING (Specify type of request -- rezoning, conditional use permit,
private road, variance, etc.).

[Signature]
Applicant's Signature

Date

02/24/2023

Subscribed and sworn to before me this

24th

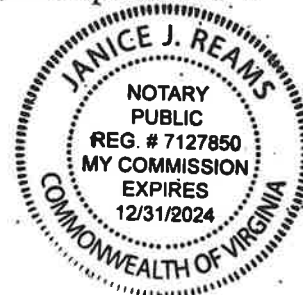
day of

FEBRUARY, 2023

[Signature]
Notary Public's Signature

Commission Expiration Date

12/31/2024



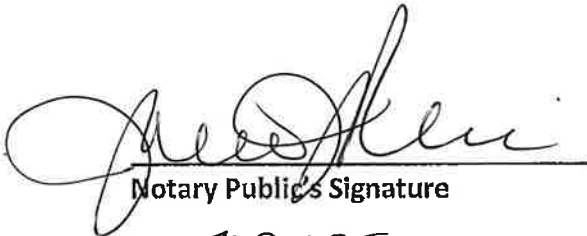
APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, Tyone Ashman, hereby grant access to the Planning Director, 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 for rezoning (Specify type of request – rezoning, special exception permit, subdivision application, erosion and sediment control permit, variance, etc.).


Applicant's Signature

02/24/2023
Date

Subscribed and sworn to before me this 24th day of February, 2023


Notary Public's Signature
7127850
Notary Registration Number

12/31/2024
Commission Expiration Date



STATEMENT OF PROFFER

CASE # _____

Pursuant to Section 15.2-2296 of the Code of Virginia and Article _____ of the _____ County Zoning Ordinance. I do hereby voluntarily proffer, as the owner of record of the property which is the subject of this rezoning request, the following conditions:

NONE.

I hereby acknowledge that the Rezoning of the Subject Property gives rise to the need for these conditions.

[Signature]
Owner of Record - Signature

02/24/2024
Date

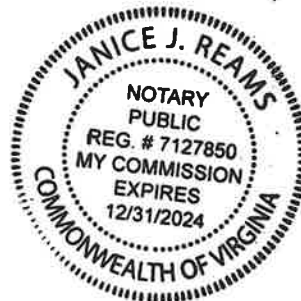
Jacques Gits
Type or print name

COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHEATAN; to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by JACQUES GITS, whose name is signed to the above, on this 24th day of FEB, 2024.

[Signature]
Notary Public

My Commission expires: 12/31/2024



31-110

31-110

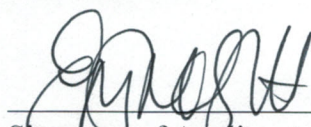
Dutch Gap Gas + Geil LLC
Rezoning request.STATEMENT OF PROFFERS
FOR CONDITIONAL REZONING

County of Amelia

Pursuant to Section 15.2-2296 of the Code of Virginia and Article 30.2 of the Amelia County Zoning Ordinance, Dutch Gap Gas and Geil LLC (the "Applicant") does hereby voluntarily proffer, as the owner of record of the parcel identified on the Amelia County Tax Identification Maps as Tax Map 31, Parcel 110+111 which is subject to this rezoning request (the "Property"), that the development of the Property shall be in accordance with the following conditions:

1. Community Sidewalks
2. Pavilion
3. Fireplace / Fire pits
4. Patio outside of Pavilion
5. Raised bed garden area (fenced)
6. Storage shed for gardening tools / equipment

I hereby acknowledge that the Rezoning of the Subject Property gives rise to the need for these conditions.



Signature of Applicant: the Property Owner or Duly Authorized Agent*

Emily Hayzlett
Type or Print NameDate: 03/23/23

* If the Applicant is not the Property Owner, the Applicant must also submit a "Special Limited Power of Attorney" form (attached), which authorizes the Applicant to act on behalf of the Property Owner.

PERSUANT TO SECTION 15.2-2204 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, I HEREBY CERTIFY THAT A LETTER WAS MAILED TO EACH INDIVIDUAL LISTED ON THE REZONING APPLICATION, WHERE ADDRESSES WERE KNOWN, NOTIFYING THEM OF THE PUBLIC HEARING TO BE HELD ON MONDAY, JUNE 26, 2023, AT 7:30 P.M. IN THE COUNTY ADMINISTRATION CONFERENCE ROOM RELATING TO THE REZONING REQUESTED FOR PROPERTY DESIGNATED AS LOT 110 & 111 OF SECTION 31 OF THE AMELIA COUNTY REAL PROPERTY IDENTIFICATION TAX MAPS.

BY: *Daniel B. Deal*
Brady Deal, Director of Community Development

§ 325-26.1

§ 325-26.4

ARTICLE XXVI
Planned Community District (PCD)

§ 325-26.1. Intent and purpose. [Amended 5-20-1998]

- A. To provide design flexibility to respond sensitively to specific site conditions;
- B. To provide design flexibility to allow for creativity and innovation in use of land;
- C. To achieve a convenient and compatible mix of uses;
- D. To provide and maintain community identity and sense of place;
- E. To establish large areas of usable open space;
- F. To maintain the rural character of the area with small villages and large expanses of open space;
- G. To create stable communities in harmony with surrounding areas; and
- H. To provide for efficient provision of public utilities and infrastructure.

§ 325-26.2. Design and layout.

Planned community districts shall be designed as distinct communities which provide maximum comfort and convenience of residence and accessibility within the development. They shall have clear visual identities and shall be separated from surrounding land uses through the use of open space and vegetative buffers, locating public and commercial uses and higher density residential toward the center of the community, and other similar measures.

§ 325-26.3. Location. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Planned community districts may be located within or immediately adjacent to the Village Development Areas and Corridor Development Areas as designated in the Comprehensive Plan.

§ 325-26.4. Permitted uses.

Location and extent of all uses must be shown on an approved concept development plan.

- A. Residential.
 - (1) Single-family detached dwellings.
 - (2) Single-family attached dwellings.
 - (3) Duplexes.
 - (4) Multifamily dwellings.
- B. Commercial.
 - (1) All uses permitted by right in the B-1 Business District (in accordance with the approved concept development plan).
 - (2) Home day care.
 - (3) Home occupation uses.

§ 325-26.4

§ 325-26.6

C. Other uses.

- (1) Schools.
- (2) Structures for religious activities.
- (3) Parks, playgrounds and noncommercial recreational areas and facilities.
- (4) Accessory structures.
- (5) Utilities serving the community.
- (6) Services to residents.

§ 325-26.5. Permitted uses by special exception.

- A. All special exception uses permitted in the B-1 Business District (in accordance with approved concept development plan).
- B. Fire and rescue squad facilities.
- C. Golf course; golf or boat clubs.

§ 325-26.6. Density, area and minimum standards.

The following are the standards for development of a planned community district. There shall be two levels of planned community district: minor (development on 10 acres to 50 acres) and major (development on more than 50 acres). Phased developments must meet the development standards and requirements of the district level determined by the total acreage of the entire development.

	Minor	Major
Minimum total site area	10 acres	50 acres
Minimum area in planned open space	10%	25%
Maximum residential density	0.25 (4 units per acre)	0.25 (4 units per acre)
Minimum residential lot size:		
Detached	8,000 square feet	8,000 square feet.
Attached	2,000 square feet	2,000 square feet
Duplex	4,000 square feet	4,000 square feet
Multifamily	8,000 square feet	8,000 square feet
Minimum housing unit type	50% detached or attached units	
Maximum proportion of multifamily	25%	25%
Maximum proportion of duplex	25%	25%
Maximum total commercial area	20% not to exceed 10 acres	20% not to exceed 15 acres

- A. Total site area: total contiguous area less area in 100-year floodplain.

§ 325-26.6

§ 325-26.9

- B. Open space does not include paved or lighted areas, utility right-of-way or bodies of water.
- C. Total density: total site area divided by the number of dwellings.

§ 325-26.7. Setbacks and related requirements.

- A. Maximum height of structures: 35 feet.
- B. Minimum road frontage: 100 feet.
- C. Setback requirements:
 - (1) Single-family detached:
 - (a) Front yard: 15 feet.
 - (b) Side yard: 15 feet.
 - (c) Rear yard: 25 feet.
 - (2) Single-family attached and duplexes:
 - (a) Front yard: 15 feet.
 - (b) Side yard: 25 feet, where not attached.
 - (c) Rear yard: 25 feet.
 - (3) Multifamily:
 - (a) Front yard: 15 feet.
 - (b) Side yard: 25 feet.
 - (c) Rear yard: 25 feet.
 - (4) Accessory structures:
 - (a) Front yard: 15 feet.
 - (b) Side yard: five feet.
 - (c) Rear yard: five feet.

§ 325-26.8. Utilities.

All planned community districts must be served by central water and wastewater treatment facilities.

§ 325-26.9. Procedures.

While each project shall be evaluated by the staff, the Planning Commission and the Board of Supervisors on an individual basis, the following is a list of information that may be required to be furnished by the applicant in order to fully evaluate and act on any request for a planned community district:

- A. Existing conditions map showing existing natural and physical features such as roads, existing vegetation, topography, existing structures, historic sites and structures, 100-year floodplain and soil conditions.

§ 325-26.9

§ 325-26.9

B. Proposed concept development plan showing:

- (1) Proposed use of each lot or tract within the development;
- (2) Proposed vehicular and pedestrian circulation plan, including all streets and parking areas;
- (3) Proposed community facilities and uses, including proposed ownership of each;
- (4) Proposed open space areas, including amount of land and how they will be preserved, owned and used;
- (5) Existing or proposed utilities;
- (6) Proposed structures, landscaping, lighting and signage (for all nonresidential uses); and
- (7) Any proposed deed restrictions and/or covenants.

C. Summary report which may include:

- (1) Amount of land to be used for public or semipublic uses, such as schools, churches, etc.;
- (2) Amount of land and facilities to be owned in common;
- (3) Amount of land to be dedicated to local, state or federal government;
- (4) Amount of land to be set aside for passive open space;
- (5) Amount of land to be developed for active recreational uses;
- (6) Amount of land within the 100-year floodplain, designated wetlands, etc.;
- (7) Projected traffic counts (total average daily trips and a.m. and p.m. peak-hour trips);
- (8) Proposed number of parking spaces for all uses other than residential and passive open space areas;
- (9) Total residential density (computed by dividing the total site area by the number of residential units); and
- (10) Homeowner association documents for maintenance and funding of common areas and facilities.

D. Technical reports which may include any or all of the following:

- (1) Statement of justification of the project;
- (2) Traffic impact study, including planned connections to existing and proposed roads;
- (3) Stormwater management plan;
- (4) Environmental impact study;
- (5) Wetlands identification and protection plan;
- (6) Fiscal impact assessment;
- (7) Utilities plan;

§ 325-26.9

§ 325-26.11

(8) Phasing plan;

(9) Evidence of unified control of entire site area;

(10) Summary of any requested modifications to County policies and ordinances for the project;

(11) Waste stream impact study;

(12) Public facilities impact study; and

(13) Any other studies deemed necessary to properly evaluate the request.

§ 325-26.10. Application process.

A. Preapplication conference with County planning staff.

B. Submission of application.

C. Notice of acceptance from County Planning office, indicating application completeness.

D. Written referral comments received from County agencies and VDOT.

E. Planning Commission briefing and review of all referral comments.

F. Planning Commission public hearing.

G. Planning Commission action.

H. Board of Supervisors public hearing.

I. Board of Supervisors action.

§ 325-26.11. Exceptions.

Any exception granted from the standards and requirements set forth in §§ 325-26.6, 325-26.7, and 325-26.8 must follow the same procedures as those set forth in § 325-4.3 of this chapter, including a public hearing before the Board of Supervisors. The Board of Supervisors must grant any exception by the issuance of a special exception permit.