

VIRGINIA: MINUTES FOR THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE DINWIDDIE COUNTY GOVERNMENT CENTER BUILDING ON THE 12th DAY OF JUNE 2019 AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES	VICE CHAIRMAN	AT-LARGE
	EVERETTE PROSISE		DIST #1
	JOHN HARVELL		DIST #3
	BUTCH CUNNINGHAM		DIST #4
	EDWARD TITMUS		DIST #2

ABSENT:	THOMAS TUCKER		AT-LARGE
	ANTHONY SIMMONS	CHAIRMAN	DIST #5

OTHER:	MARK BASSETT	PLANNING DIRECTOR	
	JAMIE SHERRY	PRINCIPAL PLANNER/ZONING ADMIN.	
	TYLER SOUTHALL	COUNTY ATTORNEY	

IN RE: CALL TO ORDER

The Vice Chairman called the meeting to order at 7:00 p.m.

IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Vice Chairman asked everyone to stand for the pledge of allegiance and a moment of silence.

IN RE: ROLL CALL

The roll was called and Mr. Tucker and Mr. Simmons were not present.

IN RE: APPROVAL OF AGENDA

The Vice Chairman asked if there were any additions, deletions, or corrections to the agenda. Hearing none he said he would entertain a motion to accept the agenda as presented.

Mr. Titmus made a motion to accept the agenda as presented. It was seconded by Mr. Cunningham and with Mr. Harvell, Mr. Prosise, Mr. Titmus, Mr. Cunningham and Mr. Hayes voting "AYE" the agenda was accepted.

IN RE: MINUTES

The Vice Chairman said the members have before them the minutes from the May 8, 2019 Workshop meeting and he asked if there were any corrections. He said since there are none he would entertain a motion to accept the minutes as presented.

Mr. Prosise made a motion to accept the workshop minutes as presented and Mr. Titmus seconded it. With Mr. Cunningham, Mr. Prosise, Mr. Harvell, Mr. Titmus and Mr. Hayes voting "AYE", the workshop minutes were accepted as presented.

The Vice Chairman said the members have before them the minutes from the May 8, 2019 Regular meeting and he asked if there were any corrections. He said since there are none he would entertain a motion to accept the minutes as presented.

Mr. Harvell made a motion to accept the regular meeting minutes as presented and Mr. Titmus seconded it. With Mr. Titmus, Mr. Prorise, Mr. Harvell, Mr. Cunningham and Mr. Hayes voting "AYE", the regular meeting minutes were accepted as presented.

IN RE: CITIZEN COMMENTS

The Vice Chairman opened the citizen comment portion of the meeting and asked if anyone signed up to speak. He said since there is no one signed up to speak he was closing the citizen comments portion of the meeting. He turned the meeting over to Mr. Bassett for the Plat Review.

IN RE: PLAT REVIEW

Mr. Bassett said the subject property was originally an almost two and one-half acre parcel located off of Cox Road (Route 226). The rear portion of the property backs up to Creek Lane, which is part of the Poole's Dairy Sub-division. Poole's Dairy is currently about 90% built out. Creek Lane does have road right-of-way that does touch the rear portion of the subject property. The owners of the property have torn down the original home located on the front of the property and have built a new single-family residential dwelling unit in its place. The owners would like, in the future, to build two additional single-family residential dwelling units at the rear of the subject property. Access to the two proposed lots would come off Creek Lane. There is also secondary access to the proposed lots from Quarry Lane back toward the rear portion of the property. We have had discussions with the applicant informing them that staff has to assign addresses to the two proposed lots on Creek Lane. The cul-de-sac on Creek Lane is where VDOT indicated the access needs to be for the two proposed lots. The owners will have to utilize a residential curb cut driveway entrance. The owners and the surveyor are aware that the plat will have to be modified to show the entrance as well as showing a joint cross-access easement on the two lots.

After a brief discussion, Mr. Prorise made a motion to approve the plat as presented. It was seconded by Mr. Harvell and with Mr. Cunningham, Mr. Titmus, Mr. Harvell, Mr. Prorise and Mr. Hayes voting "AYE" the plat was approved as presented.

Mr. Bassett presented the following case.

IN RE: PUBLIC HEARING

Proposed Zoning Ordinance Amendment

Case: A-19-3
To: Dinwiddie County Planning Commission
From: Mark Bassett, Planning Director
Date: May 30, 2019
Subject: Proposed Zoning Ordinance amendment concerning adding Repair of agricultural and heavy equipment, when screened from view with a conditional use permit to Sec. 22-71, Permitted uses for the Agricultural, General, District A-2.

Amendment Request

As provided for in Zoning Ordinance Sec. 22-5, Amendments to chapter, and as provided for under § 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended, any property owner may initiate by petition to amend the Zoning Ordinance, and as such the applicants, Sarah and Justin Logue, are requesting to amend the Dinwiddie County Zoning Ordinance by amending Section 22-71 by adding “Repair of agricultural and heavy equipment, when screened from view with a conditional use permit” as a use permitted upon receiving a conditional use permit in Zoning District A-2.

Staff Recommendation

Staff recommends approval of the Zoning Ordinance amendment as submitted.

Planning Commission Action

The Vice Chairman asked if there were any questions for Mr. Bassett.

Mr. Prosis asked what the setbacks are for the proposed use or are they already established.

Mr. Bassett said the way it is written in the text amendment; staff did not put any provisions in for additional setbacks from what is already required in the A-2 zoning district. Those setbacks are seventy-five (75) feet in the rear, thirty-five (35) feet from each side, and one hundred five (105) feet from the road. If there is an accessory structure related to the use, the building setback is fifteen (15) feet from all property lines.

The Vice Chairman asked if there are any additional questions for Mr. Bassett. He said if not would the applicant like to come forward and add anything.

The applicant said they did not have anything to add concerning the text amendment.

The Vice Chairman said he was opening the public hearing portion of the case. He asked if anyone had signed up to speak. Hearing that no one signed up to speak he closed the public hearing portion of the case. He opened the discussion among the Commissioners. He said if there is no discussion he would entertain a motion.

Mr. Titmus made a motion and read the following: WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendment:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend approval of the Zoning Ordinance amendment, A-19-3, as presented to the Board of Supervisors.

It was seconded by Mr. Prosis and with Mr. Cunningham, Mr. Titmus, Mr. Harvell, Mr. Prosis and Mr. Hayes voting “AYE”; Zoning Ordinance amendment, A-19-3, was approved.

Planning Commission Staff Report

Case: C-19-4
Applicants: Sarah and Justin Logue
CUP Request: To operate a business repairing agricultural and heavy equipment when screened from view
Property Location: 15400 McKenney Highway, McKenney, VA
Tax Map Parcel #: 92-38A
Property Size: approx. 19.00 acres
Current Zoning: Agricultural, General, A-2
Magisterial District: Sapony
Planning Commission Mtg.: June 12, 2019

CUP REQUEST

The applicants, Sarah and Justin Logue, are seeking a conditional use permit to operate a business that repairs agricultural and heavy equipment when screened from view with a conditional use permit, on the following described property containing approximately 19.00 acres. The property is located at 15400 McKenney Highway, McKenney, VA, and is further designated as Tax Map No. 92-38A. The property is zoned A-2, Agricultural General, which may be changed to allow such use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, service development at the Ordinance defined density.

RELATED ATTACHMENTS

- CUP Application
- Location Map

OVERVIEW OF PROPOSED AGRICULTURAL AND HEAVY EQUIPMENT REPAIR FACILITY

Currently, Mr. Logue is operating a mobile repair business repairing agricultural and heavy equipment on farms as a home occupation. Mr. Logue desires to establish a business headquarters on their property for the mobile operations where component parts can be repaired out of the rain, where related parts can be ordered and stored in bulk, and where repairs can be performed in the dry. This request is being made in conjunction with a request for a text amendment to the Dinwiddie County Zoning Ordinance, Article IV, Division 3 – Agricultural, General, District A-2, Section 22-71 – Permitted uses.

The applicants, are requesting to amend the Dinwiddie County Zoning Ordinance by amending Section 22-71 by adding “Repair of agricultural and heavy equipment when screened from view with a conditional use permit” as a use permitted upon receiving a conditional use permit in Zoning District A-2. If Case, A-19-3, is recommended for approval by the Planning Commission, Case, C-19-4, for a conditional use permit to operate a business repairing agricultural and heavy equipment can then be considered at the public hearing for a recommendation by the Planning Commission to the Board of Supervisors.

ZONING ANALYSIS

All adjacent properties are zoned Agricultural, General, A-2. The surrounding properties consist of a single-family dwelling to the east and the remainder of the surrounding property consists of large acreage farmland and forestal land uses.

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area is expected to develop as agricultural and forestal, low density single-family residential, and natural conservations areas.

OVERVIEW OF IMPACTS

This request is not expected to introduce new impacts to the surrounding properties as the business will be located approximately 600 feet inward to the property from McKenney Hwy. (Route 40) and outdoor operations and storage will be screened from view; the business will not be open to the public (no onsite retail sales); and there is no repair/service of vehicles/automobiles.

Public Utilities, School System, & Public Safety Impacts

The existing utilities are handled on-site and there is no expected impact to the school system, as related to the subject business. Public safety or community issues related with the proposed use are minimized by the proposed conditions associated with this permit.

Transportation Impacts

VDOT has reviewed the request and the proposed business activity does not present detrimental impacts on the transportation network, and the applicant's current entrance is to be utilized. Conditional use permit condition #3 requires the applicant meet all VDOT standards for vehicle access to the proposed business site.

SITE AND USE ANALYSIS

The request to operate a business on the subject property repairing agricultural and heavy equipment when screened from view is an appropriate use of the property, and given the configuration of the surrounding land uses and given the surrounding zoning pattern, the use is appropriately located. This request allows for the repair and maintenance of the same agricultural and heavy equipment that is routinely in operation on the surrounding agricultural and forestal property.

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area is expected to develop as low density residential, agricultural, and natural conservations areas.

Although the Comprehensive Land Use Plan does not specially recommend commercial activities within the Rural Conservation Area, staff believes that the impacts of operating the agricultural and heavy equipment repair business on the subject property will be minimized based on the proposed location of the proposed business on the subject property with the proposed building to house repair operations, and with adherence to the proposed conditions of the conditional use permit.

Planning Staff Recommendation:

Planning staff reviewed the request for the conditional use permit and is satisfied that the impacts of operating a business repairing agricultural and heavy equipment when screened from view on the subject property will be minimized based on adherence to the proposed conditions.

Staff's recommendation of APPROVAL of the conditional use permit to operate a business repairing agricultural and heavy equipment when screened from view is subject to the following conditions:

C-19-4 Conditions:

1. The use shall be limited to the repair of agricultural and heavy equipment when screened from view with a conditional use permit as identified in the Land Use Amendment Application.
2. Buildings constructed as part of the business repairing agricultural and heavy equipment shall meet the applicable Fire Code requirements as set forth in the Fire Code, as amended, and Building Code requirements as set forth in the Building Code, as amended;
3. All vehicle access to the subject property shall meet Virginia Department of Transportation (VDOT) design and construction standards;
4. The property shall meet all required development standards for this type of business as required by Chapter 22 of the Dinwiddie County Code, as amended;
5. Site lighting installed shall be directed downward and inward to the subject property to preserve the night sky and shall not directly cast light onto the adjoining properties;
6. All outdoor activities associated with the repair of agricultural and heavy equipment shall be conducted between the hours of 7:00 AM and 10:00 PM;
7. All repair and/or storage of agricultural and heavy equipment will either be conducted indoors or screened from public view;
8. There shall be no commercial repair or service of automobiles or vehicles.
9. All activities associated with the repair and/or storage of agricultural and heavy equipment shall comply with all applicable federal, state, and local codes; and
10. This conditional use permit is subject to be reviewed by the Zoning Administrator of Dinwiddie County on an annual basis from the date of issuance of the conditional use permit. Failure to abide by these conditions may result in legal action.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission recommendation on this zoning matter must be read. In order to assist, staff prepared the following statement:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-19-4, as presented to repair agricultural and heavy equipment when screened from view be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.

The Vice Chairman asked if there are any questions for Mr. Bassett. Hearing none, he asked the applicant to come forward if they had anything they wanted to add.

The applicants Mr. Justin Logue and Ms. Sarah Logue, 15400 McKenney Highway, McKenney VA said they agree with what Mr. Bassett has presented. They do not have anything to add, and will answer any questions the members may have.

Mr. Cunningham asked what kind of screening they would have.

Mr. Logue said what he sees a lot and likes is the Leyland cypress trees to utilize for screening. It is a fast growing cedar tree.

Mr. Hayes said with your normal residential entrance, how does someone with a trailer get onto your property with the equipment they want you to repair.

Mr. Logue said generally I do not have someone bring their tractor or machine onto my property. I go and get the part whether an engine or axle and bring it back to my shop. After I have repaired it, I take it back to the site.

The Vice Chairman opening the public hearing portion of the case. He asked if anyone had signed up to speak. Hearing that there is no one signed up to speak he closed the public hearing portion of the case. He opened the discussion among the Commissioners. He said if there isn't any he would entertain a motion.

Mr. Cunningham made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-19-4, as presented to repair agricultural and heavy equipment when screened from view be recommended for approval with conditions to the Board of Supervisors. It was seconded by Mr. Titmus and with Mr. Cunningham, Mr. Titmus, Mr. Harvell, Mr. Prosis and Mr. Hayes voting "AYE" C-19-4 was approved.

RE: OLD BUSINESS

Mr. Hayes said he wanted to bring the members up to speed on what took place at the Board of Supervisors meetings over the past two months concerning the cases that the Commission recommended to the Board. In April, the Board did not approve Zoning Ordinance text amendment, A-19-1, that 21723 Boydton Plank Road LLC requested to include assisted living facilities as a permitted use in the B-2 zoning district. The proposed assisted living facility would be located in the old Wilmurt's motel located on Route 1 in McKenney. Voting "no" meant that the Board did not hear the request for the Conditional Use Permit, C-19-1. Due to the applicant having to wait six (6) months before resubmitting a similar request, it does look like the applicant will come before us again somewhere in the November or December timeframe.

In May, the Board of Supervisors heard the proposed Zoning Ordinance amendment, which involved increasing the road frontage requirement from 300 feet to 500 feet. The Board voted to make the road frontage requirement 400 feet rather than 300 feet in the A-1 and A-2 zoning districts and the Board approved the recommended maximum density provision for the A-1 and A-2 zoning districts.

IN RE: COMMISSIONERS' COMMENTS

Mr. Hayes told the members that related to solar facilities, VACO is holding a workshop meeting at the Ragsdale recreation facility in McKenney on June 27, 2019 from 10:00 a.m. to 3:00 p.m. He said he

hoped one or two of the Planning Commission members could attend the meeting as he could not attend due to a prior engagement.

Mr. Titmus mentioned that he has been contacted by Holocene Clean Energy and has been in conversation with them about the potential for locating a solar facility in the area around Whippernock farm. I want to disclose this before we move forward with any discussion related to solar facilities.

Mr. Prorise said just as an FYI, Mr. Massengill instituted a process last fall looking at the CIP Budget and trying to get different viewpoints from individuals around the county. I have been attending these CIP Budget meetings and the meetings are very informative.

He said Mr. Massengill also instituted, for this coming year, a proactive approach looking at other major projects in the county to see where they need to be programmed in the CIP Budget which will help in how the Planning commission needs to respond to certain requests for rezonings, CUP's, and subdivisions. He said he appreciated Mr. Massengill recognizing how important the Planning Commission decisions are concerning the County's CIP Budget and for wanting someone from this Commission to be a part of what he is doing.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said the solar facility meeting that Mr. Hayes mentioned would be offered by VACO. It will take place on June 27, 2019 at the Ragsdale Recreation facility in McKenney. The meeting will run from 10:00 a.m. to 3:00 p.m. and lunch will be provided. Mr. Massengill stated that the cost to attend the meeting would be paid for by the County.

Mr. Southall asked the members who plan to attend to coordinate with Mr. Bassett. He said if three or more members choose to attend, we might have to advertise it as a public meeting.

Mr. Bassett said there are no Public Hearing cases for next month, but I have a need to hold a workshop meeting in order to review a few items with the Commission. If we do not have the workshop meeting in July, we definitely need to have one in August. I will notify the Commissioners once a workshop meeting is scheduled

IN RE: ADJOURNMENT

The Vice Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Cunningham made a motion to adjourn and Mr. Titmus seconded it, and with all members in agreement and voting "AYE", the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____