

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 13<sup>TH</sup> DAY OF NOVEMBER AT 7:00 P.M.

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

ABSENT:	ANTHONY SIMMONS	CHAIRMAN	DIST #5
	BUTCH CUNNINGHAM		DIST #4

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	TYLER SOUTHALL	COUNTY ATTORNEY

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**IN RE: CALL TO ORDER**

The Vice Chairman called the meeting to order at 7:03 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**

Mr. Simmons and Mr. Cunningham were not present.

**IN RE: APPROVAL OF AGENDA**

There were no additions, deletions, or corrections to the agenda.

Mr. Titmus made a motion to accept the agenda as presented. Mr. Tucker made a second and with Mr. Tucker, Mr. Titmus, Mr. Harvell, Mr. Prosise and Mr. Hayes voting "AYE," for approval.

**IN RE: MINUTES**

There were no corrections to the October 9, 2019 Regular meeting minutes.

Mr. Tucker made a motion to accept the minutes as presented. Mr. Titmus made a second and with Mr. Tucker, Mr. Harvell, Mr. Titmus, Mr. Prosise and Mr. Hayes voting "AYE," for approval.

**IN RE: CITIZEN COMMENTS**

There were no citizens signed up to speak. The Vice Chairman turned the meeting over to Mr. Bassett for the Public Hearing case.

**IN RE: PUBLIC HEARING**

**To: Dinwiddie County Planning Commission**  
**From: Mark Bassett, Planning Director**  
**Date: November 13, 2019**  
**Subject: Proposed Zoning Ordinance amendments concerning adding a definition for an assisted living facility and for adding assisted living facility, with a conditional use permit to Sec. 22-140, Permitted uses for the Residential, General, District R-2, Sec. 22-154, Permitted uses for the Residential Planned Development, District PRD, and Sec. 22-185, Permitted uses for the Business, General, District B-2.**

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**Proposed Zoning Ordinance Amendments**

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, Dinwiddie County is requesting to amend the Dinwiddie County Zoning Ordinance (1) by amending Section 22-1, Definitions by adding the definition for assisted living facility and (2) by amending Sections 22-140, 22-154, 22-185 by adding “Assisted living facility, with a conditional use permit” as a use permitted upon receiving a conditional use permit in Zoning Districts R-2, PRD, and B-2. After the public hearing, changes may be made to the ordinance, as appropriate.

**Staff Recommendation**

Staff recommends approval of the Zoning Ordinance amendments as submitted.

**Planning Commission Action**

**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 amendments:**

**NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend (approval or disapproval) of the Zoning Ordinance amendments as presented to the Board of Supervisors.**

**AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY AMENDING SECTION 22-1, DEFINITIONS  
CHAPTER 22, ZONING, ARTICLE I, IN GENERAL.**

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County:

*(1) That Chapter 22 of the Code of the County of Dinwiddie, 1985, as amended, is amended by ins inserting the following language shown underlined and deleting the following language marked as strikethrough:*

**Section 22-1. Definitions.**

Assisted living facility is any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirmed or disabled in a primarily residential setting.

Such facility shall comply with the Virginia Department of Social Services Standards for Licensed Assisted Living Facilities, as amended. For the purpose of this definition, an assisted living facility is an institutional use and therefore it does not count toward residential density calculation.

(2) *That this ordinance shall become effective immediately upon adoption.*

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED, BY AMENDING CHAPTER 22, ZONING, ARTICLE IV. DISTRICT REGULATIONS, DIVISION 8, RESIDENTIAL, GENERAL, DISTRICT R-2, SECTION 22-140, PERMITTED USES**

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County, Virginia:

*(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language shown in strikethrough:*

**Sec. 22-140. - Permitted uses.**

In business district R-2, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings, except mobile homes, travel trailers and manufactured homes.
- (2) Two-family dwellings.
- (3) Multiple-family dwellings.
- (4) Rooming houses and boardinghouses.
- (5) Tourist homes.
- (6) Schools.
- (7) Churches.
- (8) Rest homes.
- (9) General hospitals, with a conditional use permit.
- (10) Clubs and lodges.
- (11) Parks and playgrounds.
- (12) Professional offices.
- (13) Home occupation type I.
- (14) Mobile home park, with a conditional use permit.
- (15) Off-street parking as required by this chapter.
- (16) Accessory buildings permitted as defined, however, garages or other accessory structures, such as carports, porches and stoops, attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any property line.
- (17) Public utilities; poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- (18) Signs as permitted under Article VII of Chapter 22 of the Dinwiddie County Code.
- (19) ~~Reserved.~~ Assisted living facility, with a conditional use permit.
- (20) Reserved.
- (21) Reserved.
- (22) Day care centers, with a conditional use permit.
- (23) Group home, small.
- (24) Family day care with conditional use permit.
- (25) Family day care, large, with a conditional use permit.
- (26) Group home, large, with a conditional use permit, subject to the provisions of section 22-245.2

herein.

(Code 1970, § 17-49; Ord. of 11-19-80; Ord. of 10-19-88; Ord. of 1-5-94; Ord. of 1-2-02; Ord. of 6-1-04; Ord. of 11-16-10, § 1; Ord. of 12-20-11, § 1; Ord. of 12-19-17 [A-17-4], § (1))

(2) *That this ordinance shall become effective immediately upon adoption.*

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED, BY AMENDING CHAPTER 22, ZONING, ARTICLE IV. DISTRICT REGULATIONS, DIVISION 9, RESIDENTIAL, PLANNED DEVELOPMENT, DISTRICT PRD, SECTION 22-154, PERMITTED USES**

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County, Virginia:

(1) *That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined:*

**Sec. 22-154. - Permitted uses.**

In planned residential district PRD, the following uses may be permitted:

- (1) Single-family dwellings, except mobile homes, travel trailers and manufactured homes.
- (2) Multiple-family dwellings.
- (3) Schools.
- (4) Religious activities and quarters.
- (5) Parks, playgrounds, athletic areas, play lots, tot lots, golf courses, swimming pools, lakes and undeveloped areas for passive recreation.
- (6) Recreational buildings, provided that such recreational buildings shall be not substantially larger than necessary to serve the residents who will live within the planned residential development district when it is fully developed.
- (7) Where the county deems that it is appropriate, convenience shops intended for the exclusive use of the occupants of the planned residential development may be located within a multiple-family dwelling or an administration or community building for the development. Convenience shops shall not be located on the perimeter of the development. The following sales or services only are permitted within the convenience shops: Confections, delicatessens, drugs, dry goods, groceries, hardware, laundromats, personal services and professional offices, dry cleaning and laundry pick-up station.
- (8) Accessory uses and structures which are customarily auxiliary and clearly incident and subordinate to permitted uses and structures.
- (9) Group home, small.
- (10) Family day care with conditional use permit.
- (11) Day care center with conditional use permit.
- (12) Group home, large, with a conditional use permit, subject to the provisions of section 22-245.2 herein.
- (13) Public utility poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- (14) Signs as permitted by Article VII of Chapter 22 of the Dinwiddie County Code.
- (15) Assisted living facility, with a conditional use permit.

(Code 1970, § 17-55.2; Ord. of 11-19-80; Ord. of 1-5-94; Ord. of 1-2-02; Ord. of 12-20-11, § 1; Ord. of 9-15-15 [A-15-5], § (1); Ord. of 12-19-17 [A-17-4], § (1))

(2) *That this ordinance shall become effective immediately upon adoption.*

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS  
AMENDED, BY AMENDING CHAPTER 22, ZONING, ARTICLE IV. DISTRICT  
REGULATIONS, DIVISION 11, BUSINESS, GENERAL, DISTRICT B-2, SECTION  
22-185, PERMITTED USES**

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County, Virginia:

*(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language shown in strikethrough:*

**Sec. 22-185. - Permitted uses.**

In business district B-2, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Retail stores and shops.
- (2) Bakeries.
- (3) Restaurants.
- (4) Laundries.
- (5) Wearing apparel stores.
- (6) Drugstores.
- (7) Barbershops and beauty shops.
- (8) Auto and home appliance services.
- (9) Theaters and assembly halls.
- (10) Hotels and motels.
- (11) Office buildings.
- (12) Churches.
- (13) Libraries.
- (14) Hospitals, general.
- (15) Funeral homes.
- (16) Reserved.
- (17) Clubs and lodges.
- (18) Auto sales and service, to include the sales and service of boats, boat trailers, and recreational vehicles.
- (19) Lumber and building supply (with storage under cover).
- (20) Plumbing and electrical supply (with storage under cover).
- (21) Wholesale and processing not objectionable because of dust, noise or odors, with a conditional use permit.
- (22) Dry cleaners.
- (23) Machinery sales and service.
- (24) Public utilities.
- (25) Off-street parking as required by this chapter.
- (26) Waterfront business activities; wholesale and retail marine interests, such as boat docks, piers, small boat docks, yacht club and servicing facilities for the same; docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

- (27) Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement only after a public hearing shall have been held by the board of supervisors on an application submitted to the board for such use. The board may request that the commission submit a recommendation to it concerning such use applications. In approving any such application, the board may establish such special requirements and regulations for the protection of adjacent property, set the hours of operations, and make requirements as it may deem necessary in the public interest.
- (28) Signs as permitted by Article VII of [Chapter 22](#) of the Dinwiddie County Code.
- (29) Reserved.
- (30) Reserved.
- (31) Cabinet, furniture and upholstery shops not exceeding a combined area of 5,000 square feet for workshop and storage space, with a conditional use permit.
- (32) ~~Reserved.~~ Assisted living facility, with a conditional use permit.
- (33) Governmental offices.
- (34) Veterinary hospital, with a conditional use permit.
- (35) Communication tower with station, with a conditional use permit.
- (36) Wholesale business and storage warehouse, with conditional use permit.
- (37) Classic and collectable car sales and restoration facility, with inoperable vehicles screened from view and restoration activities under cover, in accordance with the following definition: "A business actively involved in restoration and sales of classic and collectible specialty vehicles. Facilities must be screened for restoration work and storage of disabled vehicles. This business could also be involved in the sale of new/n.o.s., and used parts, but would not allow the general public access to vehicles for the purpose of removing parts."
- (38) Nursery and landscaping.
- (39) Financial institutions.
- (40) Computer software development firms to exclude the manufacturing of such software, screened from view and 200 feet from the state road right-of-way.
- (41) Show horse facility and riding academy, with a conditional use permit.
- (42) Day care center.
- (43) Automobile self-service station.
- (44) Automobile service station.
- (45) Garage, public.
- (46) Tractor-trailer service station, with a conditional use permit.
- (47) Laydown yard, with a conditional use permit.
- (48) Kennel, private with conditional use permit.
- (49) Family day care, large.
- (50) Flea market, a maximum of two days within any two-month period.
- (51) Flea market, more than two days within any two-month period, with a conditional use permit.

(Code 1970, § 17-63; Ord. of 11-19-80; Ord. of 3-16-83; Ord. of 6-15-83; Ord. of 1-18-84; Ord. of 6-17-87; Ord. of 6-15-88; Ord. of 4-17-91; Ord. of 3-18-92; Ord. of 5-5-93; Ord. of 7-7-93; Ord. of 9-1-93; Ord. of 1-5-94; Ord. of 9-4-96; Ord. of 11-6-96; Ord. of 10-6-99; Ord. of 2-7-01; Ord. of 7-3-02; Ord. of 6-1-04; Ord. of 12-21-10, § 1; Ord. of 12-19-17 [A-17-4], § (1))

*(2) That this ordinance shall become effective immediately upon adoption.*

Mr. Bassett asked if there were any questions from the members.

Mr. Titmus asked Mr. Bassett if in the future the Commissioners could get a map showing the highlighted areas that the added definition will affect.

Mr. Bassett said that is possible. We may have to break the County map up in small sections for each portion of the County to make visual sense with portions of the County having multiple zoning classifications in a small geographic area.

There was general conversation that followed concerning the differences between group homes and assisted living facilities.

The Vice Chairman asked if there were any more questions for Mr. Bassett. Hearing none, he opened the public hearing portion of the case. Since no one was present, he closed the public hearing. He entertained 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 amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend approval of the Zoning Ordinance amendments as presented to the Board of Supervisors. Mr. Tucker made a second and with Mr. Prorise, Mr. Titmus, Mr. Harvell, Mr. Tucker and Mr. Hayes voting "AYE" for approval.

**RE: OLD BUSINESS**

Mr. Hayes mentioned that he attended the VACO (Virginia Association of Counties) conference and most of the people there who spoke were not happy with solar facilities coming to their localities. He added that there was a question asked by someone at the conference, and they asked considering last week's elections, what do you think the prospects are of the General Assembly coming in and telling localities they have to allow solar facilities? A man from VACO said they had already gotten wind of that thought and is currently working on a position paper for it.

**IN RE: COMMISSIONERS' COMMENTS**

Mr. Prorise said he has had the same experiences at some of the meetings he has attended. He said some of those experiences are what he has tried to express at our Planning Commission meetings. He declared he is for as much solar power as we can get. However, it needs to be done in the right way. We need the information that others have learned. We need to know the process they went through when they established a solar facility in their locality.

Mr. Tucker asked Mr. Bassett if staff could talk to counties that have solar facilities and find out some of the issues they had as well as find out what they would have done better or differently if they had known what to ask a head of time.

Mr. Bassett said we have done that. Some of you have been privy to that through attending different workshops and seminars related to solar. What we are trying to do at our joint workshop meeting with the Board of Supervisor on December 11 is to have a couple of people come and discuss some of the issues you all have mentioned.

**IN RE: PLANNING DIRECTOR'S COMMENTS**

Mr. Bassett mentioned he has met with two solar companies. They are interested in making application to locate in Dinwiddie County. One company wants to locate a solar facility in the area of Brick Road, Perkins Road, Carson Road, Reams Road and Halifax Road. It encompasses about fifteen hundred (1,500) to two thousand (2,000) acres. The other company wants to locate in the general area of Butterwood Road just south of Walmart Distribution Center, the Dinwiddie County Sports complex and Sutherland Elementary School.

Mr. Bassett reminded the members that there are no cases coming to them in December. However, there is the joint workshop meeting with the Board of Supervisors starting at 6:00 p.m. in the training room across from the Board meeting room.

Mr. Bassett told the members that we have received subdivision construction plans for Appomattox Manor Section 3. It will be located off Kenneth Drive and River Road. It will consist of nineteen (19) lots. Additionally, Verizon Wireless is interested in putting up a one hundred ninety-five (195) foot monopole tower at Sutherland Road on property located across the road from Waterford Landing.

**IN RE: ADJOURNMENT**

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Titmus made a motion to adjourn the meeting and Mr. Prosize seconded it, and with all members in agreement, the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Mark Bassett  
Planning Director

Signed: \_\_\_\_\_  
Planning Commission Chairman

Dated: \_\_\_\_\_