

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 11<sup>TH</sup> DAY OF MARCH AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES	CHAIRMAN	AT-LARGE
	EDWARD TITMUS		DIST #2
	JOHN HARVELL		DIST #3
	THOMAS TUCKER	VICE CHAIRMAN	AT-LARGE
	ANTHONY SIMMONS		DIST #5
	BUTCH CUNNINGHAM		DIST #4
	EVERETTE PROSISE		DIST #1

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	TYLER SOUTHALL	COUNTY ATTORNEY
	MICHAEL DREWRY	ASST. COUNTY ATTORNEY

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**IN RE: CALL TO ORDER**

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

**IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

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

**IN RE: ROLL CALL**

The Chairman asked for the roll to be called and all were present.

**IN RE: APPROVAL OF AGENDA**

The Chairman asked if there were any additions or corrections to the agenda. He said since there are none he would entertain a motion to accept the agenda as presented.

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

**IN RE: MINUTES**

The Chairman asked if there were any corrections to the February 12, 2020 regular meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented.

Mr. Titmus made a motion that the minutes be accepted as presented. It was seconded by Mr. Tucker and with Mr. Simmons, Mr. Cunningham, Mr. Titmus, Mr. Harvell, Mr. Prosise, Mr. Tucker and Mr. Hayes voting "AYE" the minutes were accepted as presented.

**RE: CITIZEN COMMENTS**

The Chairman opened the citizen comment portion of the meeting and asked if anyone had signed up to speak. He said since no one signed up to speak he was closing the citizen comments portion of the meeting.

**RE: PUBLIC HEARING**

**Planning Commission Staff Report**

Case: C-20-2  
Applicant: Brian Johnson  
CUP Request: To operate a business repairing automobiles and equipment when screened from view and 200 feet from the State and road right-of-way  
Property Location: 5213 Whitmore Rd. McKenney, VA  
Tax Map Parcel #: 65-4-3  
Property Size: approx. 34.47 acres  
Current Zoning: Agricultural, General, A-2  
Magisterial District: Darvills  
Planning Commission Mtg.: March 11, 2020

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**CUP REQUEST**

The applicant, Brian Johnson, is seeking a conditional use permit to operate a business that repairs automotive and equipment, screened from view and 200 feet from state road right-of-way, on property containing approximately 34.47 acres. The property is located at 5213 Whitmore Rd., McKenney, VA, and is further designated as Tax Map No. 65-4-3. 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

**ZONING ANALYSIS**

All adjacent properties are zoned Agricultural, General, A-2. The surrounding properties consist of a single-family dwelling to the east and additional single-family dwellings are located north across Whitmore Road are 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 450 feet inward to the property from Whitmore Road (Route 651) and any outdoor operations and storage will be screened from view.

### *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 automobiles and equipment, screened from view and 200 feet from state road right-of-way 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.

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 automotive and 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 existing 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 automobiles and equipment a minimum of 200 feet from the road right-of-way 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 automobiles and equipment when screened from view is subject to the following conditions:

C-20-2 Conditions:

1. The use shall be limited to the repair of automobiles and equipment when screened from view and 200 feet from the right-of-way associated with Whitmore Road (Route 651) with a conditional use permit as identified in the Land Use Amendment Application.
2. Buildings constructed as part of the business repairing automobiles and 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 automobiles and equipment shall be conducted between the hours of 7:00 AM and 10:00 PM;
7. All repair and/or storage of automobiles and equipment will either be conducted indoors or screened from public view;
8. All activities associated with the repair and/or storage of automobiles and equipment shall comply with all applicable federal, state, and local codes; and
9. 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-20-2, as presented to repair automobiles and equipment when screened from view and 200 feet from the State and road right-of-way be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.**

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

Mr. Tucker asked Mr. Bassett to elaborate on what kind of equipment the applicant wants to repair.

Mr. Bassett said from what the applicant has indicated, it is very similar to our last case involving tractors and other heavy equipment associated with agricultural type uses and some vehicles.

Mr. Simmons asked Mr. Bassett how many days a week will the applicant's operation be open.

Mr. Bassett said we didn't address that in the conditions, which means he could be operational seven days a week.

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

Mr. Brian Johnson said he didn't have anything to add to what Mr. Bassett said. He said he would answer any questions the Commissioners may have.

The Chairman asked if there are any questions for the applicant. He said since there are none he was opening the public hearing portion of the case. He asked if anyone signed up to speak.

Granville Maitland 13410 Butterwood Land, Wilsons VA said he does not have a problem with what Mr. Johnson wants to do and fully supports the proposed business as it contributes greatly to the community.

William Webb, 5217 Whitmore Road, Mckenney VA said he too does not have a problem with what Mr. Johnson wants to do.

The Chairman said since there is no one else signed up to speak he is closing the public hearing portion of the case. He opened the discussion among the Commissioners. The Chairman said if there is no more discussion, 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-20-2, as presented to repair automobiles and equipment when screened from view and 200 feet from the State and road right-of-way be recommended for approval with conditions to the Board of Supervisors.

It was seconded by Mr. Titmus and with Mr. Titmus, Mr. Prosis, Mr. Cunningham, Mr. Harvell, Mr. Simmons, Mr. Tucker and Mr. Hayes voting "AYE." C-20-2 was recommended for approval with conditions to the Board of Supervisors.

**IN RE: PUBLIC HEARING**

## **Planning Commission Report**

File #: C-20-3  
Request: Conditional Use Permit: Wireless Telecommunication Tower/Facility  
Applicant: Cellco Partnership d/b/a Verizon Wireless, through its agent, Euan Fuller  
Property Location: 3418 Sutherland Rd., Sutherland, Virginia  
Tax Map Parcel #: 6-33  
Acreage: Tax parcel is approximately 162.55 acres; lease area is 10,000 square feet which is located approximately 350 ft. into the property from Sutherland Rd. (Rt. 623)  
Magisterial District: Namozine District  
Existing Zoning: R-R, Residential, Conservative  
Planning Commission Public Hearing Date: March 11, 2020

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### **CUP REQUEST**

The applicant, Cellco Partnership d/b/a Verizon Wireless, through its agent, Euan Fuller, is seeking a conditional use permit to allow for the construction and operation of a 195-foot steel monopole wireless telecommunications tower with the top of all appurtenances extending to 199 feet and related equipment on the following described property containing approximately 162.55 acres. The property

is located at 3418 Sutherland Rd., Sutherland, VA, and is further designated as Tax Map No. 6-33. The property is zoned R-R, Residential Conservative, 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 Planned Growth Area which allows limited commercial, service development at the Ordinance defined density.

### **INFORMATION INCLUDED**

The following information is included for your review:

- Conditional Use Permit Application
- Tower Site Location Map
- Tower Application Supporting Information
- County's Telecommunication Consultant's Technical Review

### **CASE SUMMARY**

The applicant is requesting to locate a 199-foot tall tower (195-foot monopole plus a four-foot lightning rod) with space for five total users in this area of the County to improve the network capacity for the surrounding area as the demand for wireless service increases and places greater strain on the network sites in this general area. The possibility of co-locating on existing towers in the surrounding area was pursued by the applicant, and no additional sites are available meeting the applicant's coverage objectives (see 1.1 Co-location, Technical Review by Atlantic Technology Consultants, Inc.).

### **ZONING AND LAND USE ANALYSIS**

The property under review is designated by the Comprehensive Land Use Plan as a part of the Planned Growth Area. As such, the area is expected to accommodate future public service facility development for this general area as appropriate.

The properties around this land parcel have agricultural, forestal, and low density residential uses, and the properties surrounding the tower site are zoned Residential, Conservative, District R-R.

Section 22-84 (16) of the Dinwiddie County Zoning Code allows for the location of this proposed use, "communication tower with station", within the R-R, Residential, Conservative, Zoning District provided that a conditional use permit is approved.

Additionally, Article IX of Chapter 22 of the Code of Dinwiddie, Virginia sets forth guidelines for the siting of telecommunication antennae and towers. Section 22-269 outlines the purpose and intent of the article, and within this section the goals of the ordinance are set forth. The goals are as follows:

- a. encourage the location of antennae and towers in areas where the adverse impact on the community is minimal;
- b. to accommodate wireless telecommunication services to county residents, businesses, and travelers;
- c. strongly encourages the co-location of telecommunication equipment on existing towers;
- d. maximize the use of existing structures;
- e. make available public property to facilitate the deployment of wireless telecommunication facilities;

- f. minimize adverse visual effects of wireless telecommunication facilities through careful siting and design and;
- g. minimize adverse impacts on the natural, scenic, environmental, historic, cultural, and recreational resources of the county.

As previously noted the applicant explored the opportunities for co-locating on the existing towers in the area, but co-locating on these towers does not achieve the coverage goals. The applicant's plan does comply with all federal, state, and local regulations regarding providing future co-location of equipment on the existing telecommunication tower and equipment site.

It is the applicant's intent to develop their telecommunication network within the framework established by the above stated goals. Additionally, there will be no impact on the subject and adjacent properties concerning by-right agricultural, forestal, and residential uses.

As per the Zoning Ordinance, Article IX, Section 22-274 (3) Setback requirements, "Towers must be setback a distance equal to 200% of the height of the antenna or tower to the nearest residential structure and in no case less than 400 feet", and the distance from the proposed tower to the nearest residential structure is approximately 676 feet. In addition, Section 22-274 (4) requires that "All antenna support structures must be setback 110% of the height of the structure from all property lines". The proposed location of the tower does meet this setback requirement; the setback from the proposed tower to the nearest property line is 370 feet.

## **OVERVIEW OF IMPACTS**

### *Public Utilities, School System, Environmental & Historic Recourses, & Surrounding Properties*

The potential impacts on the subject property are minimal. Electricity is the only utility needed to develop the site for a wireless telecommunication tower/facility. There is no impact on the public school system. The Section 106 filing as part of the National historic Preservation Act of 1966 (NHPA) has taken place and as the County's consultant has recommended the final comments on the 106 filing and the Phase I Environmental Site Assessment and NEPA Review shall be received prior to issuance of a Building Permit. Visibility of the proposed tower from the surrounding properties will be limited and minimal. Finally, there is no hazard to air space navigation, and the tower will be designed to collapse upon itself once wind loads exceed the required limits, and there are required monthly site maintenance visits to the tower.

## **COUNTY CONSULTANT'S RECOMMENDATION**

The County's telecommunications consultant, Atlantic Technology Consultants, Inc., has reviewed the conditional use permit and new-build wireless telecommunication tower/facility application and is satisfied that the applicant has addressed the impacts of and need for the tower and has recommended approval of the request contingent upon (1) request and display an antenna Site registration Number from the FCC; and (2) comments back from the Virginia Department of Historical Resources should be received prior to issuance of a building permit.

## **STAFF RECOMMENDATION**

The Staff has reviewed the conditional use permit request for a 199-foot tall tower (195-foot monopole plus a four-foot lightening rod) to be located on a 100' X 100' lease tower development area and finds that the applicant has successfully addressed the impacts of the wireless telecommunication tower/facility:

1. The impact of the proposed tower will be minimal given that the proposed tower will not have direct effects on public utilities, the transportation network, public safety, schools, and water quality.
2. The subject property is of adequate acreage and the proposed location of the 199-foot unlit monopole tower will not adversely impact the surrounding land uses.
3. The proposed location of the tower conforms with the goals of the Planned Growth Area as set forth in the Comprehensive Land Use Plan, and to the requirements of the Zoning Ordinance.

Therefore, staff recommends APPROVAL of the request for a conditional use permit to construct the subject telecommunications tower based on the following conditions:

1. The applicant shall limit the height and type of wireless telecommunication tower to a 199-foot monopole tower (195-foot monopole plus a four-foot lightening rod) located on a 100' X 100' lease compound area as stated in the application.
2. The wireless telecommunication tower/facility owner shall negotiate in good faith with the County for paid, leased tower space if the County should desire to locate broadband or other communications equipment for commercial or like services to third parties.
3. Prior to obtaining final building permit approval, the applicant shall post a bond equivalent to the cost of removal of the monopole tower with the Dinwiddie County Planning Department.
4. The monopole tower shall be engineered to accommodate five (5) wireless broadband providers and their equipment.
5. The monopole tower will be constructed to meet or exceed the setbacks as shown on Site Plan sheet number Z-1 of the tower overall site plan with revisions titled "VZW – Waterford – Rawland", 3418 Sutherland Road, Sutherland, VA 23885, Zoning Drawings, as designed by Tectonic Engineering Consultants P.C. and dated 01/30/2020.
6. The conditional use permit shall be reviewed at least every two (2) years for compliance with the subject CUP conditions and all applicable Zoning Ordinance requirements for wireless telecommunication facilities.
7. The applicant shall maintain compliance with all federal, state, and county rules and regulations related to the wireless telecommunication tower/facility use.

#### **PLANNING COMMISSION ACTION**

Since this is a zoning matter, the standard statement regarding Planning Commission action on this zoning matter must be read. In order to assist, the following motion is attached as follows:

**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 request, C-20-3, be recommended for (approval with conditions OR disapproval) as presented to the Board of Supervisors.**

There was general discussion about the tower amongst the members and Mr. Bassett.

The Chairman said if there isn't any more discussion would the applicant like to come forward and add anything.



Mr. Mark Caringhall representing Verizon wireless came forward and made a few comments. He asked the members if they had any questions of him.

The Chairman asked if there are any questions for the applicant. He said since there are none he was opening the public hearing portion of the case. He asked if anyone signed up to speak.

Mr. Kenneth Collins, 3418 Sutherland Road Sutherland, VA said he is in agreement with the placement of the wireless tower.

The Chairman said since there is no one else signed up to speak he is closing the public hearing portion of the case. He opened the discussion among the Commissioners. The Chairman said if there is no more discussion, he would entertain a motion.

Mr. Titmus 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 request, C-20-3, be recommended for approval with conditions as presented to the Board of Supervisors.

It was seconded by Mr. Simmons and with Mr. Simmons, Mr. Cunningham, Mr. Titmus, Mr. Prorise, Mr. Harvell, Mr. Prorise, Mr. Tucker and Mr. Hayes voting "AYE." C-20-3 was recommended for approval with conditions to the Board of Supervisors.

**IN RE: COMMISSIONER COMMENTS**

Mr. Simmons said he wanted to thank all the members for their thoughts and prayers during the passing of his wife.

**IN RE: PLANNING DIRECTOR COMMENTS**

Mr. Bassett said we have two applications for Conditional Use Permits ready to come before you in May. One is for a sand and gravel mining operation off Troublefield Road in Stony Creek. Some of the Shands family members have been contacted to have a mining operation on their property. The second Conditional Use Permit is for Timothy Ogburn. Mr. Ogburn wants to extend his current laydown yard operation by utilizing his property across the street from his current operation.

Mr. Prorise asked Mr. Bassett for an update of compliance on Mr. Ogburn's current laydown as part of the Planning Commission packet.

Mr. Bassett announced that on Monday, March 30, 2020 there will be a Comprehensive Plan kickoff meeting at Eastside Enhancement Center at 5:30 PM.

Mr. Bassett said the Fort Pickett Joint Land Use study group will have public meetings. One will be in Brunswick County. There will be one for the Blackstone, Dinwiddie and Nottaway area at the Fort Pickett officer's club. The meetings will provide progress reports on the current position of the study.

**IN RE: ADJOURNMENT**

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Prorise made a motion to adjourn and Mr. Simmons seconded it and with all members in agreement the meeting adjourned at 8:47 p.m.

Respectfully submitted,

Mark Bassett  
Planning Director

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

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

DRAFT