

VIRGINIA: MINUTES FOR THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 11th DAY OF JULY 2018 AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES		AT-LARGE
	EVERETTE PROSISE		DIST #1
	EDWARD TITMUS		DIST #2
	JOHN HARVELL	CHAIRMAN	DIST #3
	THOMAS TUCKER		AT-LARGE
	ANTHONY SIMMONS	VICE CHAIRMAN	DIST #5
	BUTCH CUNNINGHAM		DIST #4
OTHER:	MARK BASSETT	PLANNING DIRECTOR	
	TYLER SOUTHALL	COUNTY ATTORNEY	

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 members were present.

IN RE: APPROVAL OF AGENDA

The Chairman asked if there were any additions or corrections to the agenda.

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

IN RE: MINUTES

The Chairman said the members have before them the minutes from the April 11, 2018 regular meeting and asked if there were any corrections.

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

The Chairman said the members have before them the minutes from the June 13, 2018 regular meeting and asked if there were any corrections.

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

RE: CITIZEN COMMENTS

The Chairman opened the citizen comment period and asked if anyone signed up to speak. He said since there is no one who signed up to speak he was closing the citizen comment period. He turned the meeting over to Mr. Bassett to present the first case.

RE: PUBLIC HEARING

Planning Commission Staff Report

File #:	C-18-3
Applicant:	Thomas K. Russell, Jr.
CUP Request:	To operate a laydown yard and hauling facility
Property Location:	7111 Chrystal Lane
Tax Map Parcel #:	21-74I
Property Size: approx.	Approximately 3 acres
Current Zoning:	Agricultural, General, A-2
Magisterial District:	Rohoic
Planning Commission Mtg.:	July 11, 2018

CUP REQUEST

The applicant, Thomas K. Russell, Jr. is seeking a conditional use permit to operate a laydown yard and truck hauling facility, on the following described property containing approximately 3.00 acres. The property is located on the east side of Route 1 at 7111 Chrystal Lane (a private road), North Dinwiddie, VA, and is further designated as Tax Map No. 21-74I. 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 Urban Area which allows commercial, service development at the Ordinance defined density.

RELATED ATTACHMENTS

- CUP Application
- Location Map
- Location Photographs

OVERVIEW OF PROPOSED LAYDOWN YARD AND HAULING FACILITY

Thomas K. Russell, Jr., the applicant, is applying for this conditional use permit in order to sell the property to Mr. Leo Tereschenko who owns Leo Tereschenko & Son Paving Company, Inc. Mr. Tereschenko has been parking his trucks on the subject property for approximately 30 years. Leo Tereschenko & Son Paving Company's primary client is Columbia Gas. In addition to parking the vehicles on the property, minor repairs on the trucks will occur as needed. Additionally, asphalt millings, which are generated when pavement is scraped from the road, will be stored on the property until they are reused on other jobs. Leo Tereschenko & Son Paving has approximately 10 employees and operates only on weekdays, but wants the option to work on weekends in the case of an emergency.

ZONING ANALYSIS

The conditional use permit is for a laydown yard and hauling facility for the property located on Tax Map Parcel No. 21-74I, addressed as 7111 Chrystal Lane, North Dinwiddie, VA. Chrystal Lane is located on the east side of Boydton Plank Road (U. S. Route 1) approximately 0.25 miles south of Airport Road.

The subject property is accessed by Chrystal Lane, a shared, private road. Chrystal Lane crosses through one vacant lot before entering the subject property and continuing to one residential lot and a property containing a pump house, which is owned by Dinwiddie County Water Authority.

The adjacent properties to the north, south, east and, west are all zoned Agricultural, General, A-2 and are comprised of single-family dwellings, large farmland and forestal land uses. As designated by the Comprehensive Land Use Plan, the subject property is within the Urban Area which allows commercial, service development at the ordinance defined density.

OVERVIEW OF IMPACTS

This request is not expected to cause any new impacts to the surrounding properties as it has been in operation for approximately 30 years without any noise or traffic complaints.

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 laydown yard and hauling facility. Any public safety or community issues related with the proposed use are minimized by the proposed conditions associated with this permit.

Transportation Impacts

Based upon the information provided, VDOT has determined that the use will require a low volume commercial entrance. Based upon field observations, it appears that the existing entrance meets VDOT's criteria for a low volume commercial entrance. If any modifications are needed to the existing entrance, a VDOT Land Use Permit must be acquired prior to performing any work within the VDOT ROW.

SITE AND USE ANALYSIS

Staff feels that the request to operate a laydown yard and hauling facility on the subject property is appropriate use of this land, as this request does not represent an intensification of the use on the subject property. Additionally, the County has not received any noise or traffic complaints associated with this business.

As designated by the Comprehensive Land Use Plan, the subject property is within the Urban Area which allows commercial, service development at the ordinance defined density. Although the seemingly intense commercial business is located around less intense residential and agricultural uses, staff believes that the impacts of operating a laydown yard and hauling facility on the subject property will be minimized based on adherence to the proposed conditions.

Planning Staff Recommendation:

Planning staff reviewed the request for the conditional use permit and is satisfied that the impacts of operating a laydown yard and hauling facility 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 laydown yard and hauling facility is subject to the following conditions:

C-18-3 Conditions:

1. Any buildings constructed as part of the laydown yard and hauling facility shall meet the applicable Fire Code as set forth in the Fire Code as amended and Building Code requirements as set forth in the Building Code as amended;
2. Any site lighting installed shall be directed downward and inward to the site to preserve the night sky and shall not directly cast light onto the adjoining properties;
3. All vehicle access to the subject property shall meet Virginia Department of Transportation standards;
4. The property shall meet minimum standards for fire and rescue apparatus access;
5. The property shall meet all required development standards for this type of business as required by Chapter 22 of the Dinwiddie County Code;
6. All outdoor activities associated with the laydown yard and hauling facility shall be conducted between the hours of 7:00 AM and 10:00 PM with no outdoor activities associated with the laydown yard and hauling facility on Easter Sunday, Thanksgiving Day and Christmas Day;
7. Any existing trees within 25 feet of all property lines shall remain in order to provide a buffer between the laydown yard and hauling business and surrounding uses. All laydown areas shall not be visible by someone standing at ground level from outside of the subject property. When this cannot be achieved with the 25 foot natural buffer, opaque fencing or planted landscaping may be used as screening. Fencing and planted landscaping to provide screening of laydown activities must be approved by the Dinwiddie County Planning Director;
8. All activities associated with the laydown yard and hauling facility shall comply with all applicable federal, state, and local codes;
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; and
10. The uses shall be limited to the laydown yard and hauling facility with minor repair of vehicles associated with the subject business as identified in the Land Use Amendment Application.

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-18-3, as presented to operate a laydown yard and hauling facility be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.

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

Mr. Tucker wanted to know if the County had received any complaints during the thirty (30) years that this business has existed.

Mr. Bassett said there have been no complaints received by the Planning, Zoning and Code Compliance Office.

Mr. Tucker said as a follow up, have there been any environmental complaints.

Mr. Bassett he was not aware of any.

Mr. Titmus wanted to know if the conditional use permit gets approved and we do not put a restriction on it, would the applicant be limited to what type of laydown yard it could be.

Mr. Bassett said with no restrictions the applicant would not be limited as to what type of laydown yard could be located on the subject property.

Mr. Cunningham wanted to know if there is any fuel or oil storage on the property.

Mr. Bassett said there is at a minimum some oil stored there.

Mr. Titmus wanted the Commission to address what type of laydown yard is allowed before the Commission moves forward with the recommendation.

Mr. Southall suggested that condition 10 change the word “subject” to “asphalt.” That would make it more specific as to the intended use. Condition 10 would read as so, “The uses shall be limited to the asphalt laydown yard and hauling facility with minor repair of vehicles associated with the asphalt business as identified in the Land Use Amendment Application.

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

Mr. Thomas K. Russell, 7209 Chrystal Lane, Dinwiddie VA, the applicant, said there will be no oil or fuel stored at this site. The only oil I am familiar with is the oil from the trucks when the oil in the trucks is changed. The used oil is only kept on the property until they fill a barrel and when it is full they haul it off and have it disposed of.

The Chairman asked if there are any questions for the applicant. He said if not he was opening the public hearing for the case. He asked if there was anyone signed up to speak.

Ms. Tammy Harrell, 13613 Nash Road, Dewitt VA said one of her concerns involves encroachment of materials related to his business on our property. The materials include tires and cans. The other concern is oil cans being found in the waterway branch. Moving forward I hope that it can be monitored so as to not happen in the future. I have no problem with the business. I just want the business owner to ensure these concerns are addressed sooner rather than later.

Mr. Kenneth Moody, 13925 Exhall Drive, Chester VA said his concern is the asphalt millings that the business owner has. They have been stored right on the waterway branch mentioned by my sister. When the business owner was made aware of the problem it took him a considerable amount of time to take care of it. I hope during the inspection and monitoring of this Conditional Use Permit that will be taken care of.

Mr. Robert Moody, 13925 Exhall Drive, Chester VA said I just want to reiterate what was expressed by my brother. I too believe the asphalt millings are too close to the waterway branch. I also believe

the sealants in the millings are getting into the branch which lead to the stream. I would like to see some kind of natural buffer in place to possibly prevent sealants from getting into the branch.

The Chairman asked the Commissioners if they had questions for the adjacent property owners.

Mr. Cunningham wanted to know from the adjacent property owners if they had ever questioned anyone about things running off into the branch and had they found cans and other items in the steam.

Mr. Robert Moody said we have gone to the land owner about things running into the stream and we have found things in the stream as well.

The Chairman asked if there was anyone else signed up to speak. He said if not he was closing the public hearing for the case. He opened the discussion between the Commissioners.

Mr. Hayes wanted to know if there is any debris within the required twenty-five (25) buffer currently.

Mr. Bassett said he believes there is. Staff also spoke to the business owner about this as well.

After some discussion Mr. Southall suggested Condition 10 be reworded and a Condition 11 be added. **The rewording of Condition 10 should state, “The laydown yard and hauling facility shall be limited in use and scope to the asphalt business existing in July 2018 and shall not include any repair of vehicles other than the minor repair of vehicles.”**

Condition 11 should state, “No activities associated with the laydown yard and hauling facility shall be conducted within 25 feet of the property boundary of Tax Map Parcel 21-74I.”

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, C-18-3, with the rewording of Condition 10 and the addition of Condition 11 listed above be recommended for approval to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Titmus, Mr. Prosise, Mr. Cunningham, Mr. Hayes, Mr. Tucker, Mr. Simmons and Mr. Harvell voting “AYE” C-18-3 was recommend for approval with conditions to the Board of Supervisors.

The Chairman turned the meeting over to Mr. Bassett to present the next case.

RE: PUBLIC HEARING

To: Dinwiddie County Planning Commission

From: Mark Bassett, Planning Director

Date: June 29, 2018

Subject: Proposed Subdivision Ordinance & Zoning Ordinance text amendments concerning the definition of subdivision and maximum density in the A-1 and A-2 Zoning Districts

Proposed Subdivision Ordinance Amendment

Pursuant to Dinwiddie County Subdivision Ordinance Sec. 18-11, Amendment of chapter, and Section 15.2-2253 of the Code of Virginia, 1950, as amended, Dinwiddie County is amending the Code of Dinwiddie County, Chapter 18, Subdivisions: Article I, In General, Section 18-3, Definitions,

Subdivision, (1) to delete the requirement that proposed residential subdivisions must be zoned in a residential category; (2) to add that all parcels resulting from the subdivision or division of land must comply with the maximum density allowed within the applicable zoning district; (3) to exempt family divisions from the maximum density requirements; and (4) to delete the paragraphs (5) and (6) which define the date for a land parcel of record to be exempt from being defined as a subdivision. Furthermore, the new date for a land parcel of record to be exempt from being defined as a subdivision will be the date of Board of Supervisors adoption. Following the public hearing, changes may be made to the ordinance, as appropriate.

Proposed Zoning Ordinance Amendment

As provided for in Dinwiddie County 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 amending the Dinwiddie County Zoning Ordinance by adding Section 22-60.1 – Maximum Density in the A-1 Zoning District and Section 22-71.1 – Maximum Density in the A-2 Zoning District to include the sliding scale density thereby defining the maximum number of new lots that may be created from a parent parcel in the A-1 and A-2 Zoning Districts.

Staff Recommendation

Staff recommends approval of the Subdivision Ordinance and Zoning Ordinance amendments as submitted.

Planning Commission Action

WHEREAS, in accordance with Va. Code §§ 15.2-2253, 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 Subdivision Ordinance amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend (approve or disapprove) of the Subdivision Ordinance amendments as presented to the Board of Supervisors.

WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286(A)(7), 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.

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

There was lengthy discussions about the current provisions for dividing property in the A-1 and A-2 zoning districts as well as the provisions under the subject text amendments. The sliding scale density for the A-1 and A-2 districts within the subject text amendment is shown as follows:

Size of Parcel (Acres)

Number of Maximum Lots Permitted

0 – 5.99 acres	1 lot
6.00 – 25.99 acres	2 lots
26.00 – 45.99 acres	3 lots
46.00 and above	4 lots plus one additional lot for each additional 20 acres

The County Attorney informed the Planning Commission that there was a need to go into closed session under Section 2.2-3711(A) (8) of the Code of Virginia. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel—Section 18-3 Definition of Subdivision and Chapter 22 Dinwiddie County Zoning Code.

A motion referencing the County Attorney’s language was made to go into closed session by Mr. Tucker and seconded by Mr. Simmons with Mr. Tucker, Mr. Cunningham, Mr. Titmus, Mr. Hayes, Mr. Prosize, Mr. Simmons and Mr. Harvell all voting in favor. At 8:16 p.m. the Planning Commission convened in closed session.

At 8:25 p.m. a motion to reconvene in open session was made by Mr. Tucker and seconded by Mr. Simmons with Mr. Cunningham, Mr. Prosize, Mr. Titmus, Mr. Tucker, Mr. Hayes, Mr. Simmons and Mr. Harvell all voting in favor.

A certification resolution substantially in the form of the following language was read aloud by the County Attorney and adopted upon motion of Mr. Tucker seconded by Mr. Simmons with Mr. Titmus, Mr. Prosize, Mr. Hayes, Mr. Cunningham, Mr. Tucker, Mr. Simmons and Mr. Harvell all voting in favor.

WHEREAS, the Commission has this day adjourned into closed session in accordance with a formal vote of the Commission, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such closed session was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby certify that to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies , and (ii) only such public business matters as were identified in the Motion by which the said Closed Session was convened were heard, discussed or considered by the Commission. Section 2.2-3711(A) (8). Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel—Section 18-3 Definition of Subdivision and Chapter 22 Dinwiddie County Zoning Code.

After more lengthy discussions Mr. Titmus and Mr. Hayes volunteered to be spokesmen from the Planning Commission to meet with Board of Supervisor members to look at these amendments in more detail.

The Chairman then asked if there were any more questions for Mr. Bassett. He said if not he was opening the public hearing for the case. He asked if there was anyone signed up to speak. He said since there is no one he was closing the public hearing for the case. He said he would entertain a motion.

Mr. Titmus made a motion to table A-18-2 to the next Planning Commission meeting. It was seconded by Mr. Hayes and with Mr. Tucker, Mr. Cunningham, Mr. Titmus, Mr. Hayes, Mr. Prosise, Mr. Simmons and Mr. Harvell voting "AYE" A-18-2 was tabled.

IN RE: COMMISSIONERS' COMMENTS

Mr. Prosise complemented County staff on all the hard work that went in to putting together the information for the text amendments.

Mr. Hayes informed the members that he will be attending the Virginia Chapter of the American Planning Association annual conference this month. He indicated that he will give a report at our next meeting.

Mr. Harvell said he would like to thank staff as well. You are doing a good job.

Mr. Southall mentioned that Ms. Jessica Lipford, the legal intern from last summer, is back with us again this summer. She did a great job last summer and we are glad to have her back with us this summer.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said there will be two zoning cases coming before you in August. The first is Case, P-18-2, and the applicant, Mr. Greg Dommert, wants to rezone approximately 15.0 acres from R-1 to A-2 to allow for Agritourism activities. Also, some of his neighbors have requested to be a part of this rezoning as well. The second is Case, P-18-3, the applicant, Mr. Dale Patton, wants to rezone with proffers the front part of his property on Route 1 from A-2 to B-2 to allow for commercial development.

IN RE: ADJOURNMENT

The Chairman said if there is nothing else to be discussed, he would entertain a motion for adjournment. Mr. Cunningham made a motion to adjourn and Mr. Simmons seconded it and with all members voting "AYE" the meeting adjourned at 8:46 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____