

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 14<sup>th</sup> DAY OF AUGUST 2019 AT 7:00 P.M.

|          |                  |                   |          |
|----------|------------------|-------------------|----------|
| PRESENT: | SAMUEL W. HAYES  | VICE CHAIRMAN     | AT-LARGE |
|          | EVERETTE PROSISE |                   | DIST #1  |
|          | JOHN HARVELL     |                   | DIST #3  |
|          | ANTHONY SIMMONS  | CHAIRMAN          | DIST #5  |
|          | EDWARD TITMUS    |                   | DIST #2  |
| ABSENT:  | THOMAS TUCKER    |                   | AT-LARGE |
|          | BUTCH CUNNINGHAM |                   | DIST #4  |
| OTHER:   | MARK BASSETT     | PLANNING DIRECTOR |          |
|          | MICHAEL DREWRY   | 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**

Mr. Tucker and Mr. Cunningham were not present.

**IN RE: APPROVAL OF AGENDA**

The 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. Mr. Harvell seconded the motion and with Mr. Harvell, Mr. Titmus, Mr. Prosise, Mr. Hayes and Mr. Simmons voting "AYE" the agenda was accepted.

**IN RE: MINUTES**

The Chairman said the members have before them the minutes from the June 12, 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. Titmus made a motion to accept the workshop minutes as presented. Mr. Harvell seconded the motion and with Mr. Prosise, Mr. Harvell, Mr. Titmus, Mr. Hayes and Mr. Simmons voting "AYE", the workshop minutes were accepted.

The Chairman said the members have before them the minutes from the June 12, 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 minutes as presented. Mr. Titmus seconded the motion and with Mr. Prosis, Mr. Harvell, Mr. Titmus, Mr. Hayes and Mr. Simmons voting "AYE", the regular minutes were accepted.

The Chairman said the members have before them the minutes from the July 10, 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. Titmus made a motion to accept the workshop minutes as presented. Mr. Harvell seconded the motion and with Mr. Prosis, Mr. Harvell, Mr. Titmus, Mr. Hayes and Mr. Simmons voting "AYE", the workshop minutes were accepted.

**IN RE: CITIZEN COMMENTS**

The Chairman opened the citizen comment portion of the meeting and asked if anyone signed up to speak.

Mr. Al Clary, 18167 Hardwood Creek Road, Stoney Creek had questions and made comments about the plat under review as per Agenda item #7. He provided paperwork to the members to bring clarity to what his concerns were with the plat. Mr. Clary's concerns included the location of the two proposed lots related to the access easement that adjoins his property; the configuration of the two proposed lots.

Mr. Bassett answered all of Mr. Clary's questions and concerns.

There was some discussion among the Commissioners concerning the parent parcel and how many lots may be divided in the future. The Commissioners also had concerns about the configuration of the two lots, and the Commission needs to study the configuration of lots as it relates to being able to meet the 400-foot road frontage requirement when creating a new lot.

The Chairman said since there is no more discussion he is closing the citizen comments portion of this the meeting. He said we have discussed the plat in length. He opened the Public Hearing portion of the meeting.

Mr. Bassett presented the following case.

**IN RE: PUBLIC HEARING**

**To: Dinwiddie County Planning Commission**  
**From: Mark Bassett, Planning Director**  
**Date: August 7, 2019**  
**Subject: Proposed Zoning Ordinance amendment concerning defining chicken, adding the Keeping of chickens to Sec. 22-84, Permitted uses for the Residential, Conservative, District R-R, and adding certain requirements for the keeping of chickens to Article V Supplementary District Regulations, Sec. 22-244.1.**

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## **Proposed Zoning Ordinance Amendment, A-19-4**

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, the applicant, Dinwiddie County, is requesting to amend the Dinwiddie County Zoning Ordinance (1) by amending Section 22-1, Definitions by adding the definition for chicken; (2) by amending Section 22-84 by adding “Keeping of chickens, subject to the requirements of Sec. 22-244.1” in Zoning District R-R; and (3) by adding Sec. 22-244.1, Keeping of Chickens in the R-R, Residential Conservative, District, to include requirements for keeping chickens in the R-R, Residential, Conservative, District. After the public hearing, changes may be made to the Ordinance as appropriate.

### **Staff Recommendation**

Staff recommends approval of the Zoning Ordinance amendment 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 amendment:**

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

Mr. Bassett asked the Commissioners if there are any questions.

Mr. Prorise asked what the resolution is when there is a case of a conflict between chickens and adjoining property owners.

Mr. Bassett said staff would investigate the situation, and if there are any specific violations related to the requirements for the keeping of chickens, the violation would be passed on to Zoning and Code Compliance. If there is a violation, we issue the property owner a notice of violation related to the Zoning Ordinance requirements.

Mr. Titmus asked what the rationale is behind only having twelve (12) chickens as opposed to any other number.

Mr. Bassett said staff took that number from the Zoning Ordinances of the surrounding and nearby localities that were similar in size and nature to Dinwiddie County.

The Chairman said if there is no further discussion, he was opening the public hearing portion of the case. He asked if anyone signed up to speak. Hearing that no one had, he closed the public hearing. He said 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 as presented to the Board of Supervisors. Mr. Hayes seconded the motion and with Mr. Harvell, Mr. Titmus, Mr. Prosis, Mr. Hayes and Mr. Simmons voting “AYE” A-19-4 was approved.

**IN RE: PUBLIC HEARING**

**Planning Commission Staff Report**

File#: P-19-3  
Applicant: Antonio Carollo  
Rezoning Request: Agricultural, General, A-2 to Residential, Limited, R-1  
Property Location: East side of Westover Drive, McKenney, Virginia  
Tax Map Parcel #: 80-30E  
Acreage: Approx. 15.73 acres  
Magisterial District: Spony District  
Planning Commission Mtg.: August 14, 2019

**CASE OVERVIEW**

The applicants, Antonio Carollo, is requesting to rezone property containing approximately 15.73 +/- acres from A-2, Agricultural General, to R-1, Residential Limited minimum lot size one and one-half (1.50) acres. The R-1, Residential Limited, zoning classification allows residential uses pursuant to the Zoning Ordinance allowed density. The property is located on the eastern side Westover Dr. McKenney, VA approximately 1,500 feet north of the intersection of Westover Dr. and Route 1, and is further defined as Tax Map Parcel No. 80-30E. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area, which allows low to medium density residential uses for this general area.

**ATTACHMENTS**

- Rezoning Application
- Location Map
- VDOT Approval Letter

**LAND USE AND ZONING ANALYSIS**

The subject property is located across the street from 21318 Westover Drive in McKenney, Virginia, and the property is further defined as Tax Map Parcel 80-30E. The applicant is seeking the rezoning of the 15.73 acres from Agricultural, General, A-2 to Residential, Limited, R-1 to divide the property into four lots. The R-1 zoning classification allows for minimum lot sizes of 20,000 square feet if public water and sewer serve the single-family dwelling. Public water and sewer is available to the subject property from the Town of McKenney water and sewer system.

The surrounding land uses include open space and predominately low-density established and stable single-family residential development, and the general surrounding area is zoned A-2, Agricultural, General, and the nearby property in the Town of McKenney is zoned R-1, Residential. On the residential property along Westover Dr. there are multiple single-family residential dwellings located on half-acre to three-acre lots which are zoned A-2, Agricultural General, and which are compatible with the lot sizes proposed as part of the subject rezoning request.

The property under review is designated by the Comprehensive Land Use Plan (the “Plan”) as being within the Planned Growth Area. As such, the general area is expected to accommodate future residential development. The Comprehensive Plan also sets forth that the overall density of single-family residential development within the Planned Growth Area should not exceed three dwelling units per acre. This proposed Zoning District, R-1, Residential Limited, has a Zoning Ordinance defined 2.00 units per acre maximum density requirement for single-family lots served by public water and sewer, which is in accordance with the aforementioned dwelling units per acre allowed in the Planned Growth Area. To note: there is also the Zoning Ordinance requirement that each lot in the R-1 Zoning District have a lot width of 100 feet at the building setback line.

Chapter XI of the Comprehensive Plan outlines the policies, goals, and objectives of the County, and policy statement (3) states “maintain and enhance the County’s ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors.” As previously stated, this general area is designated as Planned Growth Area; thus, with the access to the Town of McKenney water and sewer system, this general area may be considered a residential growth center.

## **OVERVIEW OF DEVELOPMENT IMPACTS**

### *Public Utilities, Public Safety & School System Impacts*

As public water and sewer is available in the area, the use of public water and sewer utilities may be utilized by the applicant. It is the intention of the applicants to divide the subject property into four lots.

With the proposed four lot division, the impacts on public safety services should be minimal.

The impact on the public school system should be minimal based on the school system’s census information, which estimates 0.56 students per household, and at current build out (three to five years in normal economic housing market conditions) this proposed development could add two students to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school.

### *Transportation Impacts*

The impacts on the existing transportation network from the proposed development would not warrant the construction of any turn lanes or tapers. The driveway entrance are evaluated by VDOT at the time of subdivision plat review as well as during development of the lots.

### **Staff Recommendation:**

The planning staff has reviewed the rezoning request and is satisfied that the applicant has addressed the impacts of rezoning the subject property.

Staff recommends APPROVAL of the request to rezone the subject property given that:

1. The zoning classification requested, R-1, Residential Limited, is compatible with the surrounding zoning pattern and surrounding land uses;
2. The requested zoning classification, R-1, Residential Limited, conforms to the underlying uses recommended for this general area as set forth in the Planned Growth Area of the Comprehensive Land Use Plan.

## **PLANNING COMMISSION RECOMMENDATION**

Since this is a zoning matter, the standard statement regarding the Planning Commission’s recommendation to the Board of Supervisors is set forth below:

**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 rezoning, P-19-3, as presented, be recommended for (approval, OR disapproval) to the Board of Supervisors.**

Mr. Bassett asked the Commissioners if there are any questions.

Mr. Prorise asked if this fits the nature of a subdivision. He asked if it does will the applicant have to put in a cul-de-sac for the subdivision that meets VDOT's standards.

Mr. Bassett said it will be considered a subdivision, and if the owner/developer builds a new road related to the subdivision it will have to meet VDOT subdivision street design and construction standards.

Mr. Titmus asked how many lots are possible if the applicant gets public water and sewer connections.

Mr. Bassett said he could develop eight (8) to nine (9) lots.

Mr. Hayes said that this area south of the Town of McKenney and along Westover Dr. over to Route 1 is a development area which is an extension of the Town of McKenney and it should be developed at a higher density since it is really an extension of the Town with public water and sewer available.

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

Mr. Prorise 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 rezoning, P-19-3, as presented, be recommended for approval to the Board of Supervisors. Mr. Titmus seconded the motion and with Mr. Titmus, Mr. Prorise, Mr. Harvell, Mr. Hayes and Mr. Simmons voting "AYE" rezoning request P-19-3 was approved.

**RE: OLD BUSINESS**

Mr. Bassett said that recently he has received two inquiries from two separate solar companies. They are interested in locating solar facilities in the County. They are large in acreage and in the megawatts generated at the facility. They wanted to know about the zoning process. I informed them that their case could be heard in one evening. The request would be separated out into separate public hearings as well as separate and distinct cases related to the same application. The applicant has to come before the Planning Commission recommendation that the request is substantially in accord with the Comprehensive Plan (Va. Code Section 15.2-2232) and if the Planning Commission does not approve the request it would be heard by the Board of Supervisors.

Then, if they want to request a rezoning to the M-2 Zoning district where a utility generator is allowed with a conditional use permit or request to amend the Zoning Ordinance to allow a solar facility in A-2 Zoning District with a conditional use permit the Amendment would be a separate case heard by the Planning Commission with a recommendation to the Board of Supervisors.

After the rezoning request or Zoning Ordinance amendment request is heard, the Planning Commission would hear the request for a Conditional Use Permit with a recommendation to the Board of Supervisors. The process is similar to what you all did when the Aldi project came to the County where public water needed to be extended to that portion of the County. Staff and the Dinwiddie County Water Authority (DCWA) came to the Planning Commission asking for a review related to the Comprehensive Plan as part of that project, and you all felt like it was in agreement with the Comprehensive Plan and you recommended approval of the water line extension. That is what someone coming before you with a solar facility would have to do as part of the application process.

Mr. Bassett said another item I want to share with you related to what I have just said has to do with a DEQ requirement. Currently, if a developer has a solar facility more than five megawatts or the property disturbed is ten (10) acres or more in size, then the solar facility developer is required to go to DEQ and apply for a Permit by Rule to develop a solar facility. I want to know what you think about possibly allowing a small solar facility, a facility five megawatts or less, as a use with a conditional use permit in the M-1 zoning district. Mr. Drewry recommended looking at the Surry County Zoning Ordinance and Surry County allows solar facilities in the M-1 and M-2 zoning districts with a conditional use permit. They do not have any parcel size limitations.

Another item I want to bring to your attention has to do with the design guidelines Ordinance. I want to propose the possibility of an Ordinance amendment. The amendment would reference temporary or directional signs. Currently, anyone wanting to put up a directional sign has to do a full-blown monument sign; they cannot do a small sign on a small pole directing people to a business. Also, staff needs to recommend an amendment to allow for decorative security fencing in front yards of businesses, for example, decorative fencing to keep people out of stormwater basins. Staff will be bringing recommendations for an Ordinance amendment to the Commission at a future workshop meeting. The Dominion Energy project has two large BMP's for the stormwater basins. The basin/pond close to Route 1 or Washington Street is where they want to put up a tall iron decorative fence around the basin/pond for security/liability reasons. We have been talking about amending that ordinance to allow for some of those exceptions.

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

Mr. Bassett reminded the members that the next Planning Commission meeting is September 11, 2019.

**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 and Mr. Prosis seconded it, and with all members in agreement and voting "AYE", the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Mark Bassett  
Planning Director

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

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