

VIRGINIA: MINUTES FOR THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM LOCATED IN THE DINWIDDIE COUNTY GOVERNMENT CENTER BUILDING ON THE 8<sup>th</sup> DAY OF DECEMBER 2021 AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES		AT-LARGE
	JOHN HARVELL		DIST #3
	DR. EVERETTE PROSISE		DIST #1
	ANTHONY SIMMONS		DIST #5
	CALVIN CUNNINGHAM	CHAIRMAN	AT-LARGE
	THOMAS TUCKER	VICE CHAIRMAN	AT-LARGE

ABSENT: EDWARD TITMUS DIST #2

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	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 Mr. Titmus was not 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. Harvell made a motion and it was seconded by Mr. Simmons and with Mr. Harvell, Dr. Prosise, Mr. Hayes, Mr. Simmons, Mr. Tucker and Mr. Cunningham voting "AYE" the agenda was approved.

**IN RE: MINUTES**

The Chairman asked if there were any additions or corrections to the November 8, 2021 regular meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented. Mr. Tucker made a motion and it was seconded by Mr. Simmons and with Mr. Simmons, Mr. Hayes, Mr. Harvell, Dr. Prosise, Mr. Tucker and Mr. Cunningham voting "AYE" the minutes were approved.

**IN RE: CITIZEN COMMENTS**

The Chairman opened the citizen comment portion of the meeting and asked if anyone signed up to speak. Hearing that there was no one signed up, he turned the meeting over to the Planning

Director. Mr. Bassett said a citizen sent in a statement that they wanted read and they also wanted their statement to become part of the Planning Commission's minutes. The following is that statement, which was read by the Planning Director:

Date: Tue, 7 Dec 2021 01:10:38 +0000  
Subject: Planning commission concerns 12/8

Dear Morgan Ingram,

I am writing you to file a formal complaint regarding my concerns with Riverside Vineyard in Sutherland, on Leonard's Lane. I would like my concerns to be shared in the upcoming meeting on Dec 8 and recorded on the minutes. What they are doing is impacting residential conservation areas with substantial impacts to health, welfare, and safety of the surrounding Dinwiddie community they are becoming a part of.

On December 5th 2021, around 1PM, I was standing in my yard (adjacent to their River Rd field), when a truck went speeding by very close to my property line. The truck was spreading some kind of white chemical or powder, and I was engulfed by the spreader's cloud. As a result, I had to seek shelter in one of my buildings to wait for the cloud to subside.

I am concerned for the well-being of myself, my family, my animals, my well water, and my trees on my property. I have two young children that play in our yard, as well as horses that stay in the pasture. This cloud impacted me and my horses, and very easily could have impacted my children playing in the backyard if they had been outside at the time. I am also concerned with the potential impact these chemicals will have on my well water since so close to the field.

Riverside Vineyard needs to be responsible, and follow state law and code with regards to zoning, and also adhering to VDAC guidelines to prevent overspray and run-off of chemicals on the land and crops. According state code an agricultural establishment should not be adjacent to residential property, especially intensive farming . The area in which they are doing their intensive farming and spraying is considered a sensitive area according to Virginia Tech Pesticide Program. There are homes, playgrounds, nontarget plants and animals within their range. I request that the vineyard not spray on windy days, have setback requirements, minimum area requirements, buffers, and run off protections established. If this continues contact will be made with VDAC to test for pesticides that are spreading.

Riverside Vineyard needs to be respectful toward their community neighbors and their properties, which have been here long before they arrived. I am proud to be a Dinwiddie resident for almost six years, but I am not proud that the county is letting this occur.

Sincerely,

Ashley Lenz

The Chairman asked if there was anything else to be read. He said since there is nothing else, he was closing the citizen comment period.

**IN RE: PUBLIC HEARING**

**PLANNING COMMISSION STAFF REPORT**

Case #: C-21-7  
Applicants: Superior Signs authorized representative Allen M. Twedt and agent for property owner, Olive Branch Baptist Church  
CUP Request: To install and operate an electronic message center sign in the A-2, Agricultural, General, District  
Property Location: 11119 Boydton Plank Rd. Dinwiddie, VA  
Tax Map Parcel #: 45-106  
Property Size: 3.50 acres  
Magisterial District: Rowanty District  
Planning Commission Mtg.: December 8, 2021

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**CASE OVERVIEW**

The applicants, Superior Signs authorized representative Allen M. Twedt and agent for property owner, Olive Branch Baptist Church are seeking a conditional use permit to allow for an electronic message center sign in the A-2 zoning district as set forth in Zoning Ordinance Sec. 22-258.1 (a). The property is located at 11119 Boydton Plank Road, Dinwiddie, and the property is further defined as Tax Map Parcel No. 45-106. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area, which allows for medium and low density residential uses for this general area.

**ATTACHMENTS**

Conditional Use Permit Application, Proposed Sign & Location Map

**BACKGROUND INFORMATION**

The existing Church, Olive Branch Baptist Church, is proposing to upgrade their existing freestanding monument sign to allow an electronic message center sign to be incorporated into the overall sign.

**LAND USE/ZONING ANALYSIS**

The subject property is located on Boydton Plank Road (Route 1) with approximately 175 feet of the property fronting directly on Boydton Plank Road. On the north side of the subject property is a single-family residential property zoned A-2, and across Boydton Plank Road from the Church property is a single-family residential property zoned A-2. On the south side of the subject property, is the Mitchell Acres single-family residential subdivision zoned R-1.

In the Comprehensive Land Use Plan the subject property is located within the Planned Growth Area, which recommends low to medium density residential development at the Zoning Ordinance defined density for this general area.

The existing freestanding monument sign is being upgraded to accommodate the electronic message center sign. The proposed sign is located in the Route 1 and Route 460 Corridor Overlay District and will have to comply with all Route 1 overlay design standards and receive a certificate of approval from the Design Review Board.

## **OVERVIEW OF IMPACTS**

### **Transportation Impacts**

With the proposed operation of the electronic message center sign there should be no impacts on the existing transportation network, Boydton Plank Road. There are specific Zoning Ordinance provisions for the operation of the electronic message center sign that allow for operation of the sign so as not to distract drivers on Boydton Plank Road such as flashing, blinking, scrolling and light effects.

### **Planning Staff Recommendation:**

The planning staff has reviewed the impacts of the request for a conditional use permit to allow for an electronic message center sign in the A-2, Agricultural, General, District and staff recommends **APPROVAL WITH CONDITIONS** of the request subject to the following conditions:

1. The proposed freestanding sign and electronic message center sign shall comply with all related Virginia Uniform Statewide Building Code requirements.
2. Olive Branch Baptist Church and its successors and assigns shall operate the electronic message center sign in accordance with the Zoning Ordinance provisions as set forth in Sec. 22-258.1 – Requirements for electronic message center signs. (a) – (k).
3. The conditional use permit shall be reviewed for compliance with the stated conditions at least once every twelve (12) months that the subject electronic message center sign is in operation.

## **PLANNING COMMISSION RECOMMENDATION:**

### **Conditional Use Permit request, C-21-7:**

Since this is a zoning matter, the standard statement regarding the Planning Commission's 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 the conditional use permit, C-21-7, as presented for an electronic message center sign be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.**

Mr. Bassett asked if there were any questions from the Planning Commission.

Mr. Hayes asked what the main points are concerning the (a) – (k) in our zoning ordinance.

Mr. Bassett said it includes a provision that the electronic message sign can be up to 80% of the overall sign area. It also addresses how frequently the sign copy is allowed to change. It addresses how many colors can be displayed at any point in time on the sign, and the maximum number of colors displayed at any point in time is three. It does not allow the sign copy to blink or flash so that it is not distracting to drivers. Finally, provisions for the brightness levels of the sign.

Mr. Tucker asked what the height of the current/existing sign is.

Mr. Bassett said he positive, but it is approximately seven feet in height.

The Chairman said if there are no more questions for Mr. Bassett, would the applicant like to come forward and add anything.

Mr. Frank Preston, 5725 Whisper Drive, Sutherland VA said to the question of the current church sign height, the answer is 10 feet. He then allowed the representative from Superior Signs to answer any questions.

Mr. Jeff Lee, Sales & Permitting Specialist for Superior Signs, at 2510 Willis Road, Richmond VA said he didn't have anything additional to add, but would answer any question the members may have.

The Chairman said if there are no questions for the applicant or their agent he is was opening the public hearing portion of the case. He asked if anyone has signed up to speak. He said since there is no one, he was closing the public hearing for this case. He asked the Commissioners if they had anything before they voted.

Mr. Hayes said he likes the idea of the electronic sign.

Mr. Tucker asked if the sign is intended to go in the same place as the current sign.

Mr. Preston said they plan to put the sign further away from Boydton Plank Road.

Mr. Tucker asked if the sign was going to be a message center for public information.

Mr. Preston said it is not going to be a message center that list things happening in Dinwiddie and the surrounding communities. It will be a message center for the Church events that are scheduled to happen.

Mr. Tucker 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 the conditional use permit, C-21-7, as presented for an electronic message center sign be recommended for approval with conditions to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Simmons, Mr. Hayes, Mr. Harvell, Dr. Prosis, Mr. Tucker and Mr. Cunningham voting "AYE" C-21-7 was approved.

**IN RE: OLD BUSINESS**

There was no old business.

**IN RE: NEW BUSINESS**

Mr. Hayes asked if we had responded to the letter that was read during the citizen comment period at the November meeting.

Mr. Bassett said he did respond to Ms. Lenz. He said I informed her that I would contact the owner of the property and let them know a citizen emailed us about their concern of the powdered substance that was being applied to the land. He also informed her that he would ask them to be more responsible about the application of whatever they were applying on the ground moving forward.

Mr. Prorise said he really appreciates Ms. Lenz's letter and email to the Planning Commission and her concern for the welfare of her family and the community. Her letter should be well received and it is appreciated. However, he doesn't believe it is a Planning Commission issue. He believes it is a Virginia Department of Agriculture issue. When a farmer is not following best practices, it is a regulatory function that has to be addressed.

Mr. Drewry said he wanted the Planning Commissioners to know that staff has received several communications and questions regarding the vineyard project off of Leonards Lane.

**IN RE: PLANNING COMMISSIONER COMMENTS**

No Planning Commissioner had comments, but a Merry Christmas to all was their sentiment.

**IN RE: PLANNING DIRECTOR COMMENTS**

Mr. Bassett said he wanted to remind the members that there will potentially be three applicants with the possibility of four cases coming before you at the January 12, 2022 meeting. The first case involves a rezoning of the Queen of Angels subdivision. The person who purchased the rear portion of the property wants to return the zoning from RR-1 back to A-2. The second and third cases involve Vulcan who wants rezone a portion of their property that is being mined. They want to amend the existing CUP for a sand and gravel mining operation and rezone from A-2/R-1 to M-2 with a CUP for a stone quarry. With that, Vulcan desires to create a new berm area to further screen their mining operation from surrounding properties. They are having held a community meeting on Monday, November 15<sup>th</sup> to get input on what they propose to do. They sent out initial and follow up letters to the citizens in the surrounding community. We have been in communication with Vulcan for a couple of years concerning this project. The fourth case involves the rezoning of a 2.10-acre piece of property across from the Dinwiddie County Sports Complex located adjacent to the DCWA water tower on Route 460 from A-2 to B-2 for a retail store.

Mr. Bassett reminded the Commissioners that on December 16<sup>th</sup> there are two Comprehensive Plan stakeholders meetings scheduled for Economic Development at 1:00 PM and Land Use/Planned Growth at 3:00 PM. Those meetings will take place in the training room. The same evening at Eastside Enhancement Center, there will be the final community meeting for the Comprehensive Plan beginning at 6:00 PM.

Additionally, Mr. Bassett said the Land Development Committee (LDC) is close to approving the Dominion Energy high voltage lab office building located Dominion Energy's Dinwiddie campus

for Dominion. This is thought to be the final building being constructed on the property. We are awaiting building plans, but the site plans are ready.

Mr. Bassett said the Walkers who own the property on Hofheimer Way, resubmitted their site plans with minor amendments for an office/commercial building for a portion of their property. Those site plans are approved, and they are looking to buildout the development in 2022. There is another four-acre piece of property that initially was rezoned for a State probation office. That rezoning was denied. However, there have been inquiries from interested parties about developing the four-acre parcel, and there is potential for that parcel to be built out in 2022 as well.

Mr. Bassett said lastly, the County hired an individual to fill the Senior Planner/Zoning Administrator position. Mr. Brad Robinson will be starting work on January 3, 2022. Mr. Robinson comes to us with 17 years of extensive planning experience.

**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. Simmons seconded it and with all members present voting "AYE" the meeting adjourned at 7:57 PM.

Respectfully submitted,

Mark Bassett  
Planning Director

Signed: \_\_\_\_\_  
Calvin (Butch) Cunningham, Chairman

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