

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 9th DAY OF MARCH 2022 AT 7:00 P.M.

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

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:15 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. He said since there are none he would entertain a motion to accept the agenda as presented. Mr. Cunningham made a motion to approve the agenda and it was seconded by Mr. Simmons and with Mr. Harvell, Mr. Simmons, Mr. Hayes, Mr. Titmus, Mr. Cunningham, Dr. Prosise and Mr. Tucker voting "AYE" the agenda was approved.

IN RE: MINUTES

The Chairman asked if there were any additions or corrections to the February 9, 2022 Workshop meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented. Mr. Simmons made a motion to accept the minutes as presented. It was seconded by Mr. Titmus and with Mr. Simmons, Mr. Hayes, Mr. Titmus, Mr. Harvell, Mr. Cunningham, Dr. Prosise and Mr. Tucker voting "AYE" the minutes were approved.

The Chairman asked if there were any additions or corrections to the February 9, 2022 Regular meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented. Mr. Cunningham made a motion to accept the minutes as corrected. It was seconded by Mr. Simmons and with Mr. Hayes, Mr. Simmons, Mr. Cunningham, Mr. Harvell, Mr. Titmus, Dr. Prosise and Mr. Tucker voting "AYE" the minutes were approved.

IN RE: CITIZEN COMMENTS

The Chairman opened the citizen comments period and asked if there was anyone signed up to speak. He said since there is no one, he was closing the citizen comment period.

IN RE: PUBLIC HEARING

File #: C-22-1
Applicants: Ralph A. Shands and Agent, Cordelia V. Shands
CUP Request: To operate an event facility
Property Location: 26912 Troublefield Rd.
Tax Map Parcel #'s: Tax Map No. 87-20
Property Size: Approximately 84.0 +/- acres
Current Zoning: A-2, Agricultural General
Magisterial District: Rowanty
P.C. Hearing Dates: March 9, 2022

CASE OVERVIEW

The applicants, Ralph A. Shands and agent, Cordelia V. Shands, are seeking a conditional use permit to allow for an event facility on property containing approximately 84.0 +/- acres. The A-2 zoning district allows an event facility with a conditional use permit. The property is located at 26912 Troublefield Rd., Stony Creek, VA and is further defined as part of Tax Map Parcel No. 87-20. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Rural Conservation Area, which allows for agricultural, forestal, low-density residential, and service uses for this general area.

RELATED ATTACHMENTS

- CUP Application and GIS Location Map

LAND USE AND ZONING ANALYSIS

The subject property includes the existing enclosed picnic shelters, bathroom building, band shelter, storage buildings, pond and open space area. The surrounding property land uses include single-family residential uses and farm related and forestal land uses i.e., cropland, pastureland, forestland as well as the sand and gravel mines. These surrounding properties are zoned A-2, Agricultural General.

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area which allows limited commercial development. The A-2, Zoning District allows an “event facility” upon the Board of Supervisors granting the use under a conditional use permit.

OVERVIEW OF IMPACTS

Public Utilities, & Public Safety Impacts

The existing facilities utilize on-site well and septic systems. When the proposed use of the property (the event facility) was presented to the Dinwiddie County Land Development Committee (LDC), the

Public Safety Department indicated that the impact of the proposed use on public safety services is minimal.

Transportation Impacts

The impacts on the transportation network are minimal. The subject property is accessed from the existing entrance located on Troublefield Road. The number of trips generated by the proposed use on the subject property is based on the type of event and these events normally do not take place during normal peak hours with the events taking place on weekends and in the evenings.

In general, the road system in this particular area is adequate to handle the traffic generated by the subject use. If the proposed use is granted a conditional use permit, the applicant will be required to comply with all VDOT commercial entrance requirements.

SITE AND USE ANALYSIS

This is an appropriate use of the existing facilities located on the subject property and given the total acreage available for the event facility in relation to the surrounding land uses, zoning pattern, the proposed use is appropriately located.

Planning Staff Recommendation:

The Planning staff reviewed the conditional use permit request and is satisfied that with appropriate conditions the impacts of the proposed event facility are addressed. The issuance of the permit would be in compliance with the intent, purpose and design of this Chapter and/or Section 22-2 of this Code.

Staff's recommendation of APPROVAL of the request for a conditional use permit to allow for the use of the existing property and buildings to provide for an event facility is subject to the following conditions:

1. The existing buildings utilized as part of the event facility and ancillary lodging facility shall be modified and permits applied for and approved as needed to 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. Adequate sanitary sewer and potable water facilities shall be maintained per Dinwiddie County Health Department requirements and all applicable Dinwiddie County Health Department permits shall be obtained as part of the event facility.
3. Any additional site lighting installed on the property shall be directed downward and inward to the site to preserve the night sky and shall not directly cast light onto the adjoining properties.
4. All related outdoor recreational and all other outdoor activities and events shall be conducted daily between 6:00 AM and 11:59 PM.
5. Informal outdoor camping is only allowed when associated with and ancillary to an event. The camping is only allowed on a temporary basis with no permanent campsites being established. The maximum number of overnight campers or guests on the entire property shall not exceed an agreed upon number for any one 24-hour period.
6. For events where security is needed and provided by the deputies with the Dinwiddie County Sheriff's Department, the property owner(s) shall be responsible for all costs associated with the deputies providing security services and payment/reimbursement to the Dinwiddie County Sheriff's Department.
7. Any gatherings of ~~more than 300 persons~~ on the property at any one time for an event or any other activity shall be subject to the entirety of Chapter 3, Article 2 of the Dinwiddie County Code, Special Events, as it may be amended from time to time.

8. Noise associated with events, gatherings, and activities shall be subject to and comply with the entirety of Chapter 15, Article 1 of the Dinwiddie County Code, Offenses, as it may be amended from time to time.
9. Where there is existing forested area a 50-foot buffer for the entire perimeter of the property extending from the perimeter exterior property lines inward to the property is to be permanently maintained where clearing of vegetation shall not be allowed.
10. This conditional use permit shall be reviewed by the Zoning Administrator of Dinwiddie County on an annual basis from the date of issuance of the conditional use permit.
11. A violation of any of the conditions of this conditional use permit shall make this conditional use permit subject to revocation by the Dinwiddie County Board of Supervisors.
12. The event facility shall comply with all applicable federal, state, and local codes.

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 statements:

Motion to recommend approval to the Board of Supervisors with conditions:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (3) & (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-22-1, as presented, be recommended for approval with conditions to the Board of Supervisors.

Motion to recommend disapproval to the Board of Supervisors:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (3) & (7) and Zoning Ordinance Sections 22-22 and 22-2 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-22-1, as presented, be recommended for disapproval to the Board of Supervisors as the issuance of a conditional use permit would not be in compliance with the intent, purpose, and design of the Dinwiddie County Zoning Code.

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

Mr. Titmus said this location has always been a place to have events. What has changed that they now are required to get a Conditional Use Permit.

Mr. Bassett said the family who owns the property and operates the current park, wanted to ensure that in the future they would be able to operate the park. Hearing that we had adopted an event facility ordinance, they wanted to come in and go through the process to get that designation for their park.

Mr. Titmus said the current buffer of fifty feet is fine, but since outdoor events do have more noise would the applicant be amenable to making that buffer one hundred (100) feet. I believe it will help with sound and siting of any event.

Mr. Tucker asked the County Attorney to give a brief overview of condition seven that talks about Chapter 4, Article 2 of the Dinwiddie County Code.

Mr. Drewry said that is the Special Event permits section of the Dinwiddie County Code. It basically says that if there is any pre-planned event, which is generally open to the public or entry on the basis of paid admission or when someone has rented a property where over three hundred (300) people are going to attend, you have to come in and request for a special use permit to hold that event.

Mr. Tucker asked if family reunions fall with the Special Events category.

Mr. Drewry said it does not. He went on to say the applicant didn't need to come to continue with their operations out at the park. They chose to do this on their own and I personally appreciate them doing this.

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

Ms. Cordelia Shands, 4 Barnes Court, Hampton VA who is the agent for the applicant, came forward and thanked the Planning Commission for this opportunity to speak and answer any questions they may have. She asked for clarification of condition five referencing outdoor camping. She said more specifically, if someone or a group of wanted to spend a weekend with their RV's on the property, does condition five prevent them from doing so.

Mr. Drewry said camping on any property in the state of Virginia is controlled by other state entities as well as the County. With that being the case as it is written currently in condition five, it would not be allowed.

The Chairman asked if there were any more questions for the applicant. He said since there are none he was opening the public hearing portion of the case. He asked if anyone had signed up to speak. He said before he closes the public hearing, he wanted it to be known that a letter via email was sent in, given to each member and will be placed within the record of this meeting. That letter is listed below.

Subject: Public comment for 3/9 meeting
To: Alvin Gurley <agurley@dinwiddieva.us>
From: Ashley Lenz <cowgirlashley8@hotmail.com>
Date: 03/08/2022 10:00 AM

Mr. Gurley,

I see for the planning commission meeting on 3/9 there is a CUP application for land in Stony Creek to do an event facility. This will bring in more traffic and people than it being just a park like it does right now. I really hope that the nearby neighbors have been contacted as residents need to have an opinion as it will be their homes and properties that will be effected by noise, cars, road networks, etc for an event. The entire metrics of an impact needs to be considered not just that it is part of the comprehensive land use plan area. I am not stating a direct opinion about this applicant but firmly believe these kind of things need to be public information that is adequate in letting neighbors know. The planning commission needs to think of it as if they are the person that is living next to this piece of land.

Sincerely,
Ashley Lenz

The Chairman then closed the public hearing for the case. He asked the Commissioners how they wanted to address condition five related to overnight campers or RV's as requested by the agent for the applicant.

Mr. Drewry stated the easiest fix for condition five is to strike the first and the last sentence. The condition would then read, "The camping is only allowed on a temporary basis with no permanent campsites being established." He said to them that they could define what a temporary basis would be.

He asked the Commissioners if they had anything else to add and if not he would entertain a motion.

Dr. 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) (3) & (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-22-1, with the correction to condition five of striking the first and the last sentence so the condition would then read, "the camping is only allowed on a temporary basis with no permanent campsites being established" be recommended for approval with corrections to the Board of Supervisors. It was seconded by Mr. Cunningham and with Mr. Titmus, Mr. Simmons, Mr. Cunningham, Mr. Harvell, Mr. Hayes, Dr. Prorise and Mr. Tucker voting "AYE" C-22-1 was recommend for approval to the Board of Supervisors.

IN RE: OLD BUSINESS

Mr. Bassett said staff and legal are ready to give a report based on an unanimous "AYE" vote by the Commissioners that staff and legal look into provisions related to not reading public comments that were received by email.

Mr. Drewry said there is nothing in the State Code that requires you to read citizen comments that have been sent in by email or that have been mailed in. That was something the County adopted during all of the COVID restrictions.

The Planning commission agreed that citizen comments that have been sent in by email or that have been mailed in are to be distributed to each Commissioner for their review. Any person who is unable to comment due to an ADA related reason would have their comments read if desired by that individual.

IN RE: NEW BUSINESS

There was some general discussion on addressing the minimum VDOT standards within Dinwiddie County.

IN RE: COMMISSIONERS COMMENTS

Mr. Cunningham said with new businesses coming to the County, how do we plan to accommodate for them with ingress and egress, with water and sewer and all the other things that they will need to be aware of.

Mr. Hayes said we have to continue making our request known to each applicant that comes before us and ensuring them our decision will be what is best for the County

There was some general discussion about buffers throughout the Dinwiddie County and about ensuring that required buffers are maintained and stay in place.

IN RE: PLANNING DIRECTOR COMMENTS

Mr. Bassett reminded the members that there will be two cases coming before them at their April 13, 2022 regular meeting. There is a landowner in the West Petersburg subdivision requesting the R-U zoning classification. In addition, out on Wheelers Pond Road and Wilkinson Road, a property owner wants to open a commercial kennel and the owner specifically trains dogs. They suggested they might do some breeding of retrievers.

Mr. Drewry reminded the Commissioners that if they had anything they wanted or needed to know about cases or litigation involving Dinwiddie County, Mr. Southall and he are available to discuss any related information with them. He said the other thing he wanted to say was he apologizes to anyone who is listening or watching if he offended them with the comments he made at the January meeting. He wanted everyone to know he gets passionate about his work and it all comes with a good heart.

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 Commissioners in agreement the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____