

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 13<sup>th</sup> DAY OF APRIL 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	DIST #1
	THOMAS TUCKER	AT-LARGE
	VICE CHAIRMAN	
	CHAIRMAN	

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	BRAD ROBINSON	SENIOR PLANNER/ZONING ADMINISTRATOR
	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 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. Titmus made a motion to approve the agenda. 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: APPROVAL OF MINUTES**

The Chairman asked if there were any additions or corrections to the March 9, 2022 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 to accept the minutes as presented. 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.

## **Planning Commission Staff Report**

File #: P-22-4  
Applicant: Marvin Copeland  
Rezoning Request: Residential, Limited, R-1 to Residential, Urban, R-U  
Property Location: Greenville Avenue, West Petersburg  
Tax Map Parcel #: 21A-1-260 & 21A-1-261  
Property Size: 0.11 +/- acres  
Magisterial District: Rohoic District  
Planning Commission Mtg.: April 13, 2022

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### **CASE OVERVIEW**

The applicant, Marvin Copeland, is requesting to rezone property containing approximately 0.11 +/- acres from Residential, Limited, R-1 to Residential, Urban, R-U. The R-U zoning district allows for single-family residential uses pursuant to the Zoning Ordinance allowed density. The property is located on the south side of Greenville Avenue in West Petersburg between the intersections with Roanoke Street and Potomac Street, and is further identified as Tax Map Parcel Nos. 21A-1-260 and 21A-1-261. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited residential uses for this general area.

### **ATTACHMENTS**

- Rezoning Application
- Property Location Map

### **LAND USE/ZONING ANALYSIS**

The subject property is located on the south side of Greenville Avenue in West Petersburg and is further identified as Tax Map Parcel Nos. 21A-1-260 and 21A-1-261. The applicant is seeking a rezoning of the 0.11 acre property from Residential, Limited, R-1 to Residential, Urban, R-U in order to combine the two aforementioned parcels and construct a new single-family residential dwelling. The R-U zoning classification allows for minimum lot sizes of 5,000 square feet with a minimum lot width of 50 feet. The proposed dwelling will be served by public water and sewer by the Dinwiddie County Water Authority (DCWA) water and sewer system.

There have been two previous and similar rezoning cases, P-16-2 and P-19-1, within the general area of the subject property. Both cases involved the rezoning of 0.12 acre properties on Surry Avenue from R-1, Residential, Limited, to R-U, Residential, Urban to allow for the construction of single-family residential dwellings. The Board of Supervisors granted approval of these rezoning cases in 2016 and 2019 respectively.

The surrounding land use around the property is predominately low-density established and stable single-family residential development. A civic use (church) is also located in close proximity to the property across Greenville Avenue. The surrounding area is zoned Residential, Limited, R-1. West Petersburg consists of lots that are 25 feet wide and 100 feet deep which are nonconforming with regard to the R-1 District requirements.

The majority of existing homes in this neighborhood are situated across property lines and the remaining vacant lots do not accommodate further development on their own individually. The R-U zoning classification was adopted with an intent of addressing these type nonconformities and issues in this general area. The subject rezoning request will permit for a new dwelling that is compatible with the size and character of the surrounding development.

The property under review is designated by the Comprehensive Land Use Plan (the "Plan") as being within the Urban Area. As such, the general area is expected to accommodate future medium density residential development.

The composition and purpose statement within the R-U Zoning District states that *"In general, the "Residential, Urban" zoning district allows smaller lot sizes and setbacks than the county's other residential zoning districts, giving areas zoned R-U a more urban feel. The district regulations are designed to reflect the urban nature of such neighborhoods as characterized by detached single-family dwellings situated on small lots with narrow yards and modest setbacks. The district regulations are intended to encourage continued improvement and efficient use of existing residential buildings and their accessory structures, while ensuring that infill development will be compatible with the established character of the district"*. The proposed development is in accordance with the purpose of the R-U District.

Chapter XI of the Plan outlines the policies, goals, and objectives of the County. Policy statement (3) identifies the County's desire to *"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 mentioned, this general area is designated as Urban Area; thus, with the property being located in the existing West Petersburg neighborhood and having access to the DCWA water and sewer system, this general area may be considered a residential growth center.

## **OVERVIEW OF IMPACTS**

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

As public water and sewer is available in the area, the use of public water and sewer utilities is being utilized by the applicant. It is the intention of the applicant to combine the subject lots/properties so that a dwelling may be located on its own individual lot.

With the proposed lot consolidation allowing for the construction of a single-family residence, 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 would add one student to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school.

### **Transportation Impacts**

The impact on the existing transportation network from the proposed development would not warrant the construction of any turn lanes or tapers. The proposed development will only require a residential driveway entrance.

**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 requested zoning classification, Residential, Urban, R-U, is compatible with the surrounding zoning pattern and surrounding land uses. Additionally, the R-U Zoning District was created to accommodate further development of the existing lots within the Urban Area including the West Petersburg neighborhood.
2. The requested zoning classification, Residential, Urban, R-U, conforms to the underlying uses recommended for this general area as set forth in the Urban 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 on this zoning matter must be read. In order to assist, staff has 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 rezoning P-22-4 be recommended for (approval, OR disapproval) to the Board of Supervisors.**

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

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

Ms. Nakisha Adacoryah, 132 N. Sycamore Street Apt 301, Petersburg VA a representative for the applicant said she didn't have anything to add, but would answer any questions the members may have.

Mr. Simmons asked if she knew where they were going to place the drive-way.

The applicant explained that the driveway will be at the center of the subject property.

The Chairman asked if there were any more questions for the applicant's representative. 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 since there is no one he was closing the public hearing portion of the case. He asked the Commissioners if they had anything else they wanted to add and if not 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 rezoning P-22-4 be recommended for approval to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Titmus, Mr. Simmons, Mr. Cunningham, Mr. Harvell, Mr. Hayes, Dr. Prosis and Mr. Tucker voting "AYE" P-22-4 was recommend for approval to the Board of Supervisors.

**IN RE: PUBLIC HEARING**

## **Planning Commission Staff Report**

File #: C-22-2  
Applicant: Sara Kello  
CUP Request: To operate a Commercial Kennel in the A-2 Zoning District  
Property Location: 11630 Wheelers Pond Road Dinwiddie, Va. 23841  
Tax Map Parcel #: 43-6-5  
Property Size: 7.04 acres  
Magisterial District: Rowanty District  
Planning Commission Mtg.: April 13, 2022

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### **CASE OVERVIEW**

The property owner, Sara Kello, is requesting a conditional use permit to utilize the following described property for a commercial kennel. The property is located at 11630 Wheelers Pond Road, further identified as Tax Map Parcel # 43-6-5 is zoned A-2. The Agricultural, General, A-2, zoning classification allows for a commercial kennel with a conditional use permit pursuant to the Zoning Ordinance allowed density. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Rural Conservation Area, which recommends agricultural residential and limited commercial and service development for this general area.

The applicant intends to have the commercial kennel in order to develop a dog-training kennel and to breed Motley retrievers.

### **ATTACHMENTS**

- Rezoning Application
- Property Location Map

### **LAND USE/ZONING ANALYSIS**

The subject property, which is a platted property originally created in 1984 as part of the Wilkinson Land subdivision, is mainly surrounded by large acreage single-family residential lots, open space, and forestal/timberland land uses. The surrounding zoning pattern consists of properties zoned A-2, Agricultural, General.

In the Comprehensive Land Use Plan the subject property is located within the Rural Conservation Area, which recommends agricultural residential and limited commercial and service development for this general area. The commercial kennel would allow for a limited service use to be added as an accessory use to the primary residential use of the property.

There is adequate area on the property to locate the proposed commercial kennel buildings on the subject property. There is one existing accessory building on the property that may be utilized as part of the

kennel. The subject property is partially wooded and the residence is located toward the rear of the property where an additional accessory building could be constructed as part of the kennel operation.

## **OVERVIEW OF IMPACTS**

### **Public Utilities & Public Safety Impacts**

Currently, there is no impact to the public utility system. Any future expansion beyond what is allowed under the conditional use permit will be subject to governmental agency reviews and permitting. The potential impact on public safety is limited.

### **Transportation Impacts**

With the proposed use of the property generating very few vehicle trips, the impacts on the existing transportation network are negligible. The subject property has direct access to Wheelers Pond Road.

### **Planning Staff Recommendation:**

The planning staff has reviewed the impacts of the request for a conditional use permit to utilize the subject property for an accessory commercial kennel, and staff recommends APPROVAL WITH CONDITIONS of the request subject to the following conditions:

CUP, C-22-2, Conditions:

1. With the exception of dogs kept temporarily (i.e. kept for no more than 30 days) as part of the rescuing of dogs and locating foster families for these rescued dogs, there shall be no more than fifteen (15) dogs (i.e. any dog over six months of age) on the subject property at one time.
2. With the exception of dogs that are being actively trained by the owner or by an individual employed by the owner, the dogs that are part of the kennel operation shall be kept in a fenced area, in dog runs, or inside a structure for boarding dogs.
3. All defactory matter shall be placed in a controlled location, covered and disposed of per County and State Codes.
4. Operation of the kennel shall comply with all applicable County, State, and Federal Codes.
5. The conditional use permit shall be reviewed for compliance with stated conditions a minimum of one time per calendar year.

## **PLANNING COMMISSION RECOMMENDATION**

**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-22-2, as presented be recommended for approval with conditions to the Board of Supervisors.**

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

Mr. Titmus asked if the fifteen (15) dogs included personal dogs.

Mr. Bassett said the way we have it written, it would include personal dogs if they are over six months of age.

Mr. Titmus said with that being the case, I would like for the owner of the property to ensure that the conditions we agree to tonight will be conveyed in a deed to the new owner of the property if it is sold.

Mr. Bassett said we could add that as a condition for this CUP request.

Mr. Hayes asked if what we are doing tonight has been consistent with what we have done in the past.

Mr. Bassett said that it is.

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

Ms. Sarah Kello, 11630 Wheelers Pond Road Dinwiddie VA said she didn't have anything to add, but would answer any questions the members may have.

Mr. Tucker asked if she had any problems with what Planning Commissioner Titmus wanted to be added into the conditions.

Ms. Kello said she did not have a problem with that.

Mr. Titmus said the reason he asked for this addition is because, we have had some problems recently about people doing things outside of the conditions we have set. The reasons they have done things outside the conditions is because the conditions never conveyed with the deed. It then becomes difficult for Zoning to go back and enforce the conditions. I just believe it would be good practice for us, as we move forward, to put that condition in all the CUP's we do.

The Chairman asked if there were anymore questions for the applicant's representative. 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 since there is no one he was closing the public hearing portion of the case. He asked the Commissioners if they had anything else they wanted to add and if not 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-22-2, as presented be recommended for approval with conditions to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Titmus, Mr. Simmons, Mr. Cunningham, Mr. Harvell, Mr. Hayes, Dr. Prosis and Mr. Tucker voting "AYE" C-22-2 was recommend for approval to the Board of Supervisors.

**IN RE: OLD BUSINESS**

Mr. Bassett briefly talked about the change DEQ has made concerning treating solar panels as impervious area and the impact of this on the impervious area calculation that must be added to site plans as part of the stormwater management plan.

Mr. Bassett gave the members an update surrounding the Flowers rezoning located on Route 460. He said the company will be resubmitting a rezoning application because they have changed the location for the building site. The applicant is amending the original zoning request to address the Board of Supervisors concerns about accessing the site, the elevation of the building and the interconnectivity with future development on the site. He said the Board of Supervisors entertained the idea of double advertising the rezoning for your May 11, 2022 regular meeting and their May 17, 2022 regular meeting.

Mr. Bassett said the company that presented the Twin Pines apartment complex off Blue Tartan Road and Aldi Way at your workshop meeting, informed me that they will be having community meeting on April 26, 2022 from 6:30 PM to 8:00 PM at the Eastside Enhancement Center. He said he was not sure of the format, but would pass it on as soon as he received it.

**IN RE: NEW BUSINESS**

There was no new business.

**IN RE: COMMISSIONER COMMENTS**

There were no comments from the Commissioners.

**IN RE: PLANNING DIRECTOR COMMENTS**

Mr. Bassett did not have any additional comments.

**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 7:42 p.m.

Respectfully submitted,

Mark Bassett  
Planning Director

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

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