

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 NOVEMBER 2022 AT 7:00 P.M.

PRESENT:	DR. EVERETTE PROSISE	VICE CHAIRMAN	DIST #1
	JOHN HARVELL		DIST #3
	SAMUEL W. HAYES		AT-LARGE
	BUTCH CUNNINGHAM		DIST #4
	EDWARD TITMUS		DIST #2
	ANTHONY SIMMONS		DIST #5

ABSENT:	THOMAS TUCKER	CHAIRMAN	AT-LARGE
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OTHER:	MARK BASSETT	PLANNING DIRECTOR
	BRAD ROBINSON	SENIOR PLANNER/ZONING ADMIN.
	TYLER SOUTHALL	COUNTY ATTORNEY

IN RE: CALL TO ORDER

The Vice Chairman called the meeting to order at 7:01 P.M.

IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Vice Chairman asked everyone to stand for the pledge of allegiance and a moment of silence.

IN RE: ROLL CALL

The Vice Chairman asked for the roll to be called and Mr. Tucker was not present.

IN RE: APPROVAL OF AGENDA

The Vice 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 as presented. It was seconded by Mr. Simmons and with Mr. Harvell, Mr. Titmus, Mr. Simmons, Mr. Hayes, Mr. Cunningham and Dr. Prosisie voting "AYE" the agenda was approved.

IN RE: APPROVAL OF MINUTES

The Vice Chairman asked if there were any additions or corrections to the July 13, 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. Hayes, Mr. Simmons, Mr. Cunningham, Mr. Harvell, Mr. Titmus and Dr. Prosisie voting "AYE" the minutes were approved.

The Vice Chairman asked if there were any additions or corrections to the July 13, 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. Titmus, Mr. Simmons, Mr. Cunningham, Mr. Harvell, Mr. Hayes and Dr. Prosisie voting "AYE" the minutes were approved.

The Vice Chairman asked if there were any additions or corrections to the October 12, 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. Hayes, Mr. Simmons, Mr. Harvell, Mr. Titmus, Dr. Prosisie voting "AYE" and Mr. Cunningham "ABSTAINING" the minutes were approved.

IN RE: CITIZEN COMMENTS

The Chairman opened the citizen comment period. He acknowledged there was a letter received by Planning Staff, and that the letter was given to each Planning Commissioner and would be included in the meeting minutes.

Subject: Citizen Comments for Planning Commission on 9 Nov
To: Alvin Gurley
From: Caryn Yost

Date: 11/08/2022 12:25 PM
Comments for P-22-7

The Planning Commission and Board of Supervisors must always consider the type of Agricultural Operations proposed as not all Agricultural Operations are safe in Residential Areas. The Planning Commission should seek out an enduring limitation on any lot when converting residential to agricultural as some types of agriculture can cause health and welfare issues for neighbors and if not limited, could lead to costly disputes should agriculture grow or expand to nuisance operations such as smells, noises, and any with intensive pesticide use or drainage issues into wells. The PC and BOS should consider safe setback obligations when Agricultural Operations grow/intensify in Residential areas. The application should consider an enduring commitment/contract in the limitations of A2 activities planned. The County has failed us by allowing intensive farming so close to our home. Corn is not a problem. Anything with a toxic chemical drift potential is.

Caryn Yost

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

He asked Mr. Robinson to come forward and present the public hearing case.

IN RE: PUBLIC HEARING

Planning Commission Staff Report

Case #:	P-22-7
Applicant:	Matthew & Rosemary Britt
Rezoning Request:	Residential, Limited, R-1 to Agricultural, General, A-2
Property Location:	Vaughan Road, North Dinwiddie
Tax Map Parcel(s):	35-34L
Property Size:	21.815 +/- acres
Magisterial District:	Rohoic

CASE OVERVIEW

The applicants, Matthew and Rosemary Britt, are requesting to rezone property containing approximately 21.815 +/- acres from Residential, Limited, R-1 to Agricultural, General, A-2. The A-2 zoning district allows single-family residential development at the Zoning Ordinance defined maximum density on a minimum of three-acre parcel with 400 feet of road frontage on a public road (VDOT Route). The property is located on the west side of Vaughan Road in North Dinwiddie, Virginia and is further defined as Tax Map Parcel No. 35-34L. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area.

ATTACHMENTS

Rezoning Application, Property Location Map, Property Survey Plat

LAND USE/ZONING ANALYSIS

The subject property is located on the west side of Vaughan Road approximately 1.3 miles south of the intersection with Fort Emory Road (Route 741). The applicant is requesting the rezoning of the subject property containing 21.815 acres from Residential, Limited, R-1 to Agricultural, General, A-2 for the purpose of constructing either a manufactured or modular residential home and establishing an agricultural use with a barn.

The subject property and the surrounding area, which generally includes property along Squirrel Level Road (Route 613) and Vaughan Road (Route 675), were part of a mass rezoning of property from Agricultural, General, A-2 to Residential, Limited, R-1 in July of 1965. Despite the rezoning to R-1, more than 50 years later a majority of the properties in the area continue to have farming and timber operations with residential uses on large lots. The residential lot sizes and uses in the area are more characteristic of the Agricultural, General, A-2 District which requires a minimum lot area of 3 acres or more.

There have been several previous and similar rezoning cases within the general area of the subject property, all which requested a rezoning from R-1 to A-2. In 1999, property along Squirrel Level Road just north of Fort Emory Road was rezoned (P-98-12) to allow for the continued use of an existing commercial business. In 2011, property along Squirrel Level Road was rezoned (P-11-3) to allow for a commercial kennel to remain on an 8.82 acre parcel. In 2018, property on Vaughan Road was rezoned (P-18-2) to allow for an agricultural use to continue. Most recently, property along Squirrel Level Road and near the subject property was rezoned (P-22-3) to allow for an accessory structure that exceeded the maximum size allowed in the R-1 district.

The subject property for this rezoning request is primarily surrounded by large, undeveloped parcels containing open space or forestal land uses. The CSX rail line right-of-way adjoins the subject property to the south. Some single-family residential uses on both large and smaller lots are also located within the vicinity of the property. The surrounding area is zoned Residential, Limited, R-1.

The subject property is designated by the Comprehensive Land Use Plan (the "Plan") as being within the Planned Growth Area, which "*is designed to accommodate medium to high density, single-family and multifamily subdivision development, as well as complimentary service and convenience commercial activities and regional commercial centers*". The subject property is located towards the southern end of the Planned Growth Area as well as the parcels involved in the 1965 mass rezoning to R-1. Despite the fore stated objective of the Planned Growth Area, the area has remained rural in character.

The proposed rezoning to A-2 would limit the use of the property to agricultural and larger lot residential development and some light commercial/service uses. The less dense residential development would be a more appropriate transition to the more rural portion of the County.

OVERVIEW OF IMPACTS

Land Use, Public Utilities, School System, & Public Safety

The construction of a single-family residence will have minimal impact to public utilities, the public school system and public safety services. The subject property and area are served by private well and septic systems. The proposed rezoning is a "downzoning" with regard to the density of residential homes that are allowed to be developed on the property by right; however, staff notes the A-2 district permits an additional number of uses that are not allowed under the current R-1 zoning. The subject property has access to a public road with regard to public safety related calls.

Transportation

The impact of the proposed single-family residence on the existing transportation network does not warrant any improvements to public roads. The subject property has direct access to Vaughan Road (Route 675) and any future entrance improvements will have to be approved by VDOT.

RECOMMENDATIONS

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

1. The requested zoning classification, A-2, Agricultural, General, is compatible with the surrounding zoning pattern and surrounding land uses;
2. The proposed use conforms to the underlying uses recommended in the Planned Growth Area in the Comprehensive Land Use Plan for this general area.

Planning Commission

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-22-7 be recommended for (approval, OR disapproval) to the Board of Supervisors.

Mr. Robinson asked if there were any questions from the Planning Commission. The Vice Chairman said since there are no questions for Mr. Robinson, would the applicant or their agent like to come forward and add anything.

Mr. Matthew Britt, 24012 Dabney Mill Road, North Dinwiddie VA said he didn't have anything to add. He said he would answer any questions the Commissioners had.

The Vice Chairman asked the Commissioners if they had any 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 since there is no one signed up to speak, he was closing the public hearing and 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-22-7 be recommended for approval to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Simmons, Mr. Cunningham, Mr. Harvell, Mr. Titmus, Mr. Hayes and Dr. Prosisie "AYE" P-22-7 was approved to the Board of Supervisors.

IN RE: OLD BUSINESS

Mr. Bassett said he just wanted to update the members concerning information he and Mr. Robinson have shared with the Board of Supervisors. One of the items discussed was how, going forward, are we going to deal with short-term rentals. Another item we discussed was accessory structures on unimproved properties. He said that just means a property that does not have a single-family dwelling currently on it or a single-family dwelling being built on it. The last item we discussed with the Board was allowing for farm animals in our R-R zoning district. After some discussion with the Commissioners, Mr. Bassett said he would keep the Commission up to date with how the Board wants to proceed with each of these topics.

IN RE: NEW BUSINESS

Mr. Bassett said staff has received a couple of land use applications, and staff has been working with the applicants. One application is from Energix, the Lily Pond Solar project. It is a rezoning/conditional use application. The applicant may be coming before you in January/February. Another application is from the Chesdin Animal Hospital. It is a rezoning application. The owner wants to build an additional building on the property that is solely for an animal grooming business.

Mr. Hayes asked if this project will impact the round-a-bout that is projected to be there.

Mr. Bassett said the applicant has consulted with VDOT concerning their existing and their proposed building. The roundabout project will be of minimal impact on the existing and proposed grooming business.

IN RE: COMMISSIONER COMMENTS

Mr. Titmus asked if a person that has an active farm and their property is zoned R-R or R-1, would have to rezone their property in order to build a farm structure.

Mr. Bassett said if the property is an active farm they would not have to rezone the property to build a farm structure.

IN RE: PLANNING DIRECTOR COMMENTS

Mr. Bassett said he 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. Cunningham made a motion to adjourn the meeting and Mr. Simmons seconded it and with all Commissioners in agreement the meeting adjourned at 8:56 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____