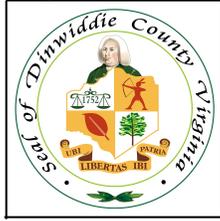


Dinwiddie County Planning Commission



Organizational/Regular Meeting Agenda January 13, 2016 7:00 PM

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. MINUTES

Documents: [December 9, Meeting Minutes.pdf](#)

6. ELECTION OF OFFICERS FOR 2016

- Chairman
- Vice Chairman

7. DETERMINATION OF MEETING SCHEDULE FOR 2016

Documents: [2016 PC calendar public \(1\).pdf](#)

8. CITIZEN COMMENTS

9. SITE PLAN REVIEW AND APPROVAL

Dominion Locks Yard III

Documents: [PC Memo Dominion Locks Yard Site Plan Jan 13 2016.pdf](#),
[C2.1 Overall Layout.pdf](#)

10. PUBLIC HEARING

A. CASE AC-16-1

The applicant, Iluka Resources Inc., acting on behalf of the property owners Harry J. Edwards Jr. or Frances Rose Edwards and Robert C. Perkins Farms, LLC, is seeking an amendment to remove the following parcels from Conditional Use Permit (CUP), C-13-2, which was approved on July 16, 2013 to utilize the following described properties as a mineral sands mine with a new wet concentrator plant and initial tailings area. The two properties being removed

total approximately 341.0 acres and are located to the south of McKenney Hwy. (Hwy. 40) at the intersection of Jones Road (Route 659) and Walker's Mill Road (Route 665) one having frontage on the northwest side of Jones Road and north side of Walker's Mill Road and the other having frontage on the north and south sides of Walker's Mill Road. The properties are designated as Tax Map Parcels 94-14 and 94-26, and the properties are zoned A-2, Agricultural General, which allows such use upon receiving a Conditional Use Permit. Tax Map Parcels 94-14 and 94-26, totaling approximately 371 acres, were to house the wet concentrator plant and tailings area. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, industrial development at the Ordinance defined density.

Documents: [Application AC-16-1.pdf](#), [AC-16-1 Iluka Hickory Mine PC Meeting Report Jan 2016.pdf](#), [Location Map.pdf](#)

B. CASE P-16-1

The applicant, First Management Company, LLC, is requesting to rezone with proffers property containing approximately 95.0 +/- acres from A-2, Agricultural General to M-1, Industrial Limited. The M-1, Industrial Limited, zoning classification allows for certain industrial uses pursuant to the Zoning Ordinance allowed density. The property is located on the south side of Boydton Plank Rd. (Route 1) across from the Hwy. 460 and Route 1 intersection, and is further defined as a portion of Tax Map Parcel Nos. 21-100 and 21-102. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited industrial uses for this general area.

Documents: [P-16-1 PC Staff Report.pdf](#), [P-16-1 Application and Proffers.pdf](#)

C. PROPOSED AMENDMENT OF CHAPTER 22 OF THE DINWIDDIE COUNTY CODE CONCERNING OFF-STREET PARKING REQUIREMENTS

The proposed amendment adds changes to Article VII, Supplementary District Regulations, Chapter 22, Zoning, Section 22-237 of the Dinwiddie County Code. The proposed amendment includes new minimum number of parking spaces per number of square feet for any commercial building or public facility not otherwise listed in this Section; new minimum number of parking spaces per number of square feet for warehousing/distributing uses; new minimum parking space requirements for mini-storage warehouse or commercial storage locker establishments; and new minimum number of parking spaces per number of employees for other permitted industrial and manufacturing uses. An additional proposed amendment includes changing the minimum width of fire lanes to 20 feet. Following the public hearing, changes may be made to the ordinance, as appropriate.

Documents: [Memo Zoning Ord Text Amends PC Jan 13 2016.pdf](#),

11. NEW BUSINESS

- Review By Laws
- Review Code of Ethics and Standards of Conduct

Documents: [By Laws.pdf](#), [Code of Ethics and Standards of Conduct.pdf](#)

12. COMMISSIONERS' COMMENTS

13. PLANNING DIRECTOR'S COMMENTS

14. ADJOURNMENT

VIRGINIA: MINUTES FOR THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 9th DAY OF DECEMBER 2015 AT 7:00 P.M.

PRESENT:	BUTCH CUNNINGHAM	CHAIRMAN	DIST #4
	EVERETTE PROSISE	VICE CHAIRMAN	DIST #1
	THOMAS TUCKER		AT-LARGE
	ALVIN BLAHA		DIST #3
	SAMUEL W. HAYES		AT-LARGE
	DEAN McCRAY		DIST #2

LATE:	ANTHONY SIMMONS		DIST #5
-------	-----------------	--	---------

OTHER:	MARK BASSETT	PLANNING DIRECTOR	
	TYLER SOUTHALL	COUNTY ATTORNEY	

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 only Mr. Simmons was not present.

IN RE: APPROVAL OF AGENDA

The Chairman said before a vote is taken on the Agenda Mr. Bassett has something he wants to discuss.

Mr. Bassett said he would like to add under "New Business" item eight (8) going into closed session.

The Chairman said with that being said he would entertain a motion to accept the agenda as amended.

Mr. Tucker made a motion that the agenda be accepted as amended. It was seconded by Mr. Blaha with Mr. McCray, Mr. Blaha, Mr. Tucker, Mr. Hayes, Mr. Prosise and Mr. Cunningham voting "AYE" the agenda was accepted as amended.

IN RE: MINUTES

The Chairman said we have the minutes from the November 18, 2015 workshop meeting before us. 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. Prosise made a motion to accept the minutes as presented. It was seconded by Mr. Hayes and with Mr. Hayes, Mr. Prosise, Mr. Cunningham voting "AYE" and Mr. Tucker, Mr. Blaha, Mr. McCray abstaining the workshop minutes were accepted as presented.

The Chairman said we have the minutes from the November 18, 2015 regular meeting before us. 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. Prosize made a motion to accept the minutes as presented. It was seconded by Mr. Hayes and with Mr. Hayes, Mr. Prosize, Mr. Cunningham voting "AYE" and Mr. Tucker, Mr. Blaha, Mr. McCray abstaining the minutes were accepted as presented.

RE: CITIZEN COMMENTS

The Chairman opened the citizen comment portion of the meeting and asked if anyone had signed up or was present who wanted to speak. He said since there is no one signed up to speak he was closing the citizen comments portion of the meeting.

RE: PUBLIC HEARING

Mr. Bassett said the public hearing for case P-15-3 is what we were going to hear tonight, but the applicant will be coming forward together with his agent and they would like to make a request of the Planning Commission related to their case.

Mr. Michael Lafayette, 10160 Staples Mill Road, Suite 105, Glen Allen VA said on behalf of Buffa Enterprises, LLC, and Mr. Buffa, we are asking for a deferment of this case until the February 10th Planning Commission meeting. There has been an objection raised by the adjourning land owner. We would like ample time to speak with that land owner and perhaps reach an agreement as to this case. This agreement may require us to make amendments to what has already been presented. With Christmas, New Years and other holidays approaching we thought that January 13th would be too soon and that is why we are respectfully requesting deferment to the February 10th meeting.

The Chairman asked the members if they had any questions. He then asked staff to talk about how their decision affects the time line of the case.

Mr. Southall said an applicant can request a deferral and the Planning Commission can grant the deferral. There is a one hundred (100) day time period in which the applicant has to return to this Commission and the February 10th day falls within that window.

Mr. Lafayette said his client, Buffa Enterprises, LLC would be in agreement with that.

The Chairman asked the members if they needed to discuss anything prior to their voting. He said since there isn't any he would entertain a motion. Mr. Tucker made a motion to accept the deferral from the applicant and his agent. It was seconded by Mr. Blaha and with Mr. Hayes, Mr. Blaha, Mr. McCray, Mr. Tucker, Mr. Prosize and Mr. Cunningham voting "AYE" the case was deferred.

Mr. Simmons arrived to the meeting.

The Chairman said the next item is new business where we have amended the agenda for a closed session.

Mr. Southall said there is a need to go into closed session under section 2.2-3711(A)(5), Business and Industry, Regarding a prospective business or expansion of an existing business where no previous announcement has been made and section 2.23711(A)(7), Legal Advice, regarding Electric Power Transmission Line expansion.

Mr. Blaha made a motion to go into closed session and it was seconded by Mr. Tucker. So with Mr. Blaha, Mr. Tucker, Mr. Hayes, Mr. McCray, Mr. Tucker, Mr. Simmons, Mr. Prorise and Mr. Cunningham voting "AYE" the Planning Commission went into closed session at 7:00 PM.

Mr. Southall said there is a need to come out of closed session and reconvene into open session.

Mr. Blaha made a motion to come out of closed session and it was seconded by Mr. Simmons. So with Mr. Blaha, Mr. Hayes, Mr. Tucker, Mr. Simmons, Mr. McCray, Mr. Prorise and Mr. Cunningham voting "AYE" the Planning Commission came out of closed session at 8:04 PM.

Mr. Southall said there is a need for certification and a motion to adopt the certification resolution. Whereas, the Planning Commission convened in a closed meeting under section 2.2-3711(A)(5), Business and Industry, Regarding a prospective business or expansion of an existing business where no previous announcement has been made and section 2.23711(A)(7), Legal Advice, regarding Electric Power Transmission Line expansion,

And whereas, no member has made a statement that here was a departure from the lawful purpose of such closed meeting or of the matter identified in the motion discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Mr. Tucker made a motion to adopt the certification and it was seconded by Mr. Blaha. So with Mr. Blaha, Mr. Hayes, Mr. Tucker, Mr. Simmons, Mr. McCray, Mr. Prorise and Mr. Cunningham voting "AYE" the certification was adopted at 8:05 PM.

IN RE: COMMISSIONERS' COMMENTS

Mr. Hayes said he wanted to recap to the Commissioners information from the County's Transportation and Safety Commission first meeting. He said there isn't a lot to report, but there were a lot of complaints brought up and discussed as to possible solutions. What I want to do however is get you focused on the prioritization process for new projects. The County will have to make application for any new projects they desire and I want your input on what you believe may be a perspective project.

Mr. McCray said when the minutes are read and the Commissioners that were not in attendance vote, are we voting Aye or Abstain to the minutes we read or to the minutes we heard?

Mr. Southall said your Aye or Abstained vote should be for the minutes you heard.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said he just wanted to echo what Mr. Hayes about the Transportation & Safety Commission meeting. If any of you have thoughts about project improvements from Lake Jordan north and Namozine and Southern Road east this is the area that is included in the Tri-Cities MPO area.

IN RE: ADJOURNMENT

There being no further business Mr. Tucker made a motion to adjourn the meeting and Mr. Blaha seconded it with all members voting “Aye” the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

DRAFT

JANUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

MARCH						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31



**COUNTY OF
DINWIDDIE**

**PLANNING
COMMISSION**

2016

**SCHEDULE OF
PUBLIC MEETINGS**

Unless otherwise noticed:

REGULAR MEETINGS, shown in **RED**, are held on the **SECOND WEDNESDAY** of every month at **7:00 PM**.

LOCATION:

BOARD MEETING ROOM
Pamplin Administration Building
14016 Boydton Plank Road
Dinwiddie, Virginia 23841

If a regular or advertised meeting is canceled due to weather or other conditions, it shall be continued for 7 days to the same time and place.

Mailing address:

P. O. Drawer 70
Dinwiddie, Virginia 23841

Telephone: (804) 469-4500

Note:

The **ORGANIZATIONAL MEETING** for 2017 will be held on January 11, 2017 at 7:00 p.m.



Dinwiddie County Planning Department

14016 Boydton Plank Road – P.O. Drawer 70

Dinwiddie, VA 23841

Phone: (804) 469-4500

MEMORANDUM

To: Planning Commission
From: Mark Bassett, Planning Director
Date: January 4, 2016
Subject: Site Plan Review and Approval, Dominion Locks Yard III, North Dinwiddie

Background:

On July 21, 2015, the Board of Supervisors approved Dominion Virginia Power's request to rezone with proffers a portion of the former Southside Virginia Training Center property approximately 22.0 acres on the north side of North Road from Residential, Limited, R-1 to Industrial, Limited, M-1 to allow for the construction and operation of the Dominion Virginia Power utility storage yard. The site plan (see attached site plan titled, Dominion Locks Yard III) submitted by the Dominion Virginia Power and their engineer, Willmark Engineering, PLC, is currently under review by the Land Development Committee (LDC) and as set forth in Zoning Ordinance Article X Site Plans, Dominion Virginia Power is following the Planning Commission site plan review process for the review and approval of the subject site plan. As set forth under Zoning Ordinance Sec. 22-421 (9) and (10) during the review and approval of a site plan the Planning Commission may waive or modify the requirements for buffers and screening under certain conditions, and as part of the site plan review Dominion Virginia Power is requesting there is a buffer modification to the requirements for a 50-foot buffer along the southern portion of the subject development site which abuts North Road. The buffer modification involves modifying the 50-foot buffer requirement for a portion of the site on the southern side, which fronts on North Road, where there is perimeter security fencing proposed between the subject property and North Road.

The following Ordinance defined buffer modification conditions are relevant in this review: "Sec. 22-241 (9) (c) If the adjoining land is designated in the county's adopted comprehensive plan for a use which would not require the provision of buffers or screens."; (f) If the topography is such that the requirements of this division would not be effective.; and Sec. 22-242 (10) (a) When the adjacent lot is in a "R" district and is occupied by a nonresidential use. "

Relating to the aforementioned conditions for buffer modification, the topography for the proposed post-developed site allows for the proposed perimeter fencing to be located at the top of the slope at the property line which aids in buffering the proposed storage areas located at the lower elevation on the interior of the site. With the approximately five-foot

difference in elevation from the top of the slope at the fence line and the final grade of the storage area, the slope/topography aid in buffering this portion of the site from the adjoining property. Additionally, North Road further adds separation between the storage area and the adjoining property. Furthermore, Dominion Virginia Power has proffered to install incorporate screening on the subject security fencing if the adjoining property to the south across North road is ever developed residentially. An additional consideration meeting the conditions for a modification is that the abutting property is being used for a non-residential use; the Southside Training Center and further the Comprehensive Land Use Plan designates the property for public facilities.

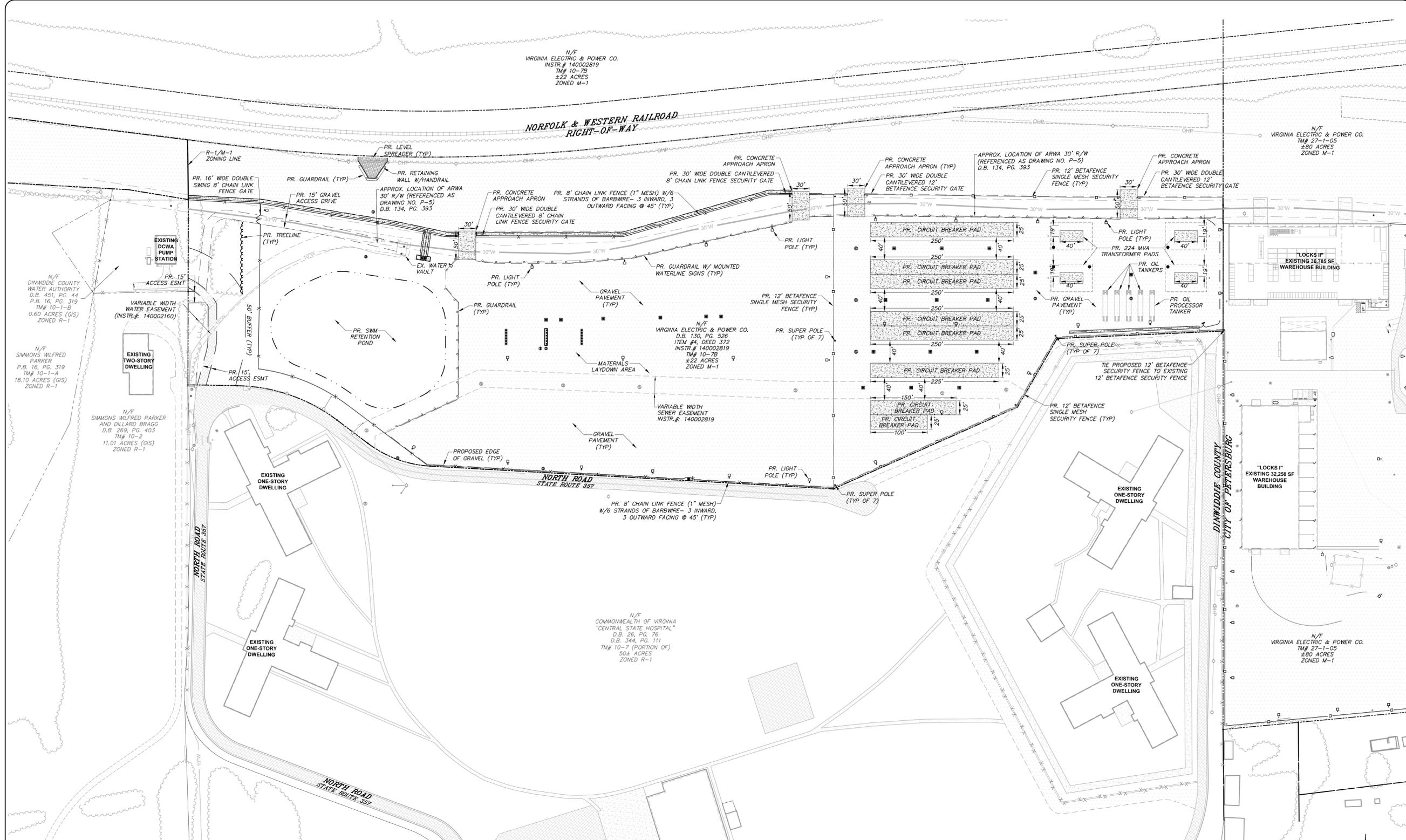
Staff Recommendation:

Staff recommends approval of the proposed site plan for the materials storage yard given that the proposed topography helps buffer this portion of the post-developed site, and given that the existing use of the abutting property is for a nonresidential use and the Comprehensive Plan designates this area for public facilities.

Planning Commission Action:

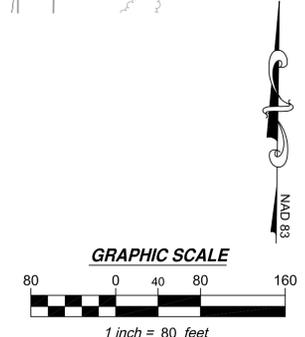
WHEREAS, in accordance with Zoning Ordinance Article X Site Plans and Division 3 – Buffers and Screening, Sec. 421 – General Provisions (9) and (10) the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following site plan:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby (approve or disapprove) the site plan as presented and subject to the additional administrative site plan amendments recommended by the Dinwiddie County Land Development Committee (LDC) review agencies as approved by the Planning Director.



LEGEND

-  ASPHALT PAVEMENT
-  GRAVEL PAVEMENT
-  CONCRETE PAD
-  8' COVE POINT CHAIN LINK FENCE
-  12' BETAFENCE SECURITY FENCE

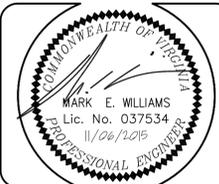


WILLMARK
engineering, PLC

10102 Whitesel Road
Suite B
Ashland, Virginia 23005
804.496.6386
804.496.6387 (fax)
WILLMARKENGINEERING.COM



Dominion Virginia Power
707 East Main Street
Richmond, Virginia 23219



REVISIONS:		
NO.	DESCRIPTION	DATE

DOMINION LOCKS YARD III
NORTH ROAD
NAMOZINE MAGISTERIAL DISTRICT
DINWIDDLE COUNTY, VIRGINIA

OVERALL LAYOUT

SCALE:
1" = 80'

DATE:
NOVEMBER 6, 2015

PROJECT:
14107

C2.1



Dinwiddie County
 Planning Department
 P. O. Drawer 70
 Dinwiddie, Virginia 23841
 (804) 469-4542 ext 117
 (804) 469-5322 /fax

AC-116-1

Rec'd <u>12/11/15</u>	Case No.: <u>15-491</u>
Date Rec'd _____	Fee Amount: <u>1500</u>
Time Rec'd _____	Receipt No: <u>28531</u>
Pre-Application Conference Date: _____	
This application has been amended: YES NO	
Reviewed by: <u>[Signature]</u>	

LAND USE AMENDMENT APPLICATION

*Information must be typed or printed and completed in full.
 Attach additional pages where necessary.*

1) LAND USE INFORMATION		
(Circle): (BOS) PC / BZA	New/Renewal	Amend Previous Case: (Y) N
	Previous/Renewed Case#: <u>C-2-13</u>	Land Use Taxation: Y / N
Application Type: (Circle One): <input type="checkbox"/> Variance <input type="checkbox"/> Administrative Variance <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Rezoning <input type="checkbox"/> Street Vacation <input type="checkbox"/> Special Exception <input checked="" type="checkbox"/> Amendment		
Description of Request: <u>Amend CUP C-2-13 to remove parcels 94-26 and 94-14</u>		
Existing Zoning: <u>A-2</u>	Existing Acreage: <u>2248.47</u>	
Proposed Zoning: <u>A-2</u>	Proposed Acreage: <u>1907.47</u>	
	Total Acreage: _____	
Water (Circle One): Public	Well	
Sewer (Circle One): Public	On-site Well and Septic	
Attached: (circle): (Miscellaneous Information) Master Plan/Textual Statement/Proffered Conditions		

2) APPLICANT/AGENT INFORMATION		
Applicant(s): <u>Iluka Resources Inc.</u>	Home/Cell# _____	
Address: <u>12472 St. John Church Road, Stony Creek, VA 23822</u>	Work# <u>434-348-4300</u>	
Agent(s): <u>Kleinfelder, Inc.</u>	Home/Cell# _____	
Address: <u>3500 Gateway Centre Blvd, Suite 200, Morrisville, NC 27560</u>	Work# <u>919-755-5011</u>	

3) PROPERTY OWNER INFORMATION	
Property Owner's Name and address (see note on last page): See Exhibit A _____ _____ _____	Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.): See Exhibit A _____
Property Tax Parcel Number: See Exhibit A	Phone# _____
Is the applicant: <input type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser <input checked="" type="checkbox"/> Other: <u>Mineral Lease</u>	

4.)

SUBJECT PARCEL INFORMATION

General Location of Project: The parcels requested for removal are located to the south of McKenney Hwy (VA Hwy 40) on Walkers Mill Rd (SR 665). Please refer to Exhibit B for a map depicting the CUP parcels and those requested for removal.

Tax Map # _____
Subdivision Name: _____
Section: _____ **Block** _____
Address: _____
Zoning: _____ **Acreage:** _____
Existing Use: _____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____ **Block** _____
Address: _____
Zoning: _____ **Acreage:** _____
Existing Use: _____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____ **Block** _____
Address: _____
Zoning: _____ **Acreage:** _____
Existing Use: _____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____ **Block** _____
Address: _____
Zoning: _____ **Acreage:** _____
Existing Use: _____
Conditions: _____

1. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:

Iluka Resources, Inc. (Iluka) is requesting removal of parcels 94-26 and 94-14 from CUP C-2-13.

2. State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or county in general. Include, where applicable, information concerning: Use of public utilities; effect of request on public schools; effect on traffic, to include means of access to nearest public road; effect on existing and future area development; etc.:

Other than removal of the parcels, there is no change to the previously approved CUP C-2-13.

3. List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question:

The parcels requested for removal from CUP C-2-13 were included in CUP C-2-13, which was approved on July 16, 2013.

4. If requesting a variance or special exception, explain the unique physical hardship or extraordinary situation that is justification for the request:

No variance or special exception is being requested as part of this application.

5. Complete names and address (including Zip codes) of all owners adjacent, across the road or highway from the property and across any railroad right-of-way, creek, river, from such property must be obtained by the applicant from the Commissioner of the Revenue, Pamplin Administration Building. If such property lies in another county or city, the respective jurisdiction will provide this information to the applicant. Applications with incomplete parcel information will not be accepted.

Please see Exhibit C.

6. The required fee must accompany this application. A fee schedule is available from the Planning Department, 14016 Boydton Plank Road, Pamplin Administration Building, Dinwiddie Virginia. Checks must be made payable to: "Treasurer, County of Dinwiddie".
7. Enclosed with the application, a copy of the appropriate county tax map with the property marked (provided at pre-application conference) and, if available, a surveyed plat of the entire parcel.
8. Enclose with this application any required plans or plats (plans must be folded).
9. I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: 11 December, 20 15

SIGNATURE OF AGENT* _____
 (Name of person other than, but acting for, the property owner and responsible for this application.)

AGENT'S NAME _____
 (Typed or printed)

SIGNATURE OF APPLICANT** Shane Tilka
 (Same name as used in Item 2, Page 1)

APPLICANT'S NAME Shane Tilka General Manager US Operations
 (Typed or printed)

Notes: Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

*Agent must file power of attorney from the property owner(s) giving the agent authority to submit this application.

** If the applicant is not the owner of the property, the applicant must file power of attorney from the property owner(s) giving the applicant authority to submit this application.

Exhibit A
Request of Parcel Removal from CUP C-2-13

Existing CUP C-2-13 Parcels			
Property Owner Name	Property Owner Mailing Address	Tax Parcel #	Acreage
ABERNATHY JAMES DONNON	24101 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21F	174.40
ABERNATHY RONALD C	25308 COURTHOUSE RD, STONY CREEK, VA 23882	93-36	84.39
ABERNATHY RONALD CLYDE &	25308 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-34A	45.92
BARNES ROBERT STANLEY	24511 LAKE DRIVE, PETERSBURG, VA 23803	84-21	141.51
BARNES VIRGINIA BAIN & OWEN	P O BOX 384, JARRATT, VA 23867	94-21	156.00
BASS WILLIAM CARLTON	24236 MILL RUN ROAD, STONY CREEK, VA 23882	94-15	160.00
BUTLER LUMBER CO INC	1504 SANTA ROSS RD STE 100, RICHMOND, VA 23229	93-31D	157.00
CLARKE C RAY	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16B	108.28
CLARKE C RAY & LINDA P	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16	140.50
EDWARDS FRANCES ROSE LIFE &	1009 BALDWIN ROAD, RICHMOND, VA 23229	94-26	230.90
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	94-7	97.50
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-23	286.37
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-23A	2.13
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-24	73.00
JOHNSON THOMAS E	19975 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-11	44.18
ROBERT G PERKINS FARMS LLC	21809 RAINEY RD, DINWIDDIE, VA 23841	94-14	110.10
THOMPSON BONNIE SUE BAIN & BAIN	19605 BAIN RD, DINWIDDIE, VA 23841	84-26	236.29
Total			2248.47

CUP C-2-13 Parcels Requested for Removal			
Property Owner Name	Property Owner Mailing Address	Tax Parcel #	Acreage
EDWARDS FRANCES ROSE LIFE &	1009 BALDWIN ROAD, RICHMOND, VA 23229	94-26	230.9
ROBERT G PERKINS FARMS LLC	21809 RAINEY RD, DINWIDDIE, VA 23841	94-14	110.10
Total			341.00

Proposed CUP C-2-13 Parcels			
Property Owner Name	Property Owner Mailing Address	Tax Parcel #	Acreage
ABERNATHY JAMES DONNON	24101 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21F	174.40
ABERNATHY RONALD C	25308 COURTHOUSE RD, STONY CREEK, VA 23882	93-36	84.39
ABERNATHY RONALD CLYDE &	25308 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-34A	45.92
BARNES ROBERT STANLEY	24511 LAKE DRIVE, PETERSBURG, VA 23803	84-21	141.51
BARNES VIRGINIA BAIN & OWEN	P O BOX 384, JARRATT, VA 23867	94-21	156.00
BASS WILLIAM CARLTON	24236 MILL RUN ROAD, STONY CREEK, VA 23882	94-15	160.00
BUTLER LUMBER CO INC	1504 SANTA ROSS RD STE 100, RICHMOND, VA 23229	93-31D	157.00
CLARKE C RAY	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16B	108.28
CLARKE C RAY & LINDA P	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16	140.50
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	94-7	97.50
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-23	286.37
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-23A	2.13
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-24	73.00
JOHNSON THOMAS E	19975 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-11	44.18
THOMPSON BONNIE SUE BAIN & BAIN	19605 BAIN RD, DINWIDDIE, VA 23841	84-26	236.29
Total			1907.47



Legend

- Parcels within CUP C-2-13
- Parcels Requested for Removal from CUP C-2-13

The information included on this graphic representation has been prepared from the best available sources and is subject to change without notice. Kleinfeilder is not responsible for any errors or omissions, or for the use of such information. This document is not intended for use as a land survey product nor is it designed or intended as a construction design document. The use or misuse of the information contained on this graphic representation is at the sole risk of the party using or misusing the information.



PROJECT NO. 20163385.001A
 DRAWN: 12/10/2015
 DRAWN BY: NL
 CHECKED BY: JDF
 FILE NAME: 15-1210-Iluka Hickory-CUP C-2-13.mxd

CUP C-2-13 Amendment Request

Iluka Resources Inc.
Dinwiddie County, Virginia

EXHIBIT

B

Exhibit C
CUP C-2-13 Adjacent Parcels List

Property Owner Name	Property Owner Mailing Address	Tax Parcel #
ABERNATHY DWAYNE H	24022 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21B
ABERNATHY DWAYNE H	24022 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21D
ABERNATHY DWAYNE H	24022 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21D
ABERNATHY DWAYNE H	24022 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21
ABERNATHY FLOYD W JR	16215 MCKENNEY HWY, MCKENNEY, VA 23872	94-6
ABERNATHY J D &	24101 COURTHOUSE ROAD, STONY CREEK, VA 23882	94-8B
ABERNATHY RYAN C OR LINDLEY W	25506 COURTHOUSE RD, STONY CREEK, VA 23882	93-36A
AMERICAN TIMBERLAND LLC	1180 W PEACHTREE ST STE 1200, ATLANTA, GA 30309	84-21A
AMERICAN TIMBERLAND LLC	1180 W PEACHTREE ST STE 1200, ATLANTA, GA 30309	85-2
ARNOTT JONI CARRAWAY	20020 HORSESHOE ROAD, CARSON, VA 23830	95-24
AVERY RICHARD H JR	5558 LENNIE ROAD, MCKENNEY, VA 23872	94-28E
BAIN GLORIA S	22012 BARNES ROAD, DINWIDDIE, VA 23841	84-25A
BAIN JOHN F JR	19605 BAIN RD, DINWIDDIE, VA 23841	95-1
BAIN JOHN F JR	19605 BAIN RD, DINWIDDIE, VA 23841	95-1
BAIN JOHN F JR	19605 BAIN RD, DINWIDDIE, VA 23841	95-1
BAIN JOHN F JR	19605 BAIN RD, DINWIDDIE, VA 23841	95-1
BAIN JOHN F JR & DEBORAH L	19605 BAIN RD, DINWIDDIE, VA 23841	84-29
BAIN JOHN F JR & DEBORAH L	19605 BAIN RD, DINWIDDIE, VA 23841	84-26B
BAIN PRESTON C EST	19208 BAIN ROAD, DINWIDDIE, VA 23841	84-27
BAIN RUBY A LIFE RIGHT	15003 NASH ROAD, DEWITT, VA 23840	84-26C
BAIN WARREN C & NANCY B	14512 SLEEPY HOLLOW RD, DINWIDDIE, VA 23841	84-22
BAIN WARREN C & NANCY B	14512 SLEEPY HOLLOW RD, DINWIDDIE, VA 23841	85-11
BAIN WILLIAM BUNN	19509 BAIN ROAD, DINWIDDIE, VA 23841	84-25
BAIN WILLIAM BUNN	19509 BAIN ROAD, DINWIDDIE, VA 23841	84-28
BARNES DAVID MICHAEL	272 TWIN PONDS RD, LAWRENCEVILLE, VA 23868	100-25A
BARNES DAVID MICHAEL	272 TWIN PONDS RD, LAWRENCEVILLE, VA 23868	93-2-3
BARNES JASON R	2311 MCKENNEY HWY, STONY CREEK, VA 23882	93-36B
BARNES WILLIAM A JR TRUSTEE	9713 HOLLYWOOD DRIVE, DISPUTANTA, VA 23842	94-20
BASS WILLIAM C & KENNEDY SUE ELLEN	24232 MILL RUN RD, STONY CREEK, VA 23882	94-25
BASS WILLIAM CARLTON & THELMA C	24236 MILL RUN ROAD, STONY CREEK, VA 23882	94-13B
BASS WILLIAM CARLTON & THELMA C LE	24236 MILL RUN ROAD, STONY CREEK, VA 23882	94-13
BOLSTER H L MRS	17719 BOLSTERS ROAD, STONY CREEK, VA 23882	93-37
BOLSTERS GROVE FARM LLC	17716 BOLSTERS RD, STONY CREEK, VA 23882	100-23
BONNER HATTIE D	23322 WALKERS MILL ROAD, STONY CREEK, VA 23882	95-2-1
BRANCH MAGGIE ESTATE	20517 MCKENNEY HWY, STONY CREEK, VA 23882	94-5
BROWN CYNTHIA S & HOWARD A JR	20517 MCKENNEY HWY, STONY CREEK, VA 23882	94-5B
CARRAWAY CLYDE F & EDITH C	17979 FLATFOOT ROAD, DINWIDDIE, VA 23841	94-28F
CARRAWAY RANDOLPH G	12328 POLE RUN RD, DISPUTANTA, VA 23842	94-25A
CLARKE C RAY &	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16A
CLARKE CARL R JR & CHRISTIE D	15077 SANDY FIELD RD, STONY CREEK, VA 23882	94-16C
CLAY ALEX ABERNATHY OR JESSICA C	24712 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21G1
CLAY DEBORAH A	25110 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-34
CLAY DEBORAH A	25110 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21G
COUNTY OF DINWIDDIE	P O BOX 70, DINWIDDIE, VA 23841	94-6B
EASTERN WOODLANDS CORP	P O BOX 1570, PETERSBURG, VA 23805	95-3A1
GRIFFIN HENRY D	19398 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-2B
GRIFFIN PATRICK HENRY &	19404 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-2A
GRIFFIN PATRICK HENRY &	19404 MCKENNEY HWY, STONY CREEK, VA 23882	94-6A
GUNN DAVID A & SARAH C	25350 MILL RUN ROAD, STONY CREEK, VA 23882	94-16D
HAMILTON BILLY RAY SR & KAREN L	23009 JONES ROAD, STONY CREEK, VA 23882	94-34A
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	93-38
HARRISON SANDRA B &	25713 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-38C
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	94-24
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	94-8
HAZLE DANIEL W & MYRA P	24350 COURTHOUSE RD, STONY CREEK, VA 23882	93-21C
JACOB SHARON	22209 BARNES ROAD, DINWIDDIE, VA 23841	84-21D
JOHNSON JAMES E	24 BLOOMER DR, BURLINGTON, NJ 8016	94-11B
JOHNSON JAMES N LIFE ESTATE	19717 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-11A

Property Owner Name	Property Owner Mailing Address	Tax Parcel #
JONES ANANIAS T	24205 JONES RD, STONY CREEK, VA 23882	94-28
JONES ANANIAS T	24205 JONES RD, STONY CREEK, VA 23882	94-28H
JONES ANANIAS T	23819 JONES RD, STONY CREEK, VA 23882	94-28L
JONES ANANIAS T	23819 JONES RD, STONY CREEK, VA 23882	94-18A
JONES JAMES	24205 JONES ROAD, STONY CREEK, VA 23882	94-30
JONES KATE F	23921 JONES ROAD, STONY CREEK, VA 23882	94-30B
JONES MELVIN	20011 BAIN ROAD, DINWIDDIE, VA 23841	94-3
JORDAN SYBIL O	20906 MCKENNEY HWY, STONY CREEK, VA 23882	94-35
KENNEDY SUE B LEWIS	24232 MILL RUN ROAD, STONY CREEK, VA 23882	94-9
KVASNICKA MICHAEL DAVID	20745 DOUBLE BRANCH ROAD, STONY CREEK, VA 23882	94-23
MCNEALY CAROLE T	508 QUACKENBOS ST N W, WASHINGTON, DC 20011	94-10
MOORE JERRY D & DONNA SUE A &	25111 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-39
MOORE JOHN C & SARAH H	25301 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-39B
NORWOOD JAMES & MICHELLE	22205 BARNES ROAD, DINWIDDIE, VA 23841	84-21B
PAINE ALICE F P	808 CHERRYWOOD ROAD, SALEM, VA 24153	95-26
PEEL ANNIE M & BRANCH JOHN M	2702 FINCHUM CT, CHESAPEAKE, VA 23324	94-28A
PEGRAM ERNEST D ET ALS	17115 BOLSTERS ROAD, STONY CREEK, VA 23882	94-17
PROSISE VIOLA W	24229 JONES ROAD, STONY CREEK, VA 23882	94-28G
REYNOLDS SHARON M	20741 DOUBLE BRANCH RD, STONY CREEK, VA 23882	94-23
RIDEOUT AMOS S JR & CHAPPELL	18144 HARDWOOD CREEK RD, STONY CREEK, VA 23882	100-24
RIDEOUT CHARLES W & JOHN T & SPIERS	18603 HARDWOOD CREEK ROAD, STONY CREEK, VA 23882	94-19A
ROBERT G PERKINS FARMS LLC	21809 RAINEY RD, DINWIDDIE, VA 23841	94-34
RONEY DOROTHY B & ERNEST F	20007 MCKENNEY HWY, STONY CREEK, VA 23882	94-12
SPIERS ROBERT H JR & FAYE C	21018 DOUBLE BRANCH ROAD, STONY CREEK, VA 23882	94-24A
SPIERS ROBERT H JR & FAYE C	21018 DOUBLE BRANCH ROAD, STONY CREEK, VA 23882	95-27
TAYLOR DELORES M	2421 PORTER AVENUE, SUITLAND, MD 20746	94-2
TIAA TIMBERLANDS 1 LLC	13950 BALLANTYNE CORP PL #150, CHARLOTTE, NC 28277	93-33
TILLER CHRIS P OR SUZANNE R	22203 BARNES RD, DINWIDDIE, VA 23841	84-21C
WINN NANCY C	244 WINNAWAY LN, RICH SQUARE, NC 27869	101-11

**DINWIDDIE COUNTY PLANNING
&
ZONING DEPARTMENT
SPECIAL LIMITED POWER OF
ATTORNEY APPLICATION**



Planning Department – Post Office Drawer 70 – Dinwiddie, Virginia 23841
Phone (804) 469-4500 ext. 2117 Fax (804) 469-5322

Know all men by these presents: That I (We)

(Name): Frances Rose Edwards & Harry J. Edwards, Jr. (Telephone): (804) 288-0657

(Address): 1009 Baldwin Rd., Richmond, VA 23229

The owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Dinwiddie, Virginia, by

Instrument No. 120002168, on Page _____, and is described as Tax Map Parcel #. 94-26 do hereby make, constitute and appoint

(Name): Iluka Resources Inc. (Telephone): _____

(Address): 12472 St. John Church Rd., Stony Creek, VA 23882

To act as my true and lawful attorney-in-fact and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, to include (put a checkmark next to the appropriate action that applies(y):

- | | | |
|--|---|---|
| <input type="checkbox"/> Rezoning Request (including proffers) | <input type="checkbox"/> Building Permit(s) | |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision Exception | |
| <input type="checkbox"/> Preliminary Subdivision Plat | <input type="checkbox"/> Site Plan of Development | <input type="checkbox"/> Landscape Plan |
| <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Site Plan Modification | <input type="checkbox"/> Lighting Plan |
| <input type="checkbox"/> Subdivision Construction Plans | <input type="checkbox"/> Variance Request | <input type="checkbox"/> Transfer of Approval |

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

Anything except release of property from the existing CUP.

This authorization shall expire one year from the day it is signed, or unto it is otherwise rescinded or modified in witness thereof, I (we) have hereto set my (our) hand and seal this 8 day of December, 2015.

Signature(s) Frances Rose Edwards & Harry J. Edwards, Jr.
State of Virginia, City/County of Henrico, To-wit:

I Ann McWilliams Shipstead, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) known to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 8th day of December, 2015

My commission expires: 2/28/2017

Ann McWilliams Shipstead
Notary Public



DINWIDDIE COUNTY PLANNING & ZONING DEPARTMENT SPECIAL LIMITED POWER OF ATTORNEY APPLICATION



Planning Department – Post Office Drawer 70 – Dinwiddie, Virginia 23841
Phone (804) 469-4500 ext. 2117 Fax (804) 469-5322

Know all men by these presents: That I (We)

(Name): Robert G. Perkins Farm, LLC (Telephone): (804) 712-0741
(Address): 21809 Rainey Rd., Dinwiddie, VA 23841

The owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Dinwiddie, Virginia, by Deed Book Instrument No. 581, on Page 1, and is described as Tax Map Parcel #. 94-14 do hereby make, constitute and appoint

(Name): Iluka Resources Inc. (Telephone): (434) 348-4300
(Address): 12472 St. John Church Rd., Stony Creek, VA 23882

To act as my true and lawful attorney-in-fact and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, to include (put a checkmark next to the appropriate action that applies(y):

- | | | |
|--|---|---|
| <input type="checkbox"/> Rezoning Request (including proffers) | <input type="checkbox"/> Building Permit(s) | |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision Exception | |
| <input type="checkbox"/> Preliminary Subdivision Plat | <input type="checkbox"/> Site Plan of Development | <input type="checkbox"/> Landscape Plan |
| <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Site Plan Modification | <input type="checkbox"/> Lighting Plan |
| <input type="checkbox"/> Subdivision Construction Plans | <input type="checkbox"/> Variance Request | <input type="checkbox"/> Transfer of Approval |

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

Anything except release of Property from existing CUA.

This authorization shall expire one year from the day it is signed, or unto it is otherwise rescinded or modified in witness thereof, I (we) have hereto set my (our) hand and seal this 10th day of December, 2015.

Signature(s) [Signature]
State of Virginia, City/County of Dinwiddie, To-wit:

I Betty Jo M. Atkinson, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) known to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 10th day of December, 2015.

My commission expires: My Commission Expires November 30, 2017

Betty Jo M. Atkinson
Notary Public
My Commission No. 117685

Embossed Hereon Is My
Commonwealth Of Virginia Notary Public Seal
My Commission Expires November 30, 2017
BETTY M. ATKINSON



Planning Commission Staff Report

File #: AC-16-1
Applicants: Iluka Resources Inc., acting on behalf of the property owners Harry J. Edwards Jr. or Frances Rose Edwards and Robert C. Perkins Farms, LLC
CUP Amendment: To remove the subject property from the original CUP, C-13-2, that was approved by the Board of Supervisors on July 16, 2013 to operate an open pit mineral sands mining operation with a wet mill concentrator site, and an initial tailings area
Property Location: South of McKenney Hwy. (Hwy. 40) at the intersection of Jones Road (Route 659) and Walker's Mill Road (Route 665) one having frontage on the northwest side of Jones Road and north side of Walker's Mill Road and the other having frontage on the north and south sides of Walker's Mill Road
Tax Map Parcel #'s: 94-14 and 94-26
Property Size: Approximately 341.0 acres
Current Zoning: Agricultural, General, A-2
Magisterial District: Sapony
Planning Commission Mtg.: January 13, 2016

CUP REQUEST

The applicant, Iluka Resources Inc., acting on behalf of the property owners Harry J. Edwards Jr. or Frances Rose Edwards and Robert C. Perkins Farms, LLC, is seeking an amendment to remove the following parcels from Conditional Use Permit (CUP), C-13-2, which was approved on July 16, 2013 to utilize the following described properties as a mineral sands mine with a new wet concentrator plant and initial tailings area. The two properties being removed total approximately 341.0 acres and are located to the south of McKenney Hwy. (Hwy. 40) at the intersection of Jones Road (Route 659) and Walker's Mill Road (Route 665) one having frontage on the northwest side of Jones Road and north side of Walker's Mill Road and the other having frontage on the north and south sides of Walker's Mill Road. The properties are designated as Tax Map Parcels 94-14 and 94-26, and the properties are zoned A-2, Agricultural General, which allows such use upon receiving a Conditional Use Permit. Tax Map Parcels 94-14 and 94-26, totaling approximately 341.0 acres, were to house the wet concentrator plant and tailings area. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, industrial development at the Ordinance defined density.

RELATED ATTACHMENTS

- CUP Amendment Application and Location Map

OVERVIEW OF THE ORIGINAL/APPROVED MINING OPERATION

The proposed open pit mineral sands mining operation is a continuation of the existing mineral sands mining that has taken place in the Stony Creek area in the southeastern portion of the County under the existing Conditional Use Permit (CUP), C-95-2, that was approved by the Board of Supervisors on October 4, 1995. This existing mining operation is known as "Old Hickory" and encompasses approximately 1,700 acres located near and to the south of State Route 40 between I-95 and I-85 (please see Table 2 and Figure 4 in the CUP Support Document for the parcels approved under CUP, C-95-2). The mineral sands that are mined as part of this operation contain titanium and zircon. The mineral

sands are found in this general area of the County west of Interstate 95. Currently in Virginia, there is a mineral separation plant in Stony Creek and two active mine sites, one in Greensville County and one in Dinwiddie/Sussex Counties which include a wet concentrator plant at each site. Reclamation, mining, and related operations are ongoing under the Virginia Department of Mines, Minerals and Energy (VDMME) permit, and the operations are in accordance with conditions of the existing CUP, C-95-2, and the conditions of the appropriate state and federal permits.

As indicated in the CUP Support Document, Iluka is proposing to continue the mining and reclamation operation for mineral sands in Dinwiddie County area on parcels located within the previously approved CUP, C-95-2, as well as on the additional parcels made part of this application. As indicated in the CUP request summary support document, Iluka is proposing to construct a new wet concentrator plant and initial tailings area on Tax Map Parcels 94-14 and 94-26 for which Iluka is the contract purchaser (please see Figures 5 and 6 in the CUP Support Document).

The actual mining method to be implemented on the subject parcels is similar to what was used at the existing Old Hickory operations, and if the CUP request is approved the current VDMME permit and operations plan is to be expanded to include the proposed new mine parcels. The mining process begins on a parcel by first installing the erosion and sediment control devices which include silt fencing, hay bales, diversionary berms, and sediment traps around the individual mine cells. The next step in the mining process involves clearing of vegetation with crops or timber harvested, followed by root-raking to expose the topsoil. The topsoil is then removed and used to create the required berms around the mine cells. The berms are also used for visual screening, noise attenuation, and dust suppression. The mining preparation activities are generally initiated from six to 24 months prior to excavation and the size of these mine cells varies based on the localized ore body. The ore body is a mixture of mineral sands (up to 5%), quartz sand (approx. 65%) and kaolinite clay (approx. 30%). The depths of the mining in a cell average from 30 to 35 feet, with maximum depths of 50 to 60 feet.

The ore material is mined using an excavator (no blasting is used to extract the material) and the material is then placed into the mobile mining unit which mechanically breaks up clay and adds water to create slurry. The mining unit hydraulically pumps the slurry via HDPE piping system to a mobile trommel to screen out roots and oversized materials. Any water that is captured will be utilized for make-up water in the mining process. At this mobile-field trommel, rocks, gravel, roots, and clay balls are removed. Upon completion of the screening in the trommel, the ore is transported as slurry to the wet concentrator plant for final processing. Ultimately, after processing at the wet concentrator plant, the processed mineral sand is loaded onto trucks and hauled for processing at the dry-mill facility located in Stony Creek, and it is estimated that there will be 20-30 truckloads per day leaving the concentrator site. The tailing sands (tailings) are pumped back to the mine cells for use in reclamation activities. All water used in these processes is returned to the clarifying pond for reuse, with make-up water coming from capture of stormwater in the mine cell, surficial water table dewatering in the mine cell, decanting from reclamation activities, and other sources such as groundwater wells and surface water bodies.

The post mine land use will return to the pre-mine agricultural use. The mine cell sites are to be reclaimed by revegetating the site using the methods described in the reclamation methodology report as set forth in the CUP Support Document provided by the applicant.

ZONING ANALYSIS

The properties surrounding the subject property include single-family residential dwellings, farms, crop land, and forestal land uses, and the properties are currently zoned A-2, Agricultural, General. The

proposed mineral sands mining operation is to no longer occur on the subject parcels and is to remain in place on the parcels listed in CUP Application, Exhibit A and as shown on the map in Exhibit B.

The surrounding properties are zoned Agricultural, General, A-2, and Zoning Ordinance Section 22-75, Permitted Uses, (49) allows open pit mining with a conditional use permit. As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area of the County is expected to accommodate limited commercial and industrial development at the Zoning Ordinance defined density.

REVIEW OF ORIGINAL OVERVIEW OF IMPACTS

The Virginia Department of Mines, Minerals, and Energy (VDMME) will issue and oversee the required permit/license to operate the proposed mine. The mining operation will be subject to the conditions of the permit/license. Safety and reclamation practices are made a part of the permit as are periodic inspections by the operator and VDMME inspector.

Public Utilities, School System, & Public Safety Impacts

The utilities are handled on-site with a well and septic system for the wet concentrator site located at the property located on Jones Road. There are no impacts to the school system with the proposed mining operation. There are public safety issues involved with the proposed use, and the CUP conditions address the safety related impacts of the mining operation as do the Federal and State guidelines for mining operations. Dinwiddie Public Safety did not identify any specific public safety impacts that needed to be covered by specific conditions directly relating to Dinwiddie County Public Safety operations.

Transportation Impacts

The impacts on the transportation network are being addressed by VDOT through the commercial entrance permit process for the entrance to the proposed concentrator site as well as for any other mining related entrances that may require a VDOT entrance permit, and for any pipeline road crossings that may require permitting by VDOT. VDOT is reviewing the request to allow for a separate entrance and exit to the concentrator site. It is estimated that there will be a maximum of 90 vehicle trips per day at the concentrator site which include employee vehicle trips and hauling truck trips. Prior to commencement of the mining operation and during the operation of the mine the applicant will comply with all VDOT permitting requirements and entrance design and construction requirements and specifications, including but not limited to driveway entrance alignments and design standards, sight line requirements including sight easements, and tapers and/or turning lanes.

Other potential impacts are outlined in the applicant's CUP Support Document and include measures for protecting wetlands, upland communities, protected species, biological features, prime farmland, archeological/historical sites, and quality of life impacts such as site lighting, dust and noise. Staff has included related CUP conditions for addressing the impacts of the mining operation under the Staff Recommendation.

Planning Staff Recommendation:

The staff reviewed the request for the amendment to the original conditional use permit, C-13-2, and recommends approval of the request to remove the two subject parcels from the original CUP, C-13-2,

with the understanding that the following Board of Supervisors approved conditions under C-13-2 remain in full effect:

C-13-2 Approved Conditions:

1. Generally. The use of the property shall be limited to the open pit mineral sands mining operation to include the wet concentrator plant, tailings storage areas and associated transportation and which shall be subject to this conditional use permit. Open pit mineral sands mining and the associated processing and storage may occur only on Tax Map Parcels 93-21F, 93-36, 93-34A, 84-21, 94-21, 94-15, 93-31D, 94-16B, 94-16, 94-26, 94-7, 84-23, 84-23A, 84-24, 94-11, 94-14, and 84-26, as identified in the CUP application. The wet concentrator plant and tailings storage areas are to be located only on Tax Map Parcels 94-14 and 94-26.
2. Time and manner of operation. The days and hours of operation for mining and transportation to and from the mining sites and concentrator and tailings sites shall be 365 days per year and 24 hours each day.
3. Mining pits/cells; depths. The maximum depth of the mine pit/cells shall not exceed seventy five (75) feet as measured from the initial ground elevation above the bottommost point of the mining pit/cells although greater depth shall be permitted for reclamation purposes.
4. No blasting allowed. No blasting shall be allowed on the mine sites as part of the mining operation. All mining shall be done utilizing earth moving equipment.
5. No public access. No public access shall be permitted to the mining, wet concentrator and tailings storage sites unless approved and accompanied by the mining operator.
6. Berms for mine sites/cells close to property lines. Mining sites/cells in close proximity to an adjacent property line that is not part of a parcel approved to be mined under this CUP and/or CUP, C-95-2, shall have an earthen berm buffer at or in close proximity to the mine pit/cell or mined site a minimum of three (3) feet in height and a minimum of four (4) feet in width at the top of the berm. Each berm shall be seeded.
7. Setbacks. Setbacks from road right-of-ways, property lines and residences will be based on Dinwiddie County Zoning criteria and VDMME criteria.
8. Hauling operations. A maximum monthly average of fifty (50) product truckloads of mining material per day to include sand, gravel, topsoil, overburden, spoils, and tailings shall be hauled from the concentrator and tailings sites each day (in a 24-hour period). The operator shall be required to make a daily inspection of the road within 200 hundred feet of any entrance to the mine, concentrator, and tailings storage sites and shall be required to sweep any debris within 200 hundred feet of any entrance to the aforementioned locations placed on the road by the hauling of sand, gravel, top soil, overburdens, oil, tailings, and other materials associated with the operation of the mining operation. The general haul route from the wet concentrator plant to

the dry mill shall be as set forth in Figure 7 of the CUP Support Document that is made a part of the CUP request. Hauling operations shall be confined to the period from 6 a.m. to 7 p.m. daily.

9. VDOT and/or County road maintenance issues. Coordination with the VDOT and Dinwiddie County shall be a continuous effort in order to preclude and/or correct any road problems arising from the mining operation.
10. VDOT entrance standards. The operator shall comply with all VDOT permitting requirements including entrance design and construction requirements and specifications, including but not limited to driveway entrance alignments and design standards, sight line requirements including sight easements, and tapers and/or turning lanes.
11. Soil productivity and soil stabilization. The mining operator shall consult with Virginia Tech or other soil and farming experts to address issues related to soil productivity and soil stabilization.
12. Wetlands. All wetland impacts will be properly permitted with the Virginia Department of Environmental Quality and U.S. Army Corps of Engineers with appropriate mitigation provided, if warranted.
13. 100-year floodplain. The mining operator shall strive to avoid impacting and strive to preserve the 100-year floodplain areas and shall use riparian buffers which are 50 feet wide along all sides of stream and wetland resources.
14. Animal habitats. Shall be restored in accordance with approved post-mining land use by the Virginia Department of Mines, Minerals and Energy.
15. Well and well-field impacts. The mining operator shall develop a well mitigation plan to mitigate any impacts to adjacent property owners who are well water users, which shall include well repairs and well replacement with an equivalent or better well where any such issues are directly attributable to the mining operator's operations.
16. Quality of life impact reduction measures. Dust from the mining operations shall be suppressed using BMP's such as watering of roadways and open areas. Berms and vegetative buffers shall be incorporated into the wet concentrator plant site for aesthetics and noise attenuation including but not limited to a berm ten (10) feet tall with landscaping on the Jones Road side shall be constructed between the two truck entrances at the concentrator site. Flashing or strobe lights as well as directional back-up alarms shall be used during evening hours instead of omni-directional back-up alarms to reduce evening noise. Directional lighting shall be used during evening hours and shall be directed inward and downward to the site to minimize off site glare to the greatest extent possible.

17. Signage. The applicable signage must be maintained on all four sides of the property being mined.
18. Permits, reports, etc.
- a. All applicable federal, state, and local permits shall be obtained and filed with the Dinwiddie County Planning Department prior to commencing operations. This conditional use permit is effective only upon receipt by the Dinwiddie County Planning Department of all such permits.
 - b. All applicable federal, state, and local permits shall be maintained in good standing by owner/operator. Upon request the Owner/operator shall provide copies of such permits to Dinwiddie County Planning Department. Failure to maintain all applicable permits shall be grounds for revocation of this conditional use permit.
 - c. Copies of violations and/or reports to or from applicable federal and state agencies shall be made available to Dinwiddie County upon request of the County.
19. Compliance with laws. All operations pursuant to this conditional use permit shall be conducted in compliance with all applicable federal, state and local laws and regulations.
20. Annual review. This conditional use permit shall be reviewed by the Planning Director or his designee a minimum of once per calendar year to evaluate compliance with conditions contained herein.

PLANNING COMMISSION RECOMMENDATION

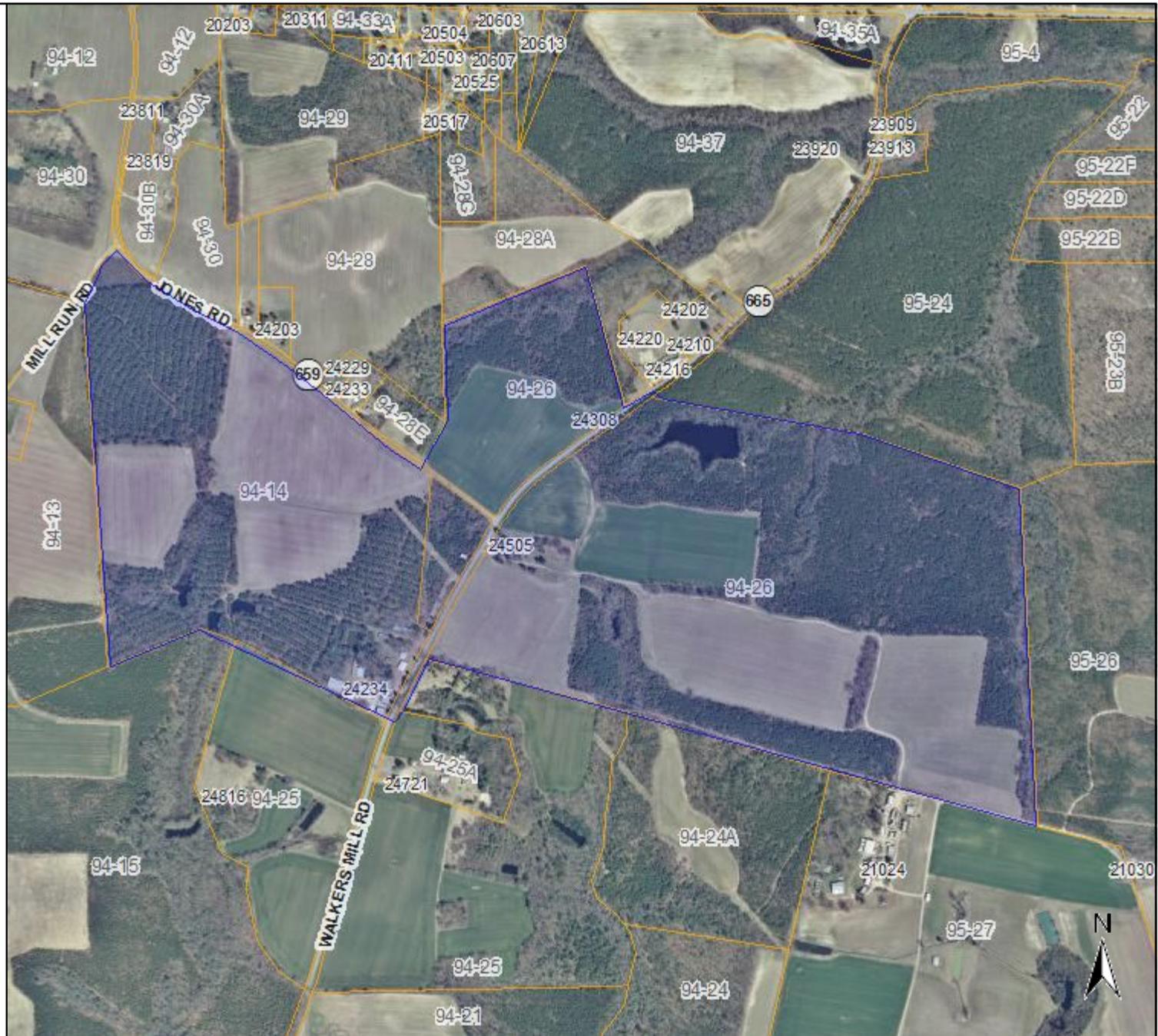
Since this is a zoning matter, the standard statement regarding the Planning Commission recommendation on this zoning matter must be read. In order to assist, the following motion is attached as follows:

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 amendment, AC-16-1, as presented be recommended for (approval with conditions, OR disapproval) to the Board of Supervisors.

Dinwiddie County, VA

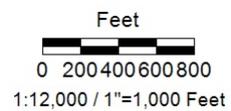
Legend

- Road Labels
- County Boundaries
- Addresses
- Parcel Labels
- Parcels



Title: Case AC-16-1

Date: 12/30/2015



DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Dinwiddie County is not responsible for its accuracy or how current it may be.

Planning Commission Staff Report

File #: P-16-1
Applicant: First Management Company, LLC
Rezoning Request: Agricultural, General, A-2 to Industrial, Limited, M-1
Property Location: South side of Boydton Plank Rd. (Route 1) across from the Hwy. 460 and Route 1 intersection
Tax Map Parcel Info: Portion of 21-100 & 21-102 (See Property Map part of Rezoning Application)
Property Size: Approximately 95.0 +/- acres
Magisterial District: Rohoic District
Planning Commission Mtg.: January 13, 2016

CASE OVERVIEW

The applicant, First Management Company, LLC, is requesting to rezone with proffers property containing approximately 95.0 +/- acres from A-2, Agricultural General to M-1, Industrial Limited. The M-1, Industrial Limited, zoning classification allows for certain industrial uses pursuant to the Zoning Ordinance allowed density. The property is located on the south side of Boydton Plank Rd. (Route 1) across from the Hwy. 460 and Route 1 intersection, and is further defined as a portion of Tax Map Parcel Nos. 21-100 and 21-102. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited industrial uses for this general area.

ATTACHMENTS

Attachment A - Rezoning Application, Location Map, Conceptual Development Plan, and Statement of Proffers

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject land parcel include commercial uses to the north along Route 1, open space and forestal land which is part of the Pamplin Historical Park to the east, low density single-family residential land uses to the southeast and south, and open space and forestal land to the west. The property to the north along Route 1 is zoned B-2, Business General, and A-2, Agricultural General, with the property to the east, south and west being zoned A-2, Agricultural General.

A primary purpose of the Industrial, Limited, M-1, zoning district is to allow for certain industrial related uses to locate in areas adjacent to residentially zoned areas. As such, the proposed proffered use of the subject property limiting the use and structures to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading, and storage is a compatible use for this low density residential area.

The subject property is located within the Urban Area as defined by the Comprehensive Land Use Plan. This portion of the Urban Area supports limited, light industrial development within this general area of the Route 1 and Hwy. 460 interchange. As previously discussed, the M-1 zoning district and subject proffered uses are compatible with the residential and commercial zoning districts as defined in the Zoning Ordinance. In addition to the Zoning Ordinance requirements for development in the M-1 Zoning District, the applicant has proffered to maintain

the existing vegetative buffers located within 50 feet of the perimeter of the property to provide a natural buffer and screening; maintain site lighting so as to not cast off onto the surrounding property or into the night sky; screen outdoor storage areas and loading areas; and to restrict access to Duncan Road and to restrict truck traffic from utilizing Blue Tartan Road.

OVERVIEW OF IMPACTS

School System, Public Safety, & Public Utilities Impacts

The proposed rezoning to M-1, Industrial, Limited, with proffers limits the permitted use of and structures located on the subject property to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading, and storage which does not have a direct impact on the public school system and school system facilities. The potential impact on public safety will be minimal with the rezoning of the subject property with all proposed buildings having developed fire protections as required by the applicable Fire Code and Building Code. In addition as part of the rezoning, public utilities namely natural gas, public sanitary sewer and water are to be extended down Route 1 from Hofheimer Way to serve the subject property and property in this general area. The aforementioned sewer and water lines are proposed to be upgraded to 24-inch lines which will not only provide the necessary capacity for the subject development but also provide additional capacity to the other property along Route 1 and also surrounding property allowing for these properties to be developed in the future with the proper public infrastructure.

Transportation Impacts

The impacts on the existing transportation network are minimal with the trips generated by the proposed use to include 100 truck trips (enclosed tractor trailers) per day and the facility employee trips generated by an estimated 147 employees. The road system in this particular area, namely Route 1 and Hwy. 460, is adequate to handle the employee and truck traffic generated by the proposed use. Route 1 has a shared left and right hand center turn lane at the proposed entrance to the subject property. As part of the proposed development, an access road is proposed to serve the development which will have its entrance on Route 1. Employee and truck traffic are to only utilize the subject access road. As set forth in the rezoning proffer conditions, there is no employee or truck access to Duncan Road with the exception of emergency access which is allowed for public safety purposes only. Additionally, truck traffic is also restricted from accessing the subject property from Blue Tartan Road. All future transportation related improvements for the access road and within the Route 1 right-of-way and for the new access road will have to meet VDOT design and construction requirements and standards, as indicated in the proffer conditions. (Please see attached VDOT Land Use Amendment Comment Letter).

PROFFER STATEMENT

The applicant did submit proffers as part of the rezoning request (see Attachment A). The following proffer conditions address current property conditions, potential impacts on the subject property, and include the Route 1 and Route 460 Corridor Enhancement Study recommendations.

1. The use of the Property and all structures shall be limited to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading and storage.
2. The Property will be developed in accordance with the Route 1 and Route 460 Corridor Enhancement Study Visitor Focus Area Roadway Section recommendations whereby the principal building(s) and all parking shall be setback a minimum of one hundred (100) feet from the centerline of the Route 1 right-of-way to accommodate the landscaping and multipurpose path/sidewalk.
3. Future development of the Property will comply with all Virginia Department of Transportation (VDOT) entrance design and construction requirements, including but not limited to driveway entrance alignments, turning lanes and tapers.
4. Truck traffic shall not utilize Blue Tartan Road for egress and ingress to the Property.
5. The Property shall be accessed from Duncan Road for emergency purposes only, and the Duncan Road access point shall be gated and locked with a Knox Box provided for Dinwiddie County Fire and EMS.
6. Site lighting for building security and the loading and parking areas shall be designed to cast inward and downward to the Property to minimize light overflow beyond the Property. The Planning Director or his or her designee shall approve the lighting/photometric plan for site lighting prior to installation.
7. All outdoor storage of product for resale or equipment shall be located in the rear and/or side yards and shall be screened from view from public rights-of-way. Such storage shall be enclosed by an opaque fence, evergreen trees, shrubs, or any combination thereof a minimum of six feet in height. The Planning Director or his or her designee shall approve the enclosure plan and all materials to be used prior to construction. This screening does not apply to vehicles in parking areas or semi-trailers kept on the warehouse premises.
8. Existing vegetative buffers located within 50 feet of the perimeter of the property shall be maintained to provide a natural buffer and screening, and any modification to the existing vegetative buffers shall be submitted to and approved by the Planning Director or his or her designee.

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 with proffers of the request to rezone the subject property based on:

1. The zoning classification requested, M-1, Industrial, Limited, with the proffer limiting the use of the property to the proposed uses and additional proffer conditions is compatible with the surrounding zoning pattern.; and

2. The requested zoning classification with the proffered use limitation and additional proffer conditions conforms to the underlying uses outlined in the Urban Area in the Comprehensive Land Use Plan for this general area of the County.

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 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-16-1 as presented be recommended for (approval, approval with proffers, or disapproval) to the Board of Supervisors.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Charles A. Kilpatrick, P.E.
COMMISSIONER

January 5, 2016

Mr. Mark Bassett
Dinwiddie County Planning Director
13910 Courthouse Rd.
PO Drawer 70
Dinwiddie, VA 23841

**SUBJECT: Patton Commerce Park, Land Use Amendment
US 1, Boydton Plank Road, Dinwiddie County**

Dear Mr. Bassett:

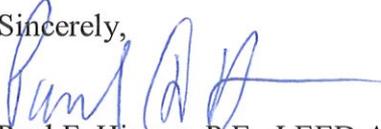
VDOT has reviewed the Land Use Amendment Application and submitted supporting documents and is providing the following comments for the County's consideration:

1. The Minecraft Rezoning Exhibit dated 12-21-15 provided with the application shows a Public ROW and a road connecting to US 1 that will serve the proposed site. There is not a road or dedicated public ROW in place to serve the project at this time. If this future road is to become a VDOT maintained roadway, it must be designed and constructed per current VDOT standards and specifications.
2. The location of all access points along state maintained roadways is subject to compliance with Access Management Regulation (24VAC30-73) spacing standards. As shown on the Minecraft Rezoning Exhibit, it appears that adequate parcel frontage is available for the location of the US 1 connection to be in compliance with the regulation spacing standard for un-signalized intersections. However, if signalized, it does not appear that the spacing standard would be met thereby requiring Department evaluation for exception to the standards.
3. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the applicant. Required as part of the site plan review process will be the submittal of a traffic engineering study evaluating signalization and turn lane impacts with build-out of the rezoned parcel. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way.

Mr. Mark Bassett
January 5, 2016
Page 2 of 2

If you have any questions please feel free to contact me at 804-863-4012 or by email,
Paul.Hinson@VDOT.Virginia.gov

Sincerely,



Paul F. Hinson, P.E., LEED AP
Southern Region Land Use Engineer

CC: Todd Cage, VDOT
Barry Atwater, VDOT

DINWIDDIE COUNTY PLANNING & ZONING DEPARTMENT

LAND USE AMENDMENT APPLICATION



Dinwiddie County
 Planning Department
 P. O. Drawer 70
 Dinwiddie, Virginia 23841
 (804) 469-4500 ext. 2117
 (804) 469-5322 /fax

Rec'd MB Case No.: P-16-1
 Date Rec'd Dec. 18, 2015 Fee Amount: _____
 Time Rec'd _____ Receipt No: _____
 Pre-Application Conference Date: Multiple
 This application has been amended: **YES** **NO**
 Reviewed by: MB

*Information must be typed or printed and completed in full.
 Attach additional pages where necessary.*

1) LAND USE INFORMATION	
(Circle): BOS / PC / BZA	New/Renewal Previous/Renewed Case#: <u>P-16-1</u>
Amend Previous Case: Y / N Land Use Taxation: Y / N	
Application Type: (Circle One): <input type="checkbox"/> Variance <input type="checkbox"/> Administrative Variance <input type="checkbox"/> Conditional Use Permit <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Street Vacation <input type="checkbox"/> Special Exception <input type="checkbox"/> Amendment	
Description of Request: _____	
Existing Zoning: <u>A-2</u>	Existing Acreage: <u>136.41 AC</u>
Proposed Zoning: <u>M-1</u>	Proposed Acreage: <u>95 +/- AC</u>
	Total Acreage: <u>95 +/- AC</u>
Water (Circle One): Public	Well
Sewer (Circle One): Public	On-site Well and Septic
Attached: (circle): Miscellaneous Information/Master Plan/Textual Statement/Proffered Conditions	
2) APPLICANT/AGENT INFORMATION	
Applicant(s): <u>First Management Company, L C</u> <u>(804)862-9889</u> Home/Cell# _____	
Address: <u>P. O. Box 1838 Petersburg, VA 23805</u> Work# <u>804-862-9889</u>	
Agent(s): <u>Brian Mitchell, Town & Site Engineering</u> Home/Cell# <u>586-4239</u>	
Address: <u>9850 Lori Rd., Chesterfield, VA 23832</u> Work# <u>748-9011</u>	
<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Other: _____	
3) PROPERTY OWNER INFORMATION	
Property Owner's Name and address (see note on last page): <u>First Management Company, L C</u>	Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.): _____
Contact# <u>804-862-9889</u>	_____
Property Tax Parcel Number: 21-102 part of, 21-100 part of	Phone# _____

4.)

SUBJECT PARCEL INFORMATION

General Location of Project: __The Parcel is located on the south side of Boydton Plank Road (Route 1) across from Hwy 460 and Route 1 intersection.

Tax Map # __21-102__(part of)_____
Subdivision Name: _____
Section: _____ **Block** _____
Address: _____
Zoning: __A-2__ **Acreage** __91.77 AC__
Existing Use: __Vacant_____
Conditions: _____

Tax Map # __21-100__(part of)_____
Subdivision Name: _____
Section: _____ **Block** _____
Address: _____
Zoning: __A-2__ **Acreage:** __44.71 AC__
Existing Use: __Vacant_____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____ **Block** _____
Address: _____
Zoning: _____ **Acreage** _____
Existing Use: _____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____ **Block** _____
Address: _____
Zoning: _____ **Acreage:** _____
Existing Use: _____
Conditions: _____

1. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:

Rezoning the subject properties to M-1 to allow for light manufacturing and distribution/warehousing uses.

2. State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or county in general. Include, where applicable, information concerning: Use of public utilities; effect of request on public schools; effect on traffic, to include means of access to nearest public road; effect on existing and future area development; etc.:

The subject property will be developed under the Zoning Ordinance standards and more specifically the standards for M-1. All road, water and sewer system improvements will meet or exceed VDOT, County and Dinwiddie County Water Authority (DCWA) requirements, standards, and specifications.

3. List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question:

N/A

4. If requesting a variance or special exception, explain the unique physical hardship or extraordinary situation that is justification for the request:

N/A

5. Complete names and address (including Zip codes) of all owners adjacent, across the road or highway from the property and across any railroad right-of-way, creek, river, from such property must be obtained by the applicant from the Commissioner of the Revenue, Pamplin Administration Building. If such property lies in another county or city, the respective jurisdiction will provide this information to the applicant. Applications with incomplete parcel information will not be accepted.

See Attached

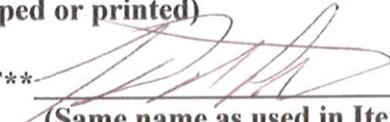
6. The required fee must accompany this application. A fee schedule is available from the Planning Department, 14016 Boydton Plank Road, Pamplin Administration Building, Dinwiddie Virginia. Checks must be made payable to: "Treasurer, County of Dinwiddie".
7. Enclosed with the application, a copy of the appropriate county tax map with the property marked (provided at pre-application conference) and, if available, a surveyed plat of the entire parcel.
8. Enclose with this application any required plans or plats (plans must be folded).
9. I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: Dec. 16th, 2015

SIGNATURE OF AGENT*

(Name of person other than, but acting for, the property owner and responsible for this application.)

AGENT'S NAME Brian Mitchell
(Typed or printed)

SIGNATURE OF APPLICANT** 
(Same name as used in Item 2, Page 1)

APPLICANT'S NAME First Management Company LLC
(Typed or printed)

I authorize you, the merchant, to initiate an electronic debit to my account for the amount rendered on this check plus the legal limit returned check fee if the item is dishonored. The use of a check for payment is my acceptance of this policy. Signature _____

Notes: Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

*Agent must file power of attorney from the property owner(s) giving the agent authority to submit this application.

** If the applicant is not the owner of the property, the applicant must file power of attorney from the property owner(s) giving the applicant authority to submit this application.

**DINWIDDIE COUNTY PLANNING
&
ZONING DEPARTMENT
SPECIAL LIMITED POWER OF
ATTORNEY APPLICATION**



Planning Department – Post Office Drawer 70 – Dinwiddie, Virginia 23841
Phone (804) 469-4500 ext. 2117 Fax (804) 469-5322

Know all men by these presents: That I (We)

(Name): J. Dale Patton, First Management Company (Telephone): (804) 862-9889

(Address): P.O. Box 1838, Petersburg, VA 23805

The owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Dinwiddie, Virginia, by

Instrument No. _____, on Page _____, and is described as Tax Map Parcel #. 21-102 & 21-100 do hereby make, constitute and appoint

(Name): Brian Mitchell (Telephone): (804) 748-9011

(Address): Townes Site Engineering, 9850 Loris Rd, Chesterfield, VA 23832

To act as my true and lawful attorney-in-fact and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, to include (put a checkmark next to the appropriate action that applies(y):

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Rezoning Request (including proffers) | <input type="checkbox"/> Building Permit(s) | |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision Exception | |
| <input type="checkbox"/> Preliminary Subdivision Plat | <input type="checkbox"/> Site Plan of Development | <input type="checkbox"/> Landscape Plan |
| <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Site Plan Modification | <input type="checkbox"/> Lighting Plan |
| <input type="checkbox"/> Subdivision Construction Plans | <input type="checkbox"/> Variance Request | <input type="checkbox"/> Transfer of Approval |

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or unto it is otherwise rescinded or modified in witness thereof, I (we) have here to set my (our) hand and seal this 5th day of January, 2016.

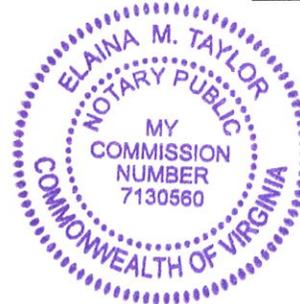
Signature(s) [Signature]

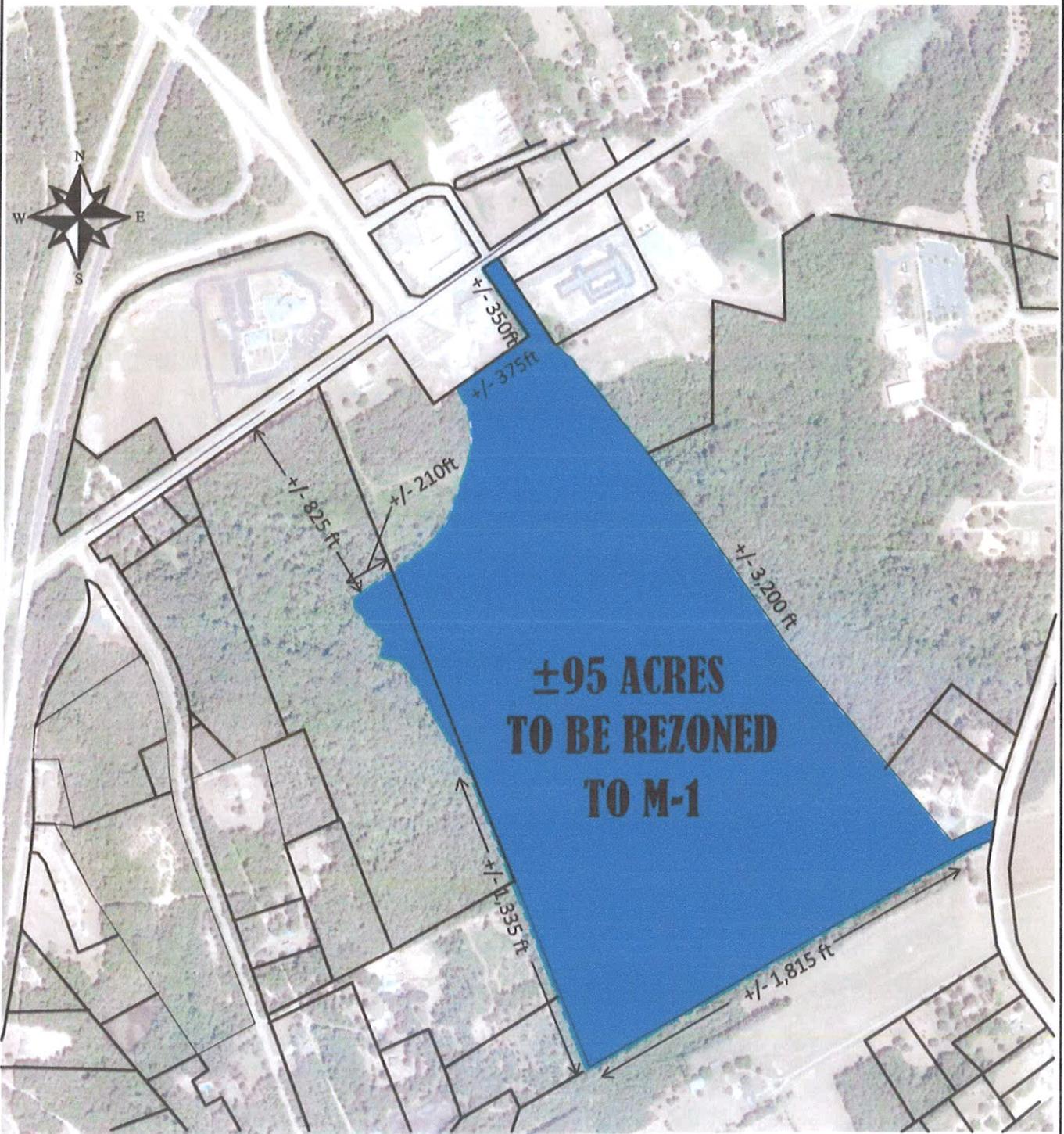
State of Virginia, City/County of Dinwiddie, To-wit:

I Elaina Taylor, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) known to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 5th day of January, 2016.

My commission expires:
5/31/2019

Elaina M. Taylor
Notary Public #7130560

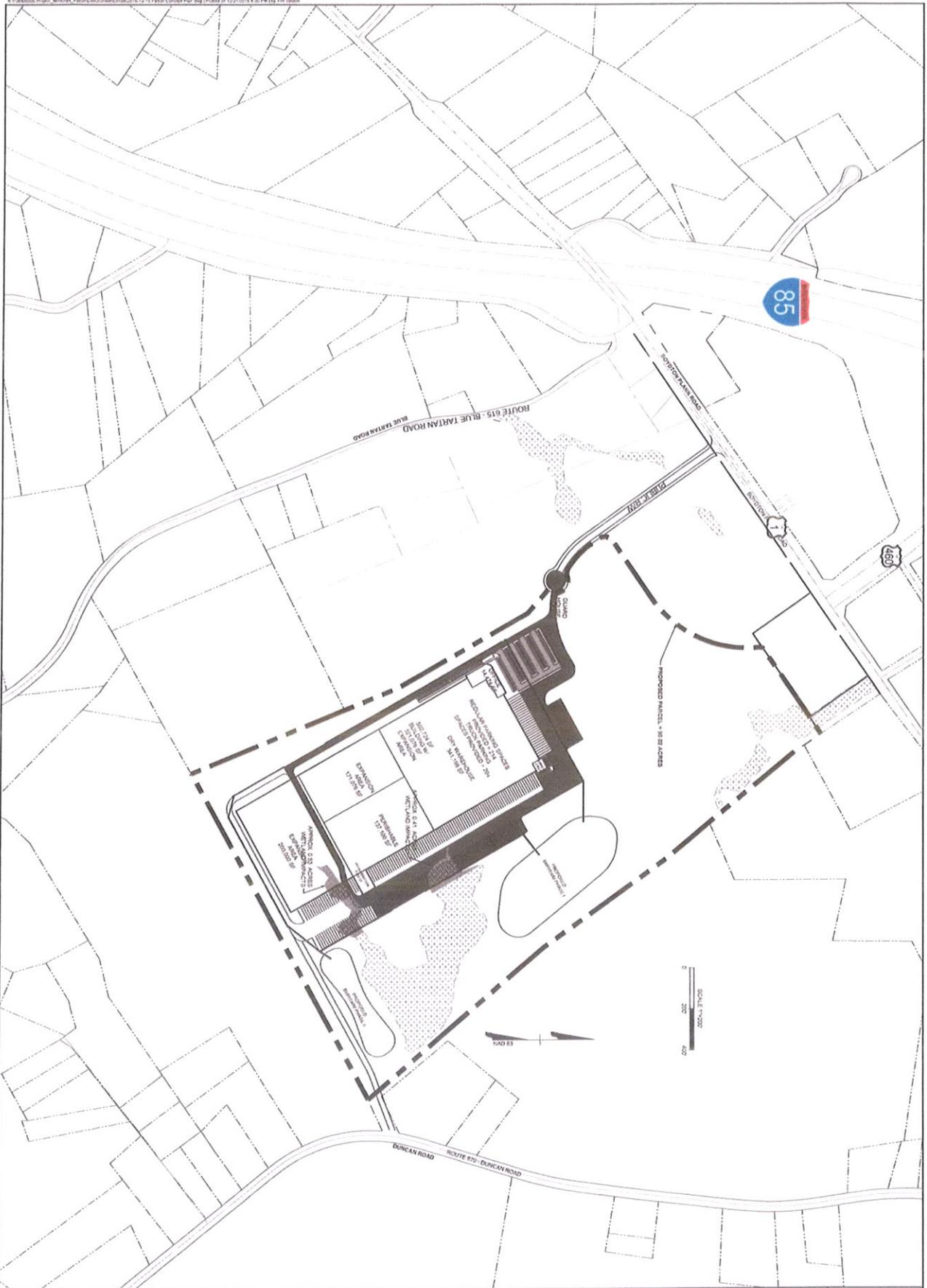




PROPERTY BOUNDARIES SHOWN
ARE PER DINWIDDIE COUNTY GIS
DIMENSIONS SHOWN ARE APPROXIMATE

PATTON COMMERCE PARK ZONING EXHIBIT

12/16/2015 SCALE = 1"=600'



TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

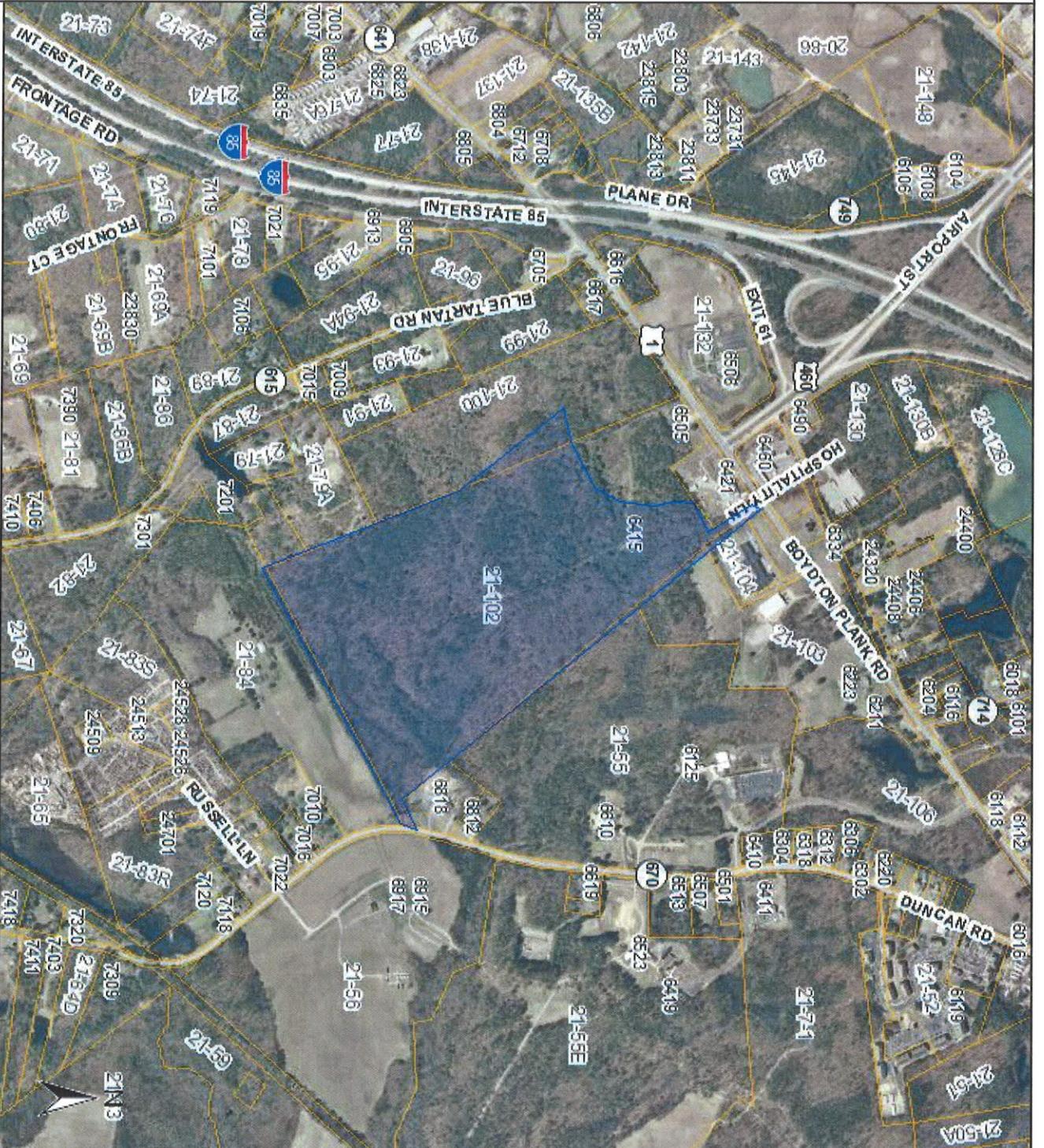
THIS DRAWING PREPARED AT THE
TRC-CITIES OFFICE
 4761 Owens Way, Suite 900 | Prince George, VA 22987
 TEL: 804-618-8683 FAX: 804-618-8111 www.trccities.com

PROJECT MINECRAFT		DATE		REVISION DESCRIPTION	
DISTRICT 3 - DINWIDDIE COUNTY - VIRGINIA					
MINECRAFT REZONING EXHIBIT					
NO. 0000	DATE	DATE	DATE	DATE	DATE
1					

This drawing and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever without the prior written consent of TIMMONS GROUP.

Dinwiddie County, VA

- Legend**
- Road Labels
 - County Boundaries
 - Addresses
 - Parcel Labels
 - Parcels



Title: Case, P-16-1, Location Map

Date: 1/7/2016

Feet



1:12,000 / 1"=1,000 Feet

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Dinwiddie County is not responsible for its accuracy or how current it may be.

Tax Parcel Nos. Part of 21-100 & 21-102

PROFFERS

THESE PROFFERS are made this 21 day of December, 2015 by First Management Company, LLC, together with its successors and assigns, (the "Owner").

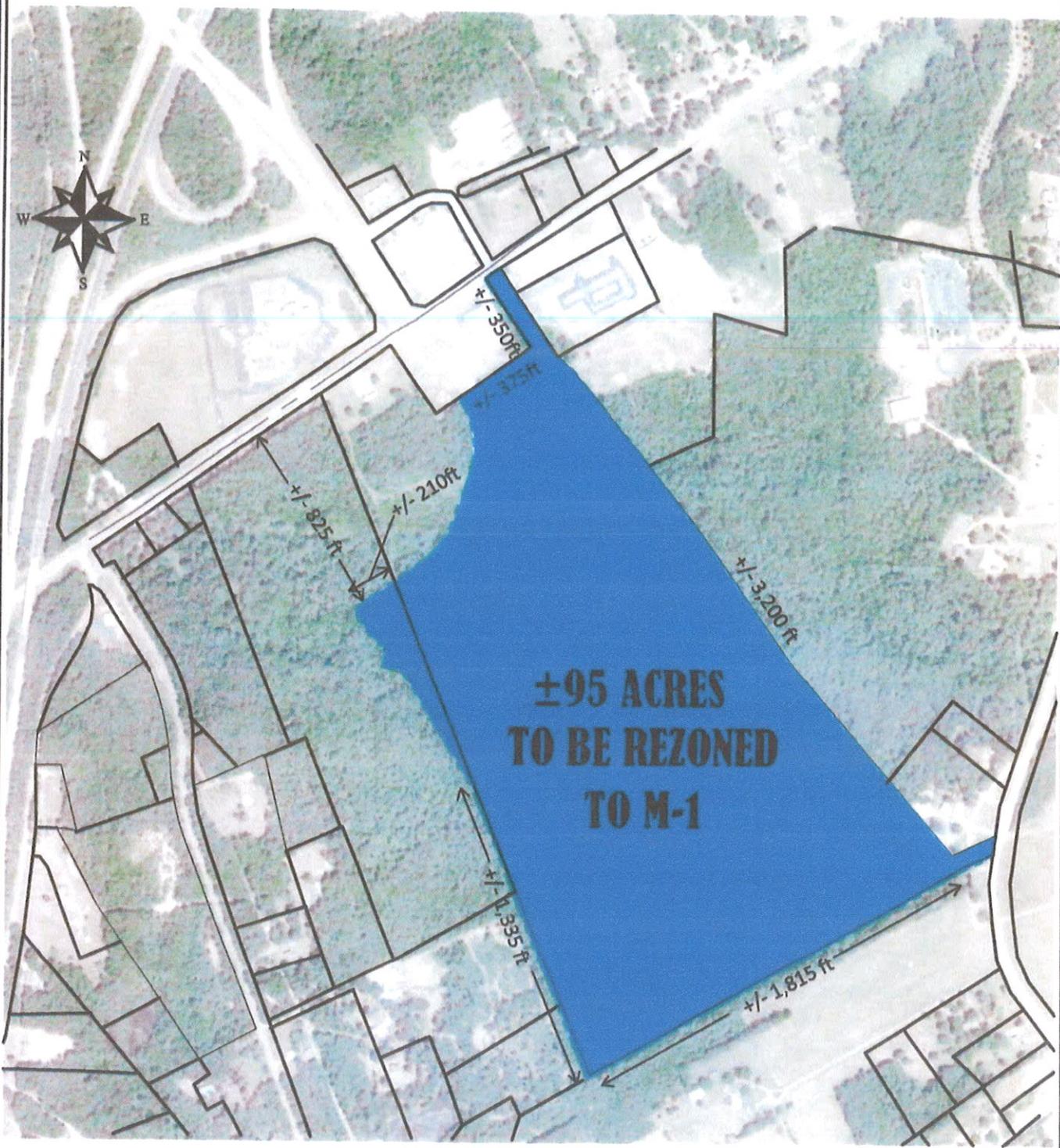
RECITALS

- A. Owner legally possesses the tracts or parcels of land located in Dinwiddie County, Virginia, (the "County") located on the south side of Boydton Plank Road ("Route 1") across from the intersection of Route 1 and Hwy. 460, North Dinwiddie, Virginia and being a part of Tax Parcel Nos. 21-100 & 21-102 containing approximately 95.0 acres as more fully shown on Exhibit A (the "Property").
- B. The Property is within the Urban Area on the County's Comprehensive Plan and is zoned Agricultural, General, A-2. An application has been made to rezone the Property from Agricultural, General, A-2 to Industrial, Limited, M-1.
- C. The Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Industrial, Limited, M-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these proffers shall be null and void. The following proffered conditions are stated as follows:

Conditions

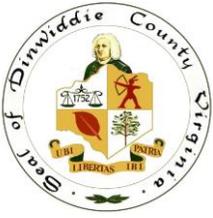
1. The use of the Property and all structures shall be limited to storage/warehousing, distribution and offices for the processing and packaging of consumer products such as food and grocery products, toiletries, soft goods or any other items sold in a retail setting and other associated uses such as parking to include related tractor and trailer unloading, loading and storage.
2. The Property will be developed in accordance with the Route 1 and Route 460 Corridor Enhancement Study Visitor Focus Area Roadway Section recommendations whereby the principal building(s) and all parking shall be setback a minimum of one hundred (100) feet from the centerline of the Route 1 right-of-way to accommodate the landscaping and multipurpose path/sidewalk.
3. Future development of the Property will comply with all Virginia Department of Transportation (VDOT) entrance design and construction requirements, including but not limited to driveway entrance alignments, turning lanes and tapers.
4. Truck traffic shall not utilize Blue Tartan Road for egress and ingress to the Property.
5. The Property shall be accessed from Duncan Road for emergency purposes only, and the Duncan Road access point shall be gated and locked with a Knox Box provided for Dinwiddie County Fire and EMS.
6. Site lighting for building security and the loading and parking areas shall be designed to cast inward and downward to the Property to minimize light overflow beyond the Property. The Planning Director or his or her designee shall approve the lighting/photometric plan for site lighting prior to installation.
7. All outdoor storage of product for resale or equipment shall be located in the rear and/or side yards and shall be screened from view from public rights-of-way. Such storage shall be enclosed by an opaque fence, evergreen trees, shrubs, or any combination thereof a minimum of six feet in height. The Planning Director or his or her designee shall approve the enclosure plan and all materials to be used prior to construction. This screening does not apply to vehicles in parking areas or semi-trailers kept on the warehouse premises.
8. Existing vegetative buffers located within 50 feet of the perimeter of the property shall be maintained to provide a natural buffer and screening, and any modification to the existing vegetative buffers shall be submitted to and approved by the Planning Director or his or her designee.



PROPERTY BOUNDARIES SHOWN
ARE PER DINWIDDIE COUNTY GIS
DIMENSIONS SHOWN ARE APPROXIMATE

PATTON COMMERCE PARK ZONING EXHIBIT

12/16/2015 SCALE = 1"=600'



Dinwiddie County Planning Department

14016 Boydton Plank Road

P.O. Drawer 70

Dinwiddie, VA 23841

Phone: (804) 469-4500

MEMORANDUM

To: Planning Commission
From: Mark Bassett, Planning Director
Date: January 5, 2016
Subject: Proposed Amendments to Article VII, Supplementary District Regulations, Chapter 22, Zoning, Section 22-237 of the Dinwiddie County Zoning Ordinance

Background:

The proposed amendment adds changes to Article VII, Supplementary District Regulations, Chapter 22, Zoning, Section 22-237 of the Dinwiddie County Zoning Ordinance. The proposed amendment includes new minimum number of parking spaces per number of square feet for any commercial building or public facility not otherwise listed in this Section; new minimum number of parking spaces per number of square feet for warehousing/distributing uses; new minimum parking space requirements for mini-storage warehouse or commercial storage locker establishments; and new minimum number of parking spaces per number of employees for other permitted industrial and manufacturing uses. An additional proposed amendment includes changing the minimum width of fire lanes to 20 feet. After the public hearing, changes may be made to the Ordinance, as appropriate.

Staff Recommendation:

The aforementioned Zoning Ordinance text amendments are the recommended changes to the parking space requirements and parking area design standards that staff has discussed with the Planning Commission at past workshop meetings. Staff recommends approval of the proposed Zoning Ordinance text amendments as presented.

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 amendments:

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

**AN ORDINANCE TO AMEND
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-237. OFF-STREET PARKING AND LOADING
CHAPTER 22. ZONING,
ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS**

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County, Virginia:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted by inserting the following language shown underlined and deleting the following language shown in strikethrough:

Sec. 22-237. Off-street parking and loading.

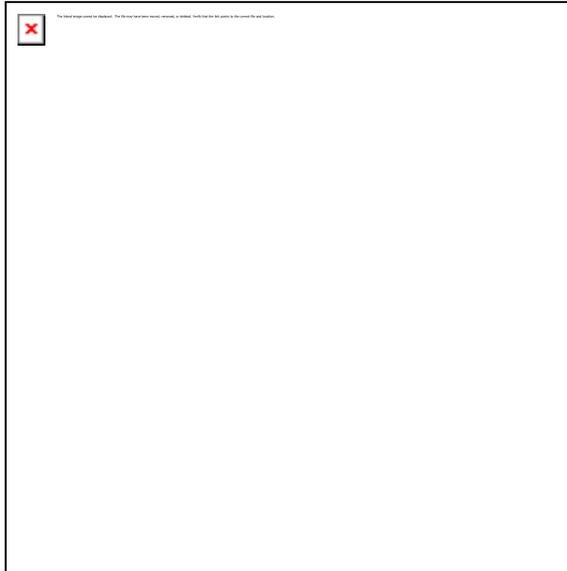
- (a) In any district, all structures erected or enlarged and all uses established or expanded, shall provide off-street parking and loading in accordance with the requirements established herein.
- (b) Required off-street parking spaces for dwellings shall be a minimum of nine feet by 20 feet in dimensions with a driveway to afford safe and convenient access. Parking spaces shall be on the same lot with the main building. In the case of buildings and uses other than dwellings, spaces may be located up to 600 feet from said building or use, subject to approval of the administrator.
- (c) Any parcel of land used as a public parking area shall be constructed of concrete, asphalt, or other equivalent permanent dustless surface, except that in areas zoned agricultural, churches, civic associations and agritourism activities shall be exempt from this requirement. The administrator may approve the use of cobblestone, Belgian block, brick, grid pavers, interlocking pavers or similar surface material upon specific request at the time of site plan submission. The administrator may also approve unpaved or gravel parking areas for temporary use of less than 90 days provided that a specific request is submitted in writing at the time of plan submission.
- (d) Outdoor lighting shall be provided at appropriate locations in order to adequately illuminate parking areas and pedestrian and vehicular circulation routes to establishments which will be patronized during non-daylight hours. Any lighting equipment should be designed and arranged so as to direct light and glare away from abutting properties and adjacent rights-of-way. Lighting fixtures and intensity levels shall be compatible with both natural and architectural characteristics of the development.
- (e) Such parking spaces shall not be drained onto or across public sidewalks, nor shall they be drained onto adjacent property except when directed into a natural water course or a recognized drainage easement.
- (f) Parking lots shall be designed and constructed so that spaces are grouped into bays separated by landscape traffic islands. Such islands and bays shall be designed to provide a clear delineation of circulation patterns, guide vehicular traffic, break large expanses of pavement into sub-areas to improve both the appearance and climate of the parking lot, minimize glare and noise, and delineate safe pedestrian walkways.

- (g) Where the nature and characteristics of the proposed use dictate, such parking areas shall be designed to include appropriate stopping, parking and circulation areas for alternate modes of transportation such as bicycles, mopeds, motorcycles and buses.
- (h) Sidewalks shall be provided where necessary to facilitate safe and convenient pedestrian movements within and between such parking areas and the establishments which they serve. Sidewalks shall be designed in accordance with all applicable barrier-free access standards as specified by the Virginia Uniform Statewide Building Code.
- (i) Speed bumps, if installed, shall be designed to county criteria, and appropriate signage shall be provided within such parking areas to insure safe and efficient vehicular circulation.
- (j) The minimum dimensions of spaces and aisles within such lots shall be in accordance with the following standards:

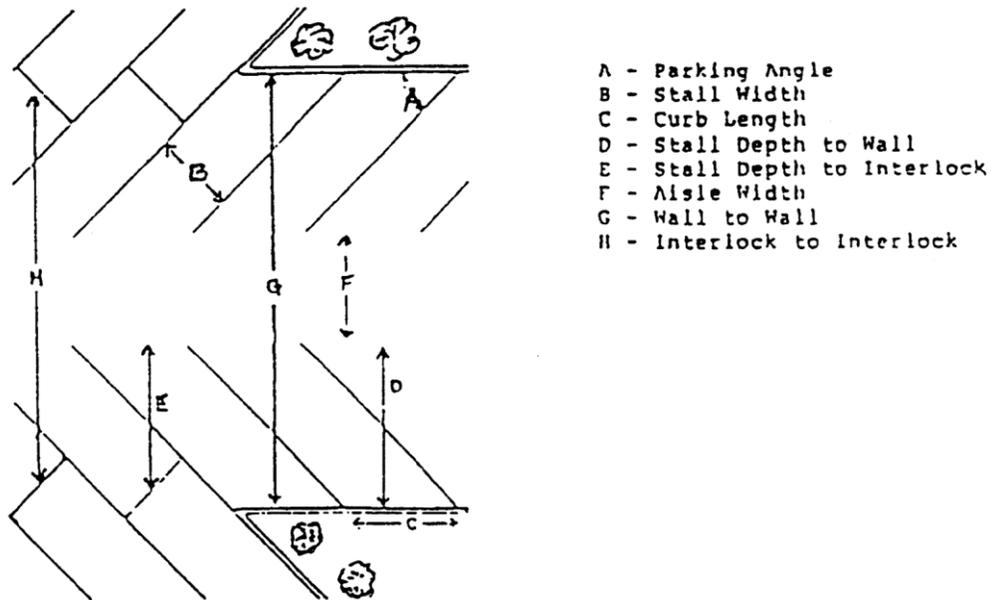
A	B	C	D	E	F	G	H
Parking Angle	Stall Width	Curb Length	Stall Depth to Wall*	Stall Depth to Interlock	Aisle** Width	Wall*** to Wall	Interlock*** to Interlock
45°	9'	17.7'	17.5'	15.3'	12'	47'	43'
60°	9'	10.4'	19.0'	17.5'	16'	54'	51'
75°	9'	9.3'	19.5'	19.9'	21'	60'	59'
90°	9'	9.0'	16.5'	18.5'	24'	61'	61'

Notes: * This measurement used where stalls abut pedestrian walkways.

** Measured between ends of stall lines.



*** Measured to nearest foot.



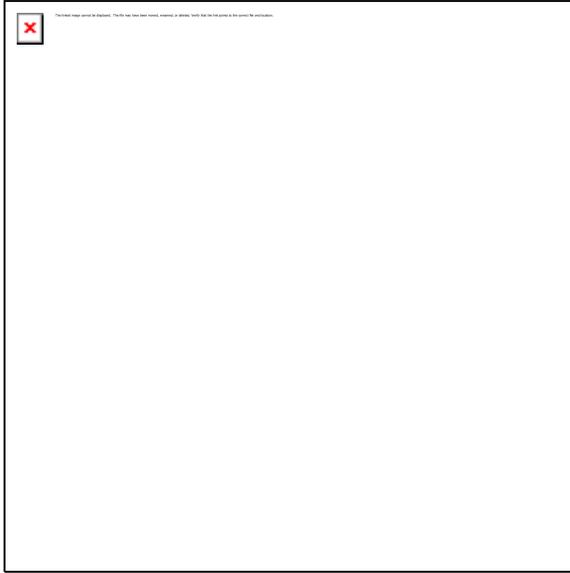
Parking spaces diagram

- (k) Parking spaces for the physically handicapped shall be provided and labeled on the plan in accordance with the standards established for the physically handicapped and aged, by the Virginia Uniform Statewide Building Code. Such spaces shall be arranged and dispensed throughout the lot so as to provide convenient access to all major entrances to the proposed establishment.
- (l) There shall be provided, at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space, with adequate provision for entrance and exit by standard sized automobiles, as follows:

- (1) In all residential districts, there shall be provided, either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.
- (2) Tourist homes and motels shall provide, on the lot, parking space for one automobile for each accommodation, plus one additional space per employee but in no case less than two additional spaces.
- (3) For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space shall be provided for every five fixed seats provided in such building.
- (4) For hospitals, at least one parking space shall be provided for each two patient/occupant beds plus one additional space per employee/staff member on the largest anticipated working shift.
- (5) For medical and dental clinics, at least ten parking spaces shall be provided. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.
- (6) For tourist courts, apartments and apartment motels, at least one parking space shall be provided for each individual sleeping or living unit. For hotels and apartment motels at least one parking space shall be provided for each two sleeping rooms, up to and including the first 20 sleeping rooms, and one parking space for each three sleeping rooms over 20.
- (7) For mortuaries and liquor stores, at least 30 parking spaces shall be provided.
- (8) For restaurants, including fast-food restaurants one parking space shall be provided for each 100 square feet of floor space in the building.
- (9) Any commercial building or public facility not listed above hereinafter erected, converted or structurally altered shall provide one parking space for each ~~200~~ 300 square feet of business floor space in the building.
- (10) Minimum required parking spaces for industrial, manufacturing and related uses shall be as follows:
 - a. ~~Warehousing, distributing: one space for each 1,000 square feet of floor area plus one space for each 300 square feet of office, sales or similar space, plus one space for each vehicle maintained on the premises. Establishments having not more than 20,000 square feet of gross floor area, on a single parcel of land and/or within a single development, shall provide one space for each 2,000 square feet of gross floor area. Establishments having more than 20,000 square feet but not more than 100,000 square feet of gross floor area shall provide one space for each 2,500 square feet of gross floor area. Establishments having more than 100,000 square feet of gross floor area shall provide one space for each 3,000 square feet of gross floor area.~~
 - b. ~~Mini-storage warehouse, commercial storage locker: One space for each ten cubicles, plus two spaces for the manager's quarters/office, plus one additional space for each 25 cubicles for prospective clients. Mini-storage warehouse or commercial storage locker establishments shall provide off-street parking to the extent required for office space or other uses accessory to the primary use.~~

- c. Other permitted industrial and manufacturing uses: One space for each 500 square feet of floor area or for each three employees on the anticipated largest working shift, whichever is greater, plus one space for each vehicle maintained on the premises. One space per employee for the first 300 employees plus one space per each two employees in excess of 300 (maximum onsite at any one time).
- (m) Other provisions of this article notwithstanding, the administrator may waive the requirement that the entire number of parking spaces required by this chapter to be constructed at the time of development, subject to the following:
- (1) Such waiver may be considered only for structures with a gross floor area in excess of 6,000 square feet in the case of public and commercial buildings in excess of 10,000 square feet in the case of industrial buildings. Waiver of construction may be considered only for those spaces required as a result of floor areas in excess of 6,000 or 10,000 square feet, respectively.
 - (2) The decision to grant such waiver from construction shall be based upon evidence supplied by the applicants, observations of similar uses in the region, or standard reference works by qualified officials or competent professional/research associations, which substantiates the projected parking demand of the proposed use and indicates that the site can be adequately served initially by fewer than the full number of required spaces. In no case shall a waiver be considered which would reduce the parking and circulation areas below that required by this article.
 - (3) Such waiver shall not relieve the applicant of responsibility for reserving an adequate area on the site to accommodate the entire number of parking spaces otherwise required by this article.
 - (4) The location, design and other pertinent details of all required parking spaces shall be depicted on the site plan in accordance with all applicable design requirements. At the time of site plan approval, the administrator, in exercising the above described waiver provisions, shall clearly indicate on the face of the site plan those spaces which need not be constructed at the time of initial development.
 - (5) The area which such spaces would otherwise occupy shall be reserved for their future construction should the parking demand characteristics of the original or any subsequent or additional use or uses increase to the extent that the number of spaces actually constructed is no longer adequate. In no case shall any improvements, structural enlargements or additions be made on the site which would encroach on the area so reserved.
 - (6) Monitoring and determination of the adequacy of the existing parking spaces shall be the responsibility of the administrator who shall make periodic inspections of the site. Upon determining that parking demand is in excess of the available supply of spaces the administrator shall order, in writing, the construction of such additional spaces as are necessary to accommodate the demand. In no case shall the applicant be required to provide more spaces than the total number required before waiver.
 - (7) Failure to comply with the administrator's order to construct additional adequate parking areas within 90 days weather permitting, shall be deemed a violation of the ordinance and shall be punishable as prescribed herein.

- (8) The following statement, to be signed and acknowledged by both the administrator and the applicant, shall be affixed to the approved site plan and shall also be recorded, at the cost of the property owner, in the Clerk's Office of the Circuit Court of Dinwiddie County:



_____ CERTIFIES
THAT _____ THE RECORD OWNER(S) OF THE
(she) (he) (it) (is) (are)
HEREAFTER DESCRIBED PROPERTY.

Pursuant to the terms of the Dinwiddie County Zoning Ordinance, off-street parking space requirements for the proposed use of land identified as parcel(s) _____ on the records of the Commissioner of the Revenue of Dinwiddie County and being the same land acquired by _____

(Owner's name)
As evidenced by _____ duly recorded in the clerk's
(deed) (will) (other)
office of the circuit court of Dinwiddie County under instrument no. _____
are hereby waived to the extent that _____ of the _____ total required parking spaces need not be constructed prior to issuance of a certificate of occupancy.

The area which such spaces would otherwise occupy as shown on the approved site plan, dated _____, shall be reserved for their future construction should the parking demand characteristics of this or any other use, as determined by the administrator, increase to the extent that the available spaces are not longer adequate. Monitoring and determination of the adequacy of the existing parking spaces shall be the responsibility of the administrator. Upon determining that parking demand is in excess of the available supply of spaces the administrator shall order, in writing, the construction of such additional spaces, up to the minimum required by the zoning ordinance in effect on the date of this agreement, as are necessary to accommodate the demand. Failure to comply with the administrator's order to construct such area within 90 days, weather permitting, shall be deemed a violation of the zoning ordinance and shall be punishable in accordance with the penalties prescribed therein.

The responsibility to comply with these requirements shall run with title to the land and shall not be affected by transfer of lease or ownership as long as the waiver herein described is applicable to the described land or any part thereof. A recorded statement executed by the administrator, indicating that such waiver is no longer applicable, shall be conclusive as to its content insofar as record title to the property may be affected.

Zoning Administrator

Property Owner(s)

- (n) All off-street loading areas, including aisles and driveways shall be constructed and maintained with a permanent, dustless surface material, except that in areas zoned agricultural, churches, civic associations and agritourism activities shall be exempt from this requirement. Off-street loading areas may be incorporated into the overall design and layout of parking and circulation systems provided that no individual parking spaces will be encroached upon. Vehicles utilizing such loading spaces will not interfere with vehicular circulation on the site or on adjacent public rights-of-way.

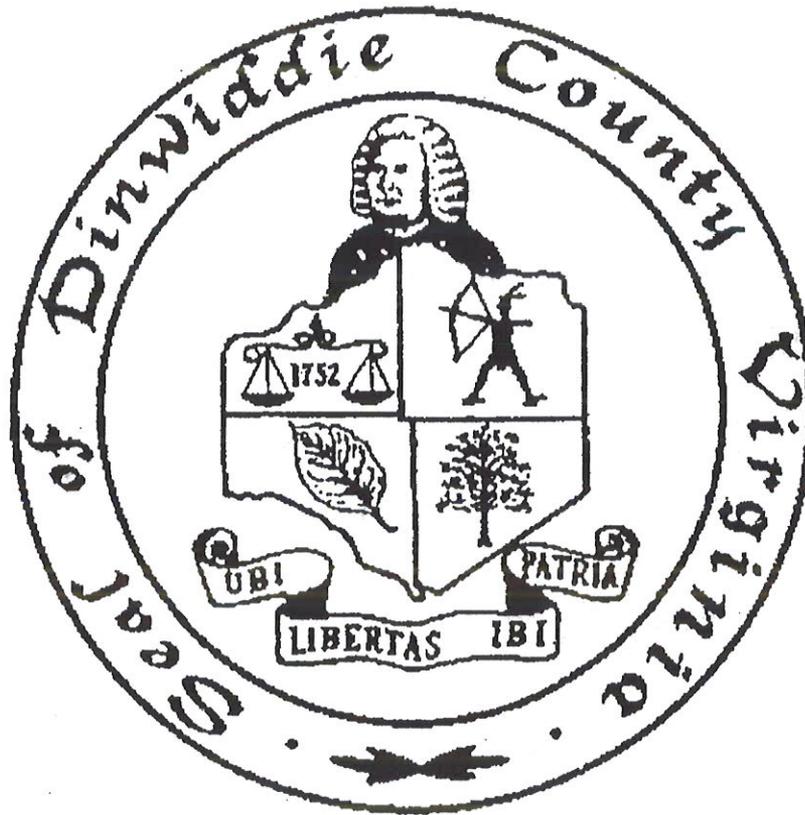
- (1) Each off-street loading space shall be not less than 12 feet by 50 feet in dimensions with a vertical clearance of not less than 15 feet, including necessary maneuvering space off the street.
 - (2) All lighting fixtures used to illuminate off-street loading areas shall be designed and arranged so as to direct light and glare away from abutting properties and adjacent rights-of-way.
 - (3) No space designated as off-street parking space shall be utilized as an off-street loading space.
- (o) Adequate fire lanes shall be required as deemed necessary by the fire marshal for the access and egress of emergency vehicles. Fire lanes shall be a minimum of ~~48~~ 20 feet in width and shall be marked for case of visibility as required by the fire marshal. Numbers and placement of fire lanes shall be in accordance with nationally recognized standards.
- (p) Containers, shipping containers, trailers or semi-trailers designed for transport by a tractor trailer, or other portable storage containers are not allowed in any zoning district, except that such containers:
- (1) Are temporarily allowed as an accessory use for a dwelling in a residential or agricultural zoning district for a 30 day period;
 - (2) Are allowed for permanent storage in connection with a conforming agricultural use or with a legal nonconforming agricultural use existing as of June 18, 2013; and
 - (3) Are allowed in the B-1, B-2, B-3, M-1, and M-2 zoning districts, and in the B-1, B-2, B-3, M-1, and M-2 zoning districts shall be subject to the following standards:
 - a. Screening. Containers must be screened from view of all public streets, public places and adjoining properties, through the use of features such as fences, building walls, opaque fencing and screening, false facades, or dense landscaping (with exception for access to the unit).
 - b. Location. Containers should be located behind the principal building, or at the side if the physical nature of the site renders real placement impossible, as determined by the Zoning Administrator.
 - c. Setbacks. Containers must comply with the principal use building setbacks for the district.
 - d. Containers must meet building code requirements if electrical, HVAC or plumbing is installed.
- (q) The general standards applicable to all recreational vehicles are as follows:
- (1) Except for recreational vehicles parked in a parking area associated with a multi-family dwelling or parked in the driveway of a principal dwelling or accessory storage building, all recreational vehicles shall be parked behind the front setback line unless such vehicles are parked in a completely enclosed garage or other building.
 - (2) No recreational vehicle shall be used for living purposes in any zoning district, or connected to utility services except for maintenance purposes, except for as follows:

In agricultural zoning districts, a recreational vehicle may be used as a temporary residence during the course of actual construction of a single- family dwelling subject to the following standards:

- a. Only one such temporary residence may be allowed per lot.
- b. No such temporary residence may be allowed if other residences exist on the lot.
- c. All building, health, public works or other required permits for the temporary residence must be obtained, all installations be completed, inspected and approved prior to occupancy of the temporary residence.
- d. The use of the temporary residence may not begin until a building permit for the permanent residence is issued.
- e. Actual construction on the permanent residence must start within 60 days of the issuance of the building permit for the residence or the use of the temporary residence must cease, the unit be vacated and be disconnected from all utilities until actual construction is started.
- f. The use of the temporary residence must cease within 18 months of the date of issuance of the building permit for the permanent residence or occupancy of the permanent dwelling, whichever occurs first. Upon cessation of the use, recreational vehicles serving as a temporary residence pursuant to this section 22-237(q)(2) shall be disconnected from all utilities.

(Code 1970, § 17-96; Ord. of 9-21-94; Ord. of 9-4-96; Ord. of 6-20-06, § 1; Ord. of 11-16-10, § 1; Ord. of 6-18-13 [A-13-2], § 1)

PLANNING COMMISSION BY LAWS



DINWIDDIE COUNTY

Dinwiddie, Virginia

Revised March 8, 2006

Table of Contents

Articles

1. Objectives
2. Members
3. Officers and their selection
4. Duties of Officers and Staff
5. Meetings
6. Committees
7. Order of Business
8. Citizen Comment Period
9. Public Hearings
10. Voting
11. Correspondence
12. Amendments

Planning Commission By Laws

ARTICLE 1 – OBJECTIVES

- 1-1 This Commission, established in conformance with the motion by the Dinwiddie County Board of Supervisors in 1959, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Chapter 22, Title 15.2, Article 2, Code of Virginia.
- 1-2 The official title of this commission shall be the Dinwiddie County Planning Commission.

ARTICLE 2 – MEMBERS

- 2-1 The Dinwiddie County Planning Commission (“Commission”) shall consist of not less than five (5) nor more than fifteen (15) members appointed by the Board of Supervisors. One of the members may be a member of the Board of Supervisors. All members must reside in Dinwiddie County and at least one half of the members must be owners of real property.
- 2-2 The term of the members are terms for four (4) years from and after the effective date of resolution except for a member from the Board of Supervisors, whose term shall correspond with his tenure of office as a Supervisor. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by appointment by the Board of Supervisors. Any member shall be eligible for reappointment. Any appointed member may be removed by the Board of Supervisors for inefficiency, neglect of duty or malfeasance in office. It is recommended that the Board of Supervisors provide payment of expenses incurred by the performance of the official duties of this Commission.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1 The officers of the Commission shall consist of a Chairperson and Vice-Chairperson.
- 3-2 Nomination of officers shall be made from the floor at the regular January meeting of each year. Election of officers shall follow immediately.
- 3-3 A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor takes office. No commission member shall serve as chairperson for more than four (4) consecutive years.
- 3-4 Officer vacancies shall be filled immediately by regular election procedures.

ARTICLE 4 – DUTIES OF OFFICERS AND STAFF

- 4-1 The Chairperson shall be a member of the Commission and shall:

- a. Preside at all meetings.
- b. Appoint committees, special and/or standing.
- c. Certify official documents.
- d. Rule on all procedural questions. (Subject to a reversal by two-thirds (2/3) majority vote of the members present.)
- e. Be informed immediately of any official communication and report the same at the next regular meeting.
- f. Ensure new members are properly oriented to the Commission's bylaws and rules of order.
- g. Carry out other duties as assigned by the Commission.

4-2 The Vice-Chairperson shall be a member of the Commission and shall:

- a. Act in the absence or inability of the chairperson to act.

4-3 Subject to the approval of the Board of Supervisors, the County Planner shall:

- a. Keep a written record of all business transacted by the Commission.
- b. Notify all members of all meetings.
- c. Keep a file of all official records and reports of the Commission.
- d. Give notice of all hearings and public meetings.
- e. Attend to the correspondence of the Commission.
- f. Keep a set of minutes of all meetings.
- g. Prepare and be responsible for the publishing of advertisements relating to public hearings.
- h. Provide all necessary documents to all members of the Commission, but most especially provide bylaws and rules of procedure to newly appointed members.
- i. Carry out other duties as assigned by the Commission.
- j. Maintain an office at the Pamplin Building, Dinwiddie County, Virginia.

4-4 Subject to the approval of the Board of Supervisors, the County Attorney shall:

- a. Assist the Commission in analyzing the facts.
- b. Provide advice and action in legal matters.
- c. Serve as Parliamentarian at Commission meetings.

ARTICLE 5 – MEETINGS

5-1 The Commission shall adopt a regular meeting time, location and schedule for the year at its regular January meeting of each year.

5-2 Special meetings shall be called by the Chairperson or two members upon written request to the County Planner. Written notice of Commission meetings shall be given to each member, at least five (5) days prior to such meetings. Written notice of a special meeting is not required if the time of the special meeting has

been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

- 5-3 All regular meetings and hearings shall be open to the public.
- 5-4 A majority of the membership of the Commission shall constitute a quorum. No action of the Commission shall be valid unless authorized by a majority vote of those members present and voting. Voting shall be by voice vote or roll call, in which case a record shall be kept as a part of the minutes.
- 5-5 Commission members are encouraged to attend all meetings, regular and special, and to notify the Chairman or County Planner as soon as possible if unable to attend a meeting. Any member who misses three regular meetings in succession, or fails to attend at least sixty percent (60%) of regular scheduled meetings during any calendar year, without sufficient justification, is grounds for recommendation by the Commission to the Dinwiddie County Board of Supervisors for removal from office.

ARTICLE 6 – COMMITTEES

- 6-1 Special Committees may be appointed by the chairperson for the purposes and terms approved by the Commission.

ARTICLE 7 – ORDER OF BUSINESS

- 7-1 The order of business for a regular meeting shall be as follows unless amended by a majority vote of the Commission:
 - a. Call to Order by Chairperson
 - b. Pledge of Allegiance and Moment of Silence
 - c. Roll call to determine quorum
 - d. Review and approval of minutes from previous meetings
 - e. Review agenda
 - f. Citizens' Comments – unrelated to agenda items
 - g. Public Hearings
 - h. Unfinished Business
 - i. New Business
 - j. Adjournment
- 7-2 Members shall address only the Chairperson, or address each other through the Chairperson. A member must be recognized by the Chairperson before proceeding.
- 7-3 The Chair shall be allowed to participate in all matters without relinquishing the Chair.

- 7-4 All motions shall be restated by the Chairperson before a vote is taken. The names of the persons making and seconding motions shall be recorded.
- 7-5 The rules contained in the most recent edition of *Robert's Rules of Order* shall be the parliamentary authority in all cases not covered by the Commission's Bylaws.
- 7-6 The County Attorney or a designee of the Commission shall be Parliamentarian.
- 7-7 The Commission shall keep a set of minutes of all regular meetings, and these minutes shall be a public record.
 - a. The Chairperson or Vice-Chairperson shall sign the minutes after their approval by a majority of the members present and voting.

ARTICLE 8 – CITIZENS COMMENT PERIOD

To ensure that the affairs of the Commission may be conducted in an orderly manner, to ensure that all persons desiring to address the Commission on matters pertinent to it are afforded an opportunity to do so, to permit persons in attendance to observe and hear the proceedings of the Commission without distraction, and to permit to the fullest extent the Commission to conduct County business with minimal disruption, the following rules are established. Any individuals, who do not abide by the following rules, after a warning, may be asked to leave the meeting.

- 8-1 Rules for Citizens Comment Period
 - a. Each person desiring to speak must sign up in advance of the opening of the Citizens Comment Period on the agenda.
 - b. Each speaker shall be limited to a period of three minutes; when two minutes have passed the speaker will be reminded that there is one minute remaining.
 - c. Speakers who have signed up may use their allotted time only for themselves and may not donate their time to other speakers.
 - d. Comments must be confined to matters germane to the business of the Commission and shall not be cumulative or repetitive.
 - e. Speakers should address the Commission with decorum – loud, boisterous and disruptive behavior, obscenity, and vulgarity should be avoided as well as other words or acts tending to evoke violence or deemed to be a breach of the peace.
 - f. The Citizens Comment period is not intended to be a question and answer period or time for dialogue with County officials. Questions which are raised during a comment period may, at the discretion of the Commission, be responded to by County officials after sufficient time for appropriate investigation.
 - g. Speakers shall remain at the podium while addressing the Commission.
 - h. Speakers shall not be interrupted by audience comments, calls/whistles, laughter, or other gestures.

These rules do not preclude persons from delivering to the Commission or the County Planner written materials including reports, statements, exhibits, letters, or signed petitions or to prohibit persons from presenting oral and written comments on any subject germane to the business of the Commission to individual Commission members or to the Commission through the County Planner outside the context of the public meeting.

ARTICLE 9 – PUBLIC HEARINGS

- 9-1 In addition to those required by the law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
- 9-2 No action at a public hearing shall be taken until after a notice of intention so to act has been published once a week for two (2) successive weeks in some newspaper published or having general circulation in Dinwiddie County. The term two successive weeks shall mean that such notice shall be published at least twice in such newspapers with not less than six days elapsing between the first and second publication. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, which time of hearing shall be not less than 5 days nor more than 21 days after the second advertisement appears in the newspaper.
- 9-3 The case before the Commission shall be presented by the County Planner or another person delegated by the County Planner.
- 9-4 A record shall be kept of those speaking before a hearing.
- 9-5 The following rules shall govern the conduct of the public hearings:
- a. After the case has been summarized as provided in Section 9-3, the floor shall be open for citizen comments. No person may address the Commission unless he/she has first been recognized by the Chairperson.
 - b. The applicant shall have ten (10) minutes to address the Commission and present written and/or oral comments. Individuals who have signed up to comment on the case shall have three (3) minutes to present written and/or oral comments. All comments shall be directed to the Commission, not the audience or other individuals. Specified time limits may vary at the discretion of the Chairperson.
 - c. After all persons who desire to address the Commission have had the opportunity to do so, the Chairperson may grant additional time to persons who have spoken previously.
 - d. The Chairperson may terminate the hearing at any time after all persons who desire to address the Commission have had one (1) opportunity to do so.

- e. Commissioners may question each speaker at the end of his/her presentation.

ARTICLE 10 – VOTING

- 10-1 All matters before the Commission that require a majority vote shall be by roll call.
- 10-2 No member shall abstain from voting on a roll call vote unless he/she has a conflict of interest in the matter being voted upon, and so states for the record, or unless by the consent of a majority of commissioners present.

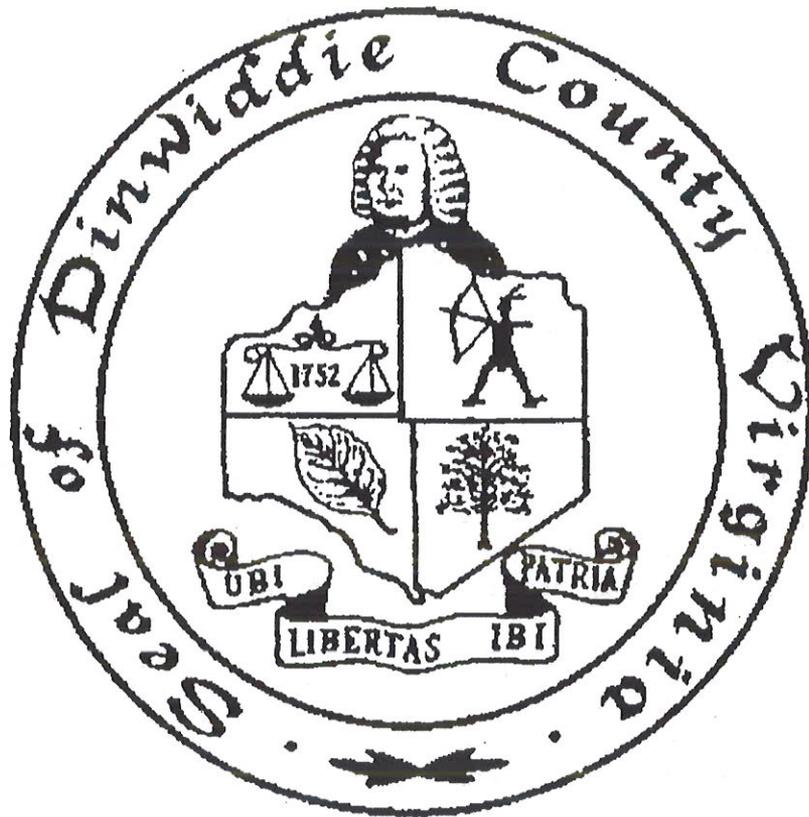
ARTICLE 11 – CORRESPONDENCE

- 11-1 It shall be the duty of the Planning Department to draft and sign all correspondence necessary for the execution of the duties and functions of the Commission.
- 11-2 It shall be the duty of the Planning Department to communicate by telephone or fax when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
- 11-3 All official papers and plans involving the authority of the Commission shall bear the signature of the Chairperson or Vice-Chairperson together with certification by the Planning Department designee.

ARTICLE 12 – AMENDMENTS

- 12-1 These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days prior notice has been given to all members of the Commission and a copy of the proposed amendment is sent with the notice.

Planning Commission Code of Ethics



DINWIDDIE COUNTY

Dinwiddie, Virginia

Adopted March 8, 2007

CODE OF ETHICS AND STANDARDS OF CONDUCT FOR MEMBERS OF THE DINWIDDIE COUNTY PLANNING COMMISSION

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Dinwiddie County Planning Commission should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States and of all governments therein and never knowingly be a part to their evasion.
2. Put loyalty to the highest moral principles and to the County as a whole above loyalty to individuals, districts, or particular groups.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin, or handicapping condition. Avoid adopting policies, supporting programs or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, country of origin or handicapping condition.
6. Ensure the integrity of the actions of the Planning Commissioners by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself/herself or for family members, favors or benefits under any circumstances, which might be construed by reasonable persons as influencing the performance of Planning Commissioners duties.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word, which can be binding on public duty.
8. Engage in no business with the county government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of the Planning Commissioners' duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
9. Never use any information gained confidentially in the performance of the Planning Commissioners duties as a means of making private profit.
10. Expose, through appropriate means and channels, corruption, misconduct, or neglect of duty

whenever discovered.

11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with sensitive personnel, legal or contractual matters as provided by the Code of Virginia.

12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.

13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Commission.

14. Review orally and in public session, at the annual organizational meeting, each of these principles.

15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.