

VIRGINIA: MINUTES OF THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 15th DAY OF JUNE 2016 AT 7:00 P.M.

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

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	JAMIE SHERRY	ZONING ADMINISTRATOR/SR. PLANNER
	TYLER SOUTHALL	COUNTY ATTORNEY
	MORGAN INGRAM	ECONOMIC DEVELOPMENT DIRECTOR

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

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

IN RE: ROLL CALL

The Chairman asked for the roll to be called and all members were present.

IN RE: APPROVAL OF AGENDA

The Chairman asked if there were any corrections or amendments to the agenda.

Mr. Bassett said the applicant for C-16-2 asked if his case could be heard first under public hearings. The reason is he has to pilot a flight at 8:45 p.m. tonight.

The Chairman asked the members if they had any questions concerning this change. He said if there are none he would entertain a motion to accept the agenda with the requested change.

Mr. Titmus made a motion that the agenda be accepted with the requested change. It was seconded by Mr. Tucker and with Mr. Hayes, Mr. Cunningham, Mr. Titmus, Mr. Tucker, Mr. Simmons and Dr. Prosisie voting "AYE" the agenda was accepted with the change.

IN RE: MINUTES

The Chairman said we have the minutes from the May 11, 2016 regular meeting before us. He said if there are no corrections he would entertain a motion to accept the minutes as presented.

Mr. Cunningham made a motion that the minutes be accepted as presented. It was seconded by Mr. Tucker and with Mr. Hayes, Mr. Tucker, Mr. Cunningham, Mr. Simmons and Dr. Prosisie voting "AYE" 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 to speak. He said since there is no one he was closing the citizen comments portion of the meeting.

RE: PUBLIC HEARING

Planning Commission Staff Report

File #: C-16-2
Applicant: Dennis Harrup III
CUP Request: To construct and operate a private airstrip
Property Location: 19008 Depot Road, McKenney, VA
Tax Map Parcel #: 67-28
Property Size: approx. 50 acres
Current Zoning: Agricultural, General, A-2
Magisterial District: Sapony
Planning Commission Mtg.: June 8, 2016

CUP REQUEST

The applicant, Dennis Harrup, is seeking a conditional use permit to construct and operate a private airstrip on his property. The property is located at 19008 Depot Road, McKenney, VA and is further designated as Tax Map No. 67-28. The subject property contains approximately 50 acres; however, the applicant also owns the parcel to north and the parcel to the south of the subject property. In total, he owns approximately 180 contiguous acres. The property is zoned A-2, Agricultural General, which allows this use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which is expected to develop as low density residential, agricultural, and natural conservations areas.

RELATED ATTACHMENTS

- CUP Application
- Location Map and Proposed Airstrip Location Map
- Property Photographs

OVERVIEW OF PROPOSED PRIVATE AIRSTRIP

The applicant is a professional pilot who wants to construct and operate a private airstrip on his property to allow him to cut back on his commute and spend more time with his family. The proposed private airstrip will be located on Tax Map Parcel No. 67-28, addressed as 19008 Depot Road, and is also identified as Hollywood Farm. The applicant operates a small business at the Dinwiddie Airport, but indicates the airstrip would be for personal use only.

ZONING ANALYSIS

All adjacent properties are zoned Agricultural, General, A-2. The applicant owns the parcels to north and to the south, which are currently vacant. With the exception of Lew Jones Village, a residential subdivision zoned Residential, limited, R-1, located at the corner of Depot Road and Lew Jones Road, most of the surrounding properties are large properties that consist of single-family dwellings, farmland and forestal land uses.

The proposed airstrip will be located on Tax Map Parcel 67-28, running east to west between the house and the pond (see attached picture). Section 22-71, Permitted Uses, (17) allows for airports 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 is expected to develop as low density residential, agricultural, and natural conservations areas.

OVERVIEW OF IMPACTS

The applicant is required to register the airstrip with the Federal Aviation Administration (FAA) and the Virginia Department of Aviation (VDA) prior to constructing the airstrip. The state application requires documentation of local government approval of the proposed facility. This conditional use permit would act as local approval. Through the state and federal processes, the applicant will be required to submit the particulars of the airstrip, but there is no state or federal minimum requirement for airstrip length, width or setback from a property line or a road.

Discussion with Dinwiddie County Airport staff indicates the airstrip will not impact airport operations. In addition, the Virginia Department of Transportation (VDOT) indicated there would be no impacts on traffic and will not require the airstrip to be setback off the road. The airstrip is more than five miles away from both the Dinwiddie County Airport (approximately 15 miles) and the Fort Pickett landing field (approximately 10 miles), so a state license is not required.

Public Utilities, School System, & Public Safety Impacts

The existing utilities are handled on-site and there is no expected impact to the school system, as related to the airstrip. Along with the FAA and VDA regulations, any public safety or community issues related with the proposed use are minimized by the proposed conditions associated with this permit.

Transportation Impacts

VDOT has reviewed the request and there do not appear to be any impacts on the transportation network. The airstrip is for personal use only and would not generate any additional traffic.

SITE AND USE ANALYSIS

Staff feels that the request to construct and operate a private airstrip on the subject property is an appropriate use of the property, and given the configuration of the surrounding land uses and given the surrounding zoning pattern the use is appropriately located.

Planning Staff Recommendation:

Planning staff reviewed the request for the conditional use permit and is satisfied that the impacts of constructing and operating a private airstrip on the subject property will be minimized based on adherence to the proposed conditions.

Staff's recommendation of APPROVAL of the conditional use permit to allow for the construction and operation of a private airstrip is subject to the following conditions:

C-16-2 Conditions:

1. The airstrip shall be used for personal use only and commercial activities shall not be permitted on the subject property in conjunction with the airstrip;

2. No lighting of the airstrip shall be permitted and landing and takeoffs shall be limited to daylight hours only;
3. Approval and registration with the Federal Aviation Administration and the Virginia Department of Aviation, and approval from the Dinwiddie Airport shall be required and must be kept current;
4. All maintenance, repair, and mechanical work, except that of an emergency nature, shall be performed in an enclosed building and there shall be no outside storage of airplane parts or inoperable planes;
5. Any airplane fuel stored on the property shall not be within seventy-five (75) feet of any property line and must meet any state or federal regulations for such storage;
6. No more than twenty (20) takeoffs and landings shall be allowed per month; and
7. Any hanger constructed on the property shall be located not less than seventy-five (75) feet to any property line.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission recommendation on this zoning matter must be read. In order to assist, staff prepared the following 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 conditional use permit, C-16-2, as presented for a private airstrip be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.

The Chairman asked the members if they had any questions for Mrs. Sherry.

Mr. Tucker asked if there are any houses to the east of the proposed flight path.

Mrs. Sherry said there are residential houses to the east of the proposed flight path, but none seem to be in the flight path.

The Chairman said if there are no more questions for Mrs. Sherry would the applicant or his agent like to come forward and add anything at this time.

Mr. Dennis Harrup, the applicant, who lives at 8131 Seaview Drive, Chesterfield VA 23838 said he is an airline pilot and longtime operator of an aviation business in Dinwiddie County. I learned to fly in Dinwiddie County in 1986 as a teenager and I have been incorporated in Dinwiddie County since 1991. My schedule of flying for Fed-Ex keeps me away for many days and this landing strip will allow me to be home for more hours and days during the month. I can fly from my home to my job saving 4-6 nights more a month to be with my family.

The Chairman asked the members if they had any questions for the applicant.

Mr. Hayes said with the prevailing winds coming from the southwest will that cause you come in about 200 or 300 feet over any homes that would be in that area?

Mr. Harrup said you would be right but as long as it's not over ten knots I will be landing in the east and taking off to the west. This would limit any over flight of homes.

Mr. Hayes asked if he had an opportunity to talk to any of the homeowners in the area.

Mr. Harrup said he has not. I have been out of the state for at least 3 months.

Mr. Cunningham asked if any fuel will be stored on this site.

Mr. Harrup said there will be no fuel stored on the site. If there was going to be any fuel storage it would be no more than what a farmer has in his pickup truck. The plane will be the only entity that has fuel.

The Chairman asked the members if they had any more questions for the applicant. He said since there are none he was opening the public hearing portion of the case.

Carol Jones at 19121 Depot Road, McKenney VA said she was concerned about the plane flying over her home, but that question was addressed. She also asked where the plane would be stored on the property. She concluded by asking if there was going to be frequent flying happening.

Mrs. Harrup said the plane will be stored at the rear of his property under a lean-to which will be added to his existing shed. He also said there will be no frequent flying.

Pearl Bland at 17806 Depot Road, McKenney VA said she wanted to know why Mr. Harrup didn't come through the neighborhood to let the citizens in the area know what he was proposing. She also wanted to know if this personal flying would become a business in the future.

Mr. Harrup restated that he has been traveling a lot and he will visit the citizens in that area as soon as he gets settled in his new position as Captain. He also said that he has no intentions of starting a flying business on his property. This request, he said, is only being made so that he can have more time at home with his family.

The Chairman said if there is no one else signed up to speak he was closing the public hearing portion of the case. He asked the Commissioners if they had any more questions.

Mr. Cunningham asked Mrs. Sherry to come forward and go over the conditions so that all citizen present will clearly understand what Mr. Harrup can do under this CUP request.

Mrs. Sherry came forward and explained again what each condition was and how each condition affects what Mr. Harrup is doing and what he may want to do in the future.

The Chairman said if there are no more questions from the Commissioners he would entertain a motion.

Mr. Cunningham made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-16-2, as presented for a private airstrip be recommended for approval with conditions to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Cunningham, Mr. Tucker, Mr. Hayes, Mr. Titmus, Mr. Simmons and Dr. Prosis voting "AYE" the CUP was approved to the Board of Supervisors.

Planning Commission Staff Report

File #: P-16-5
Applicant: Roslyn Farm Corporation
Rezoning Request: Rezone from M-2, Industrial General, to B-2, Business General, with Proffers
Property Location: North side of Hofheimer Way (Route 775) approximately 300 feet east of the Route 1 and Hofheimer Way intersection
Tax Map Parcel Info: Portion of 21-7-5
Property Size: Approximately 5.50 +/- acres
Magisterial District: Rohoic District
Planning Commission Mtg.: June 8, 2016

CASE OVERVIEW

The applicant, Roslyn Farm Corporation, is requesting to rezone with proffers property containing approximately 5.50 +/- acres from M-2, Industrial General, to B-2, Business General. The B-2, Business General, zoning classification allows for certain commercial uses pursuant to the Zoning Ordinance allowed density. The property is located on the north side of Hofheimer Way (Route 775) approximately 300 feet east of the Route 1 and Hofheimer Way intersection, and is further defined as a portion of Tax Map Parcel No. 21-7-5. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited commercial uses for this general area.

ATTACHMENTS

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

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject property include commercial land uses to the west and north along Route 1 and at both southern quadrants at the intersection of Hofheimer Way and Route 1, which property is zoned business/commercial. The portion of property located at the southeastern quadrant of the Hofheimer Way and Route 1 intersection is under site plan review by the Dinwiddie County Land development Committee (LDC) for a retail development. Northeast of the subject property is the Agri-Nutrients fertilizer plant, which is zoned industrial, and to the east is the driveway/entrance to the aforementioned fertilizer production facility and beyond that is vacant/open space property zoned industrial. To the south of the subject property across Hofheimer way is vacant/open space property zoned industrial, which is additional property owned by the applicant. The requested zoning, B-2, Business General, acts as a transitional Zoning District as the uses and zoning in the area transition from commercial uses to the existing industrial uses in this general area along Hofheimer Way.

In addition to the Zoning Ordinance requirements for development in the B-2 Business General, Zoning District, the applicant has proffered to limit the uses on the subject property to general retail and office uses, and hotels and motels; to limit the architectural materials used in constructing the building(s) on the property to the exterior finish of any building(s) shall be as follows: brick, vinyl and/or wood on the front; brick, vinyl, wood and/or stucco on the sides, and brick, vinyl, wood, stucco and/or metal on the rear.

The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s); and to maintain site lighting so as to not cast off onto the surrounding property or into the night sky.

The subject property is located within the Urban Area as defined by the Comprehensive Land Use Plan. This portion of the Urban Area indicates that limited commercial and industrial development is appropriate within this general area of the Route 1 and Hofheimer Way intersection. As such, the requested B-2, Business General, District with the proffered uses is compatible with the surrounding commercial and industrial zoning districts as defined in the Zoning Ordinance.

OVERVIEW OF IMPACTS

Public Safety, & Public Utilities Impacts

With the proposed rezoning to B-2, Business General with proffers which limit the permitted uses on the subject property the potential impact on public safety will be minimal with the rezoning of the subject property with the proposed building(s) 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 accessible along Hofheimer Way to serve the subject property and property in this general area.

Transportation Impacts

The impacts on the existing transportation network are minimal with the trips generated by the proposed use. The road system in this particular area, namely Route 1 and Hofheimer Way, is adequate to handle the employee and truck traffic generated by the proposed use. When the subject property is developed, all future transportation related improvements for access to the subject property will have to meet VDOT design and construction requirements and standards as part of the site plan review process.

PROFFER STATEMENT

The applicant did submit proffers as part of the rezoning request (see Attachments). The following proffer conditions address potential impacts and uses on the subject property.

Conditions

1. The uses on the Property shall be limited to general retail and office uses, except that the Property also may be used for hotels and motels. The Property will not be developed for the following uses: a discotheque, dance hall or night club; a massage parlor; or any establishment selling or exhibiting paraphernalia for use with illicit drugs; any establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction; and any adult bookstore, adult video store or adult movie theatre.
2. The exterior finish of any building(s) shall be as follows: brick, vinyl and/or wood on the front; brick, vinyl, wood and/or stucco on the sides, and brick, vinyl, wood, stucco and/or metal on the rear. The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s).
3. Except for the lighting inside building(s), any lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on adjacent properties or into the night sky.

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 to Business General, B-2, based on:

1. The zoning classification requested, B-2, Business General, with the proffers limiting the use of the property to the conditioned 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-16-5 as presented be recommended for (approval, approval with proffers, or disapproval) to the Board of Supervisors.

The Chairman asked the members if they had any questions for Mr. Bassett.

Dr. Prosize asked if the driveway to the Plant in the rear is a shared or private driveway.

Mr. Bassett said it is a private driveway entrance.

Mr. Tucker asked if the three driveway entrances were acceptable to VDOT.

Mr. Bassett said VDOT has approved the three driveways that are listed on the plans. They meet the VDOT minimum code standard.

Mr. Titmus asked are the lines behind his proposed building referencing sewer lines. He also asked if the applicant had any future plans to build in the space on the northwest side of his proposed building.

Mr. Bassett said the lines shown behind the site do reference proposed sewer lines. As to any future buildings he would defer to the applicant to answer that question.

The Chairman said if there are no more questions for Mr. Bassett would the applicant or his agent like to come forward and add anything at this time.

Mr. Robert Walker, President of Roslyn Farms Corporation, 9200 Fort Dushane Road, Dinwiddie VA said for clarification they will not get access to the private road leading to the plant behind his proposed development. He added that there are no plans to build in the empty space on the northwest side of the property. The two major reasons for that not happening is for one there is a lack of parking spaces that would have to be provided and the second reason is the major fall off of land in that corner, which would make it economically unfeasible.

The Chairman asked the members if they had any questions for the applicant.

Mr. Titmus asked if the building we saw during Mr. Bassett's presentation will be the building constructed.

Mr. Walker said no it will not, but whatever we do will be similar to that building. I just can't promise you that exact design.

The Chairman asked the members if they had any more questions for the applicant. He said since there are none he was opening the public hearing portion of the case. He asked if anyone had signed up to speak and since there was no one he closed the public hearing portion of the case. He then asked the Commissioners if they had any more comments or questions.

Mr. Titmus said the only comment he has is the amount of building materials being used. What I mean by that is when you talk about the front can be brick, vinyl and or wood it says to me that at any point it could be any of those three or it can be limited to only one of those three. We have talked about overlay districts which would have specific building specifications, allowing us to not have to go through this process. Having them would let the person or business know what the building should look like. I do not want to hold off Mr. Walker until that overlay district is made, but I am concern about the number of building materials listed. I'm concern about what the new owner, if Mr. Walker was to sell the property, could build on the property.

Mr. Walker said he would voluntarily remove from condition number two (2) "wood" being a material to be used on the exterior face of the building.

The Chairman said if there are no more questions from the Commissioners he would entertain a motion.

Mr. Tucker made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning P-16-5 as presented be recommended for approval with modified proffers to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Cunningham, Mr. Tucker, Mr. Hayes, Mr. Titmus (with reservation), Mr. Simmons and Dr. Prosis voting "AYE" was approved to the Board of Supervisors.

IN RE: COMMISSIONERS' COMMENTS

Mr. Tucker said he wanted to thank staff for all of their hard work.

Mr. Cunningham said Mr. Blaha will be missed. He brought a different dynamic to our meetings. He saw things from a green prospective. I appreciated him and I appreciate all of you.

Mr. Prorise said we all feel a tremendous loss with Mr. Blaha's passing. Very few people have the attribute of servant and leader as he was. He will certainly be missed from this Commission. His prospective was always something that made us all think a little bit harder. Also, we will certainly miss Mr. McCray who has decided to step down from his Planning Commissioner seat. His hard work and contributions he gave to this Commission will also be missed. Lastly, I would like to welcome our newest member Mr. Titmus.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett told the members there is one case coming to them in July. It is an economic development rezoning project that we are working on. There will also be a few other items on the agenda as well.

As to the overlay districts I am still working with Mr. McCray to get that moving forward.

IN RE: ADJOURNMENT

The Chairman said since there are no additional comments and no further business he would entertain a motion to adjourn the meeting. Mr. Cunningham made a motion and Mr. Tucker seconded it and with all other members voting "Aye" the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____