

VIRGINIA: MINUTES FOR THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 11th DAY OF APRIL 2018 AT 7:00 P.M.

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

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	JAMIE SHERRY	ZONING ADMINISTRATOR

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:35 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 member were present.

IN RE: APPROVAL OF AGENDA

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

Mr. Tucker said we need to add to the agenda the item that Ms. Sherry did not cover at the workshop.

Mr. Titmus made a motion that we add the item to the agenda after item 7, which is Plat Review. It was seconded by Mr. Simmons and with Mr. Hayes, Mr. Prosise, Mr. Cunningham, Mr. Titmus, Mr. Tucker, Mr. Simmons and Mr. Harvell voting "AYE" the agenda was amended.

IN RE: MINUTES

The Chairman said the members have before them the minutes from the March 14, 2018 regular meeting and he asked if there were any corrections.

Mr. Bassett said Planning Staff does have amendments to the minutes from the March meeting. I am sending those amendments around to you now. Staff usually includes the draft minutes, as part of the staff report when a case is going to be heard by the Board of Supervisors. The reason is so they can see for themselves what took place at the Planning Commission meeting if they were not able to attend or if they had not heard from staff in-between the Planning Commission meeting and when they are to hear the case at their public hearing.

As you know the proffer amendment case for Whipponock LLC will be heard by the Board of Supervisors this month and as part of review for that packet we did have comments from the County's Attorney and others in Administration. Those changes are highlighted in yellow on the handout. So I'm recommending that we include the changes on the handout as corrections to the March regular meeting minutes.

The Chairman said if there are no other corrections or additions he would entertain a motion. Mr. Titmus made a motion to approve the minutes with the highlighted additions that are given to us today. It was seconded by Mr. Tucker and with Mr. Tucker, Mr. Titmus, Mr. Hayes, Mr. Prosis, Mr. Simmons, Mr. Harvell voting "Aye" and Mr. Cunningham "Abstaining" the minutes were accepted with the corrections.

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. He then turned the meeting over to Mr. Bassett for the listed Plat Review information.

RE: PLAT REVIEW

MEMORANDUM

To: Planning Commission
From: Mark Bassett, Planning Director
Date: April 5, 2018
Subject: Preliminary Subdivision Plat Review, Fort Emory Estates, North Dinwiddie

Background:

The Fort Emory Estates subdivision plat (please see attached subdivision plat titled, Fort Emory Estates, Section 1, being 11 lots totaling 19.867 acres +/- located at the intersection of Fort Emory Road & Vaughan Road, in Rohoic District, Dinwiddie County, Virginia) is currently under review by the Land Development Committee (LDC) and is subject to public review by the Planning Commission for approval. The subject property is zoned R-1, Residential Limited, which allows for single-family residential lots "by-right" at a minimum lot size of 1.50 acres per lot where each lot is served by an onsite well and an onsite septic system. The owner/subdivider is proposing to subdivide the subject property into 11 single-family residential lots with five lots having frontage on Vaughan Road (Route 675) and six lots having frontage on Fort Emory Road (Route 741). As Vaughan Road is classified as a collector road, there is a 25-foot landscaped buffer required along the frontage of each lot, and there is a 25-foot increase in the front building setback line; thus, the ultimate minimum front building setback line is 65 feet from the road right-of-way line or front property line. The property owner/subdivider is to dedicate 25 feet of property along Vaughan Road and Fort Emory Road to the County for public use to allow for the front property lines to be uniformly located 25 feet from the centerline of Vaughan Road and Fort Emory Road. An additional subdivision design amendment that VDOT staff (see the enclosed VDOT subdivision plat review comment letter) and County Planning staff recommend is that the proposed subdivision lots utilize shared driveway entrances thereby limiting the number of driveway access points along the both roads. It is also recommended that the developer install all the driveway entrances at one time so that individual property owners do not have to construct the entrances and improve the roadside ditches on a lot-by-lot basis.

One final comment is to locate and denote on the final plat historic, Civil War fort, Fort Emory, if it encroaches anywhere on the subject property being subdivided.

Staff Recommendation:

Staff recommends approval of the proposed subdivision plat for Fort Emory Estates creating 11 single-family residential lots with the following plat amendments: Label the road Route numbers on the final plat; label and show the required 25-foot wide landscaped buffer and the 25-foot increase in the front building setback line for each lot which fronts on Vaughan Road (minimum building setback lines shall be shown on all subdivision lots); delineate and provide for the shared driveway entrances on the subdivision plat at the common property lines; on Vaughan Road and Fort Emory Road, provide for the dedication of property for public use along the southeast side of Vaughan Road to the County for public use to allow for the front property lines to be uniformly located 25 feet from the centerline of both roads; locate and denote on the final plat historic, Civil War fort, Fort Emory, if it encroaches anywhere on the subject property being subdivided.

Planning Commission Action:

WHEREAS, in accordance with Subdivision Ordinance Division 3. Preliminary Plat, Sec. 18-47 and Sec. 18-48 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 subdivision plat:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby (approve, approve with amendments as presented, or disapprove) the Fort Emory Estates subdivision plat 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.

Mr. Bassett said for the plat review this evening you all have received the plat of Fort Emory Estates, a location map, a memo and the comments we received from VDOT as part of their review of the subdivision plat. The way the sub-division preliminary plat is being proposed, a new road or right-a-way into the property is not needed. In the memo I have included all comments from the Land Development Commit as well as the comments from Planning and Zoning department staff. Those comments will be made part of the plat approval, so that when the final plat is submitted those recommended comments will be added. The sub-division agent would then sign the plat so the plat can be recorded. After the plat is recorded lots can be sold.

He went on to say Staff along with VDOT is recommending that for every two lots there be a shared driveway entrance or common entry at the VDOT right-a-way. This is something we have done in the past to limit the number of driveway access points along both state maintained roads. He said finally this sub-division is in the general vicinity of what was the Civil War fort, Fort Emory and we are encouraging that before this section of the sub-division is finished any portion of the fort will be located on the final plat.

He concluded by saying VDOT did have a final discussion point. They wanted to encourage the developer or property owner, when they are sub-dividing property, to do all the entrances at one time so that ditches are dragged at the same time and everything would be done uniformly.

This would help the property owners from having to construct the entrances and improve the roadside ditches on a lot-by-lot basis, which when done that way the impact falls to property owner to property owner. He said this is not a requirement. It was a discussion point brought up by VDOT.

Chairman asked if there were any questions for Mr. Bassett.

Mr. Prorise asked why the VDOT discussion point could not be a requirement.

Mr. Bassett said you could require it. There is nothing in the sub-division ordinance that says you cannot.

Mr. Prorise said he would like to see one driveway for all eleven lots. I am not in favor of this plat at all. I believe if this is going to be a sub-division then let's treat it like a sub-division. Let's not treat it like individual lots being sold on a public road. Because what is going to happen is the public that uses these roads will be the ones who are inconvenienced and have to live with for the rest of their lives. We've been too loose with our sub-division ordinance and it's time to tighten it up.

Mr. Tucker said he agrees with Mr. Prorise concerning the inconvenience to the public that uses this road. He said I had the same concern with the two cases on Olgers Road where lots were built on both sides of the road and they were required to have shared driveways.

Mr. Hayes asked Mr. Bassett to explain what the parameters are for by right in R-1 and what parameters are subject tonight for our consideration.

Mr. Bassett said on one hand by right for properties zoned in R-1 means you can have residential lots. If you are on well and septic they have to be a minimum of an acre and a half (1.5) with one hundred feet of road frontage at the building set back line. This plat has met that zoning requirement and that technically gives them the right to do what they are proposing to do. Now on the other hand they also have to meet the sub-division ordinance, which predominantly this sub-division plat meets at this point today. You do have the section in the zoning ordinance where you can talk about driveways being shared and somehow the access should be altered. As this is a by right division, you cannot at this current time based on the sub-division ordinance, force them to build a new public road to serve these lots because they are already served by a public road with the correct road frontage.

Mr. Prorise asked how much is needed for the road frontage and what can we do to address the danger this sub-division poses to the public road.

Mr. Bassett said one hundred feet (100) at the building setback is what's needed for road frontage. As to what can be done to address the danger? You currently have a section in the sub-division ordinance where you can make the recommendation that driveways are shared and that is all you can recommend they do. I just want to remind you that this plat review just requires an administrative review by the Planning Commission and any comments citizens want to make. What I'm hearing from the Planning Commission is your desire for Staff to study those specific issues that have been raised tonight and come back with a recommendation on how the sub-division ordinance can be amended.

Mr. Hayes said he wants staff to also look into these ideas. If the road is a certain functional classification meaning the more traffic volume and a higher speed, then the more infrequent the entrances should be. Something like a commercial entrance. So if a by right sub-division is being built on Route 1 we would say, we are only going to have an entrance every one thousand feet.

But if on a local road we would say we are only going to have an entrance every two hundred feet for instance. Also we need to look at turn lanes. We need to go above the VDOT standard.

Mr. Bassett said so again what I'm hearing is a recommendation from the Planning Commission that staff study the specific concerns that we have discussed this evening and come back at a future workshop with a recommendation of how the sub-division ordinance could possibly be amended. This recommendation will also include staff looking at any other of the ordinances that may need to be updated as well.

Mr. Hayes asked staff to include home owners associations in the study.

Mr. Bassett said staff will do that.

Mr. Prorise said in the VDOT letter on the first page, second sentence and second line it says, "Fort Emory Estates Section 1," does that mean there is going to be a section 2?

Mr. Bassett said he honestly does not know. That is how the plat was submitted and titled.

Mr. Harvell asked Mr. Bassett if there is an action on this sub-division plat.

Mr. Bassett said my recommendation would be for the Planning Commission to vote for the plat to be approved with amendments from VDOT and Staff. If you choose not to act to at least adopt the amendments that VDOT and staff have recommended, then the plat they have submitted beyond what's required exactly in the subdivision ordinance will stand and there will be no shared drives at all. As Mr. Hayes has indicated all eleven (11) lots will be able to have individual drive ways wherever they want to put them.

Mr. Titmus said they are already doing that.

Mr. Prorise said you indicated to us that we could not do anything about the driveways anyway.

Mr. Bassett said he did indicate that in the subdivision ordinance there is a section that talks about access to arterial or collector roads, which Vaughan Road is a collector road and Fort Emory is not. You all can talk about access being limited and you have done that in the past. Instead of drive ways being every twenty five (25) feet you have reduced them to a point of being every fifty (50) feet.

Mr. Prorise asked why can't we just limit them to one access point and leave it up to the developer to figure out how to get ingress and egress.

Mr. Bassett said he does not believe the Planning Commission can do that. It is a by right division and they are meeting all of the ordinance requirements. At this time you can't force them to build a road with one ingress and egress.

Mr. Tucker asked if what VDOT wrote in their letter, something we can make the developer do or are we unable to do something because they already meet all the requirements by right in the zoning ordinance.

Mr. Bassett said no we can't make the developer do what was in the VDOT letter. They were just sharing with the Planning Commission their thoughts on the matter. The reason we cannot is because, as you said Mr. Tucker, they meet all the requirements by right in the zoning ordinance. They also meet all the requirements in the subdivision ordinance as well.

Mr. Bassett said if we want to change those ordinances, staff is ready to move forward in bringing something to this Commission and then send that recommendation to the Board of Supervisors and if the Board feels agrees that change will be made affecting any subdivision in the future.

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

Mr. Prorise said everyone here knows my position, but after hearing all the information, I'm not sure that voting no would serve the greater good. My no vote will not change anything, so out of respect and based on what Mr. Bassett has recommended maybe I need to rethink my original decision of voting no. Instead, what I believe going forward is we should work hard at getting the ordinance changed.

Mr. Hayes said I think that is the most important thing. If we really believe it is important let's move forward toward getting the subdivision ordinance changed.

Mr. Cunningham said I agree with all the emphases that have been brought up. The fact of the matter is it is by right and if we don't put in our vote that the developer follows VDOT's and staff's recommended amendments for approval we will get what we see. Also before we vote it looks like we have citizens here that may want to speak.

Mr. Bassett told the Chairman that the applicant's representative for the subdivision is here and he was not sure if he had anything he wanted to say. He said we also have two members of the public present that may have comments on the subdivision plat.

The Chairman asked if there were any other questions for Mr. Bassett. He said if not would any of the citizens present like to say something.

Hampton Gordon said this a preliminary plat done for the land owner to get comments back. I wanted to make sure this division is what we could do.

Billy H. Wingfield said he and his wife have lived with Fort Emory as their backyard for fifty four (54) years. We have been very fortunate to be where we are without interference from someone else. I can't imagine a development like this with all the driveways coming onto Fort Emory and Vaughan being good. It is not the kind of development situation we need or even want in Dinwiddie County.

There being no other comments Mr. Titmus made a motion to approve the plat and read the following: WHEREAS, in accordance with Subdivision Ordinance Division 3. Preliminary Plat, Sec. 18-47 and Sec. 18-48 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 subdivision plat:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby approve with amendments as presented the Fort Emory Estates subdivision plat 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. It was seconded by Mr. Tucker and with Mr. Titmus, Mr. Prorise, Mr. Tucker, Mr. Cunningham, Mr. Hayes, Mr. Simmons and Mr. Harvell voting "AYE" the plat was approved.

The Chairman turned the floor over to Ms. Sherry.

RE: NEW BUSINESS – Home Occupation Discussion – Jamie Sherry, Dinwiddie County’s Principal Planner/Zoning Administrator

Ms. Sherry said seeing that the hour is long I would just like to cover some of the items that will leave you with some food for thought. Maybe at another Planning Commission workshop or meeting we could go into more detail. Those items in the hand with strikethroughs are those I would like you to consider deleting. Because they are parts of the ordinance where I have difficulty enforcing and where people have difficulty adhering to base on their business models. She then covered the proposed changes which are listed below.

Proposed Changes to the Home Occupation Ordinance

22-1. Definitions.

Home occupation: An accessory use of a dwelling unit and/or an accessory structure for gainful employment involving the production, provision, or sale of goods and/or services, which is clearly incidental to or secondary to the residential use of a parcel. Home occupations must be conducted in accordance with all applicable federal, state and local statutes and regulatory requirements, including but not limited to section 22-245 herein.

~~*Home occupation, type I:* A lower intensity home occupation suitable for more densely occupied residential areas.~~

~~*Home occupation, type II:* A higher intensity home occupation suitable for agricultural and rural areas of the county.~~

Sec. 22-245. - Requirements for home occupations.

- (a) These provisions are adopted in recognition that certain small-scaled commercial activities may be appropriate accessory uses within residential dwellings. The character and scale of such commercial activities must be subordinate and incidental to the principal use of the premises for dwelling purposes and must be consistent with the predominant residential character of the property and/or surrounding neighborhood. In addition, these provisions are intended to limit the size of such home occupations so as to not create an unfair competitive advantage over businesses located in commercially zoned areas.
- (b) The general standards applicable to all home occupations are as follows:
 - (1) There shall be no limit on the number of home occupations permitted at one residence provided that ~~the aggregate floor area occupied by all home occupations at the residence does not exceed the amount specified in subsection (c) below.~~
 - (2) Outside storage of goods, products, equipment, or other materials associated with the home occupation shall be prohibited unless expressly permitted in subsection (c) below.
 - (3) The use, sale or storage of toxic, explosive, flammable, radioactive, or other hazardous materials in conjunction with a home occupation shall be prohibited.
 - (4) No use permitted only in zones M-1 and/or M-2 shall be permitted as a home occupation.
 - (5) The sale of products from a dwelling unit or accessory structure in conjunction with the home occupation shall be permitted.
 - (6) All signs related to home occupations shall comply with the county zoning ordinance, including but not limited to Article VII therein.
 - (7) All home occupations shall comply with sections 15-1 and 15-2 of this Code concerning noise. The exception for commercial activities shall apply to home occupations between the hours of 9:00 a.m. and 10:00 p.m. daily.
 - (8) The operation of the home occupation shall not be permitted to significantly exceed, expand, or alter the residential nature of the dwelling unit and/or accessory structure, including but not limited to the following:

- (i) The color, material, construction, or lighting of the exterior of the dwelling unit or accessory structure;
 - (ii) The parking and type and volume of traffic connected with the dwelling unit and/or accessory structure, including commercial deliveries and pickups;
 - (iii) The demand for water and sewer services to the extent that usage might meet the commercial usage threshold;
 - (iv) Vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises or through common walls. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or through common walls.
- (c) The specific standards applicable to Type 1 and Type 2 home occupations shall be as described in the chart below:

	TYPE 1	TYPE 2
Maximum floor area: Total	10 percent of the aggregate finished floor area of the dwelling unit and accessory structure	25 percent of the aggregate finished floor area of the dwelling unit and accessory structure
Maximum floor area: Storage (must be within the dwelling unit or accessory structure)	5 percent of the aggregate finished floor area of the dwelling unit and accessory structure	10 percent of the aggregate finished floor area of the dwelling unit and accessory structure
Maximum number of employees not permanent residents of the dwelling	Zero (0)	One (1)
Maximum area of accessory structure used in connection with the home occupation	10 percent of the finished floor area of the dwelling unit	25 percent of the finished floor area of the dwelling unit
Repair of vehicle or internal combustion engines permitted as a home occupation?	No	Yes
Large vehicles	No motor vehicle, trailer or semitrailer, designed or regularly used for carrying freight, merchandise, or more than ten (10) passengers, including buses, that exceeds 14,000 pounds gross vehicle weight, shall be parked or stored outdoors.	No restriction

(Ord. of 11-16-10, § 1)

Mr. Tucker asked if an addition, put in a certain zoned area, would come under scrutiny of the overlay district review.

Ms. Sherry said no because the overlay district only applies to Commercial properties and businesses.

The Chairman asked if there were any more questions for Ms. Sherry. As there were none he went to the next item on the agenda.

IN RE: COMMISSIONERS' COMMENTS

Mr. Tucker said he would like to request that staff looks at the subdivision ordinance to include by right items. We want to see how we can address the drive way issues surrounding subdivisions.

Mr. Titmus said he would like staff to also look at definitions that address vegetative buffers and what actual that includes. He said we also need to look at adding home owners associations to the by right.

Mr. Prorise said he wants the whole issue of subdivisions to be looked at. I'm not saying they all need curbs and gutters, but there are standards for ditch lines, slopes and site lines and all of that needs to be taken into consideration. We need to do this concerning subdivisions so as to not create problems for the County down the road.

Mr. Hayes said there are two others things he would like to throw out for consideration. The first is looking at considering pulling back the R1 zoning and creating A2. The second thing is encouraging people, who have historic sites on their property, to get with the historic foundations. My motives behind that is for one to preserve history and two if these places are listed on a map which declares they are protected it would somewhat control the growth. I am just wondering if there is any value to looking at that.

Mr. Harvell said he and Mr. Prorise attended the Richland Creamery ground breaking and it was wonderful. He then asked the Planning Director if he had any comments.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said he did have one comment related to our upcoming May Planning Commission meeting. We don't have any cases for public hearing so there is no need to have the meeting on the 9th. However, the only item we may have is the CIP. The Planning Commission doesn't have to adopt the CIP, but you have in the past put together, along with staff, thoughts for the Board's consideration. Mr. Massengill would like to bring the CIP back to you in May. So, if you all are open to that meeting, I would request us having a special meeting in May to consider the CIP.

IN RE: ADJOURNMENT

The Chairman said if there is nothing else to be discussed, he would entertain a motion for adjournment. Mr. Cunningham made a motion to adjourn the meeting and Mr. Simmons seconded it and with all members in agreement by voting "AYE" the meeting adjourned at 9:36 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____