

VIRGINIA: MINUTES FOR THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE DINWIDDIE COUNTY GOVERNMENT CENTER BUILDING ON THE 8th DAY OF MAY 2019 AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES	VICE CHAIRMAN	AT-LARGE
	EVERETTE PROSISE		DIST #1
	JOHN HARVELL		DIST #3
	THOMAS TUCKER		AT-LARGE
	ANTHONY SIMMONS	CHAIRMAN	DIST #5
ABSENT:	BUTCH CUNNINGHAM		DIST #4
	EDWARD TITMUS		DIST #2
OTHER:	MARK BASSETT	PLANNING DIRECTOR	
	JAMIE SHERRY	SENIOR PLANNER/ZONING ADMIN.	

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:04 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 roll was taken and Mr. Cunningham and Mr. Titmus were not present.

IN RE: APPROVAL OF AGENDA

The Chairman asked if there were any additions, deletions, or corrections to the agenda. Hearing none he said he would entertain a motion to accept the agenda as presented.

Mr. Tucker made a motion to accept the agenda as presented. It was seconded by Mr. Harvell and with Mr. Harvell, Mr. Prosise, Mr. Tucker, Mr. Hayes, and Mr. Simmons voting "AYE" the agenda was accepted.

IN RE: MINUTES

The Chairman said the members have before them the minutes from the April 10, 2019 Workshop meeting and 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. Tucker made a motion to accept the workshop minutes as presented and Mr. Harvell seconded it. With Mr. Tucker, Mr. Prosise, Mr. Harvell, Mr. Hayes and Mr. Simmons voting "AYE", the workshop minutes were accepted as presented.

The Chairman said the members have before them the minutes from the April 10, 2019 Regular meeting and 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. Tucker made a motion to accept the regular meeting minutes as presented and Mr. Harvell seconded it. With Mr. Tucker, Mr. Titmus, Mr. Harvell, Mr. Prosis, Mr. Hayes and Mr. Simmons voting "AYE", the regular meeting minutes were accepted as presented.

IN RE: CITIZEN COMMENTS

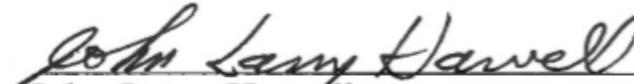
The Chairman opened the citizen comment portion of the meeting and asked if anyone signed up to speak. He said since there is no one signed up to speak he was closing the citizen comments portion of the meeting. He turned the meeting over to Mr. Bassett for the Public Hearings.

IN RE: PUBLIC HEARING

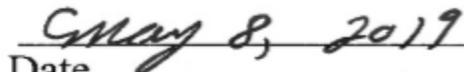
Prior to Mr. Bassett presenting the Planning Staff Report, Mr. Harvell read the following statement:

**DISCLOSURE OF INTEREST AND RECUSAL PURSUANT TO
SECTION 2.2-3112 OF THE CODE OF VIRGINIA, 1950, AS
AMENDED**

At the May 8, 2019 Meeting of the Dinwiddie County Planning Commission, I, John Larry Harvell, will recuse myself from any discussion and vote on Planning Case P-19-2, regarding the rezoning of tax map parcel number 81-27, which has a property address at 21517 Buckskin Drive, McKenney, VA 23872. My wife has an ownership interest in that property along with two of her siblings. I will not participate in any discussion or vote on this matter.



John Larry Harvell
Planning Commissioner



Date

Planning Commission Staff Report

Case #: P-19-2
Applicant: Larry M. Goodwyn
Rezoning Request: Business, General, B-2 to Agricultural, General, A-2
Property Location: 21517 Buckskin Dr., McKenney, VA
Tax Map Parcel #: 81-27
Property Size: 5.98 +/- acres
Magisterial District: Sapony District
Planning Commission Mtg.: May 8, 2019

CASE OVERVIEW

The applicant, Larry M. Goodwyn, is requesting to rezone property containing approximately 5.98 +/- acres from B-2, Business General, to A-2, Agricultural General, minimum lot size three acres. The A-2, Agricultural General, zoning classification allows for certain residential uses pursuant to the Zoning Ordinance allowed density. The property is located at 21517 Buckskin Dr. McKenney, VA at the northeast quadrant of I-85 and McKenney Hwy. (Rt. 40) intersection, and is further defined as Tax Map Parcel No. 81-27. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Rural Conservation Area, which allows low density residential uses for this general area.

ATTACHMENTS

Rezoning Application, Property Location Maps

BACKGROUND INFORMATION

The properties in the immediate area surrounding this land parcel include mixed land uses that include the I-85 onramp and Buckskin Dr. (F-080), forestal, open space, and rural residential land uses. With the exception of the adjoining property to the north and property directly across Rt. 40 (McKenney Hwy.), which is zoned B-2, Business General, the surrounding properties are zoned Agricultural, General, A-2.

The purpose of the Agricultural, General, A-2, zoning district is for limited single-family residential development and for the conduct of compatible agricultural and business development. The A-2 zoning classification allows for the proposed residential use of the subject property. A majority of the surrounding property is characterized as rural single-family residential development and timberland.

The subject property is located within the Rural Conservation Planning Area as defined by the Comprehensive Land Use Plan. When I-85 was constructed through the County, the subject property and the property adjacent to the I-85 interchange was originally zoned B-2 by the County to allow for business development around the I-85 interchange. Despite the presence of B-2 zoned property, more than 50 years later, the properties on the eastern side of the I-85 interchange continue to have low density single-family residences, farming and timber operations. The residential lot sizes and uses in the area are more consistent with the A-2 zoning district.

LAND USE/ZONING ANALYSIS

With a majority of the adjacent property zoned A-2 and comprised of single-family dwellings on large lots, farmland, and forestal land uses, the A-2 zoning is appropriate for the subject property. The A-2 zoning district would restrict future development to open farm land, larger lot residential development and some commercial uses. If market conditions change on the eastern half of the I-85 interchange the property could transition back to the B-2 zoning classification to allow for commercial development.

OVERVIEW OF DEVELOPMENT IMPACTS

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

This request would have no impact to the public utility system, as the existing utilities are handled on-site since there is no public water and sewer available on the eastern side of the I-85 interchange. There is no expected impact to the school system, as the rezoning would limit the potential for additional residential uses, and there is minimal impact on public safety.

Transportation Impacts

Based upon the submitted application and information provided by the applicant, VDOT has determined that the proposed use will require a low volume private entrance to serve the residential use. Any future uses proposed on the subject property will require evaluation by VDOT.

Staff Recommendation:

Planning staff reviewed the rezoning request and recommends approval of the request to rezone the subject property from B-2, Business General, to A-2, Agricultural General.

PLANNING COMMISSION RECOMMENDATION

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning request, P-19-2, as presented be recommended for (approval OR disapproval) to the Board of Supervisors.

Mr. Bassett asked if there were any questions.

Mr. Prorise asked if the proposed driveway would enter from Buckskin Drive or Route 40.

Mr. Bassett said VDOT is comfortable with both locations because they are both VDOT public roads. He said he believes most people are using the Buckskin Drive entrance. This is a question for the applicant to answer.

The Chairman asked if there were any more questions for Mr. Bassett. He said if not would the applicant like to come forward and add anything.

Mr. Larry Goodwyn at 4804 Brookshire Court, Prince George, VA, said he agrees with what Mr. Bassett has said in his staff report. We did have interest in the property, but because it doesn't have any public water those interests diminished. Getting it rezoned back to A-2 affords us the opportunity for a potential single-family home building site.

The Chairman asked if there were any questions for the applicant. He said since there are none he was opening the public hearing portion of the case. He asked if anyone had signed up to speak. Hearing that there is no one signed up to speak he closed the public hearing portion of the case. He opened the discussion among the Commissioners.

Mr. Hayes said he does remember a Texaco station that is across the street from the Exxon that failed. I also remember a tire place that tried to operate in that area as well, and they failed. Interstate access is very desirable for businesses and in the last fifty (50) years nothing has happened here suggests to me that nothing is going to happen. Helping out the land owner is the right thing to do.

Mr. Prosize said he lives about ten (10) miles from this location, and I too hope the property can be rezoned backed to A-2.

The Chairman said if there is no more discussion 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 request, P-19-2, as presented be recommended for approval to the Board of Supervisors. It was seconded by Mr. Hayes and with Mr. Prosize, Mr. Tucker, Mr. Hayes and Mr. Simmons voting "AYE" P-19-2 was recommended for approval to the Board of Supervisors.

RE: OLD BUSINESS

Mr. Bassett said Ms. Sherry and he were speaking earlier this week, and she is still working with Mr. Drewry on the home occupation Zoning Ordinance amendments. She indicated that she wanted to present some items for consideration to the Planning Commission at the June workshop meeting.

Mr. Hayes said he wanted to report the outcome of the Board of Supervisors meeting in April when the proposed assisted living facility amendment case was presented. As you remember, it was a two-step process. The first was having an assisted living facility with conditional use permit use added to the B-2 zoning classification. If that passed, it would then move to the second step, which was hearing the conditional use permit request. The conditional use permit portion of the case was never heard because the request for a text amendment was denied by the Board of Supervisors.

IN RE: COMMISSIONERS' COMMENTS

Mr. Hayes stated that he believes the A-2 zoning district is open for solar farms or solar facilities.

Mr. Bassett said the A-2 zoning district is not open for solar farms or solar facilities. Technically, the way Ms. Sherry and the County Attorney view the Zoning Ordinance is that solar facilities would only be allowed under the M-2 zoning district as a utility.

Mr. Hayes said that means they would have to rezone in order to have the solar power generation business correct?

Mr. Bassett said that is correct. However, since I originally met with them I have had some discussion with the County Attorney and we have come up with an additional suggestion. We thought about creating a new zoning district.

The new district would be the A-3 zoning district and a use included in the district would be solar farms, solar facilities, mining operations and other uses that would be more appropriate. They would all be considered with a conditional use permit. It is something we have been discussing.

Mr. Prorise said his biggest concern with the solar farms is us setting a precedent. I do not want that to be the case. I can live with the fact that someone wants to sell their 62 acres for a business, but what happens when the 62 acres becomes 162 acres and then 562 acres and so on and so on. At what point does it stop? We start with one site and now there are 20 sites leading to a transmission line. I do not think the County needs to do that.

Mr. Hayes and Mr. Prorise made it known that they are volunteering to be on a panel with Board of Supervisors members to discuss zoning options for solar farms or solar facilities in the County.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett reminded the members that the building access badges may be ready by the June Planning Commission meeting.

IN RE: ADJOURNMENT

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Prorise made a motion to adjourn the meeting and Mr. Harvell seconded it, and with all members in agreement, the meeting adjourned at 7:51 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____