

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 13th DAY OF JUNE 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	
	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 all members were present.

IN RE: APPROVAL OF AGENDA

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

Mr. Bassett asked if the April 11, 2018 Workshop minutes could be tabled until the July meeting. There was a change and the commissioners did not get to see the change before this meeting.

Mr. Titmus made a motion to accept the agenda with the requested change by Mr. Bassett. It was seconded by Mr. Simmons and with Mr. Hayes, Mr. Prosise, Mr. Cunningham, Mr. Tucker, Mr. Titmus, Mr. Simmons and Mr. Harvell voting "AYE" the agenda was approved with the correction.

IN RE: MINUTES

The Chairman said the members have before them the minutes from the April 11, 2018 regular meeting and asked if there were any corrections.

Mr. Cunningham made a motion that the minutes be accepted as presented. It was seconded by Mr. Titmus, and with Mr. Titmus, Mr. Prosise, Mr. Tucker, Mr. Cunningham, Mr. Hayes, Mr. Simmons and Mr. Harvell voting "AYE" the minutes were accepted as presented.

The Chairman said the members have before them the minutes from the April 25, 2018 Special called meeting and asked if there were any corrections.

Mr. Titmus made a motion that the minutes be accepted as presented. It was seconded by Mr. Simmons and with Mr. Cunningham, Mr. Tucker, Mr. Hayes, Mr. Titmus, Mr. Prosise, Mr. Simmons and Mr. Harvell voting "AYE" the minutes were accepted as presented.

RE: CITIZEN COMMENTS

The Chairman opened the citizen comment period and asked if anyone signed up to speak. He said since there is no one who signed up to speak he was closing the citizen comment period. He turned the meeting over to Mr. Bassett.

RE: PUBLIC HEARING

Planning Commission Meeting Staff Report

File#: P-18-1
Applicant: Arthur D. Bostic IV & Robert H. Gordon, Jr., Agent
Rezoning Request: Agricultural, General, A-2 to Residential, Rural, RR-1
Property Location: Southeastern quadrant at the intersection Courthouse Rd. (Route 627) and New Cox Rd. (Route 460)
Tax Map Parcel #: 17-66
Acreage: Approximately 27.11 acres
Magisterial District: Namozine District
Planning Commission Mtg.: June 13, 2018

CASE OVERVIEW

The applicant, Arthur D. Bostic IV, the contract purchaser, is requesting to rezone with proffers property containing approximately 27.11 +/- acres from A-2, Agricultural General to RR-1, Residential Rural District. The zoning classification allows for certain uses pursuant to the Zoning Ordinance allowed density. The property is located at the southeastern quadrant at the intersection Courthouse Rd. (Route 627) and New Cox Rd. (Route 460) and is further identified as Tax Map Parcel No. 17-66. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Rural Conservation Area, which allows for low density residential and agricultural uses for this general area.

ATTACHMENTS

- Rezoning Application, Location Map, and Proffer Statement

LAND USE AND ZONING ANALYSIS

The subject property is located just south of New Cox Road (Rt. 460) on the east side of Courthouse Road (Rt. 627) having direct frontage on VDOT Frontage Road, F-805. The applicants are requesting the rezoning of the 27.11 acres from Agricultural, General, A-2 to Residential, Rural, RR-1 to develop three single-family residential lots proposed at the following lot sizes: 3.14 acres, 5.00 acres, and 18.97 acres.

Three acres is the minimum lot size for development of a single-family dwelling in the A-2, Agricultural, General District, and the minimum lot area required for development in the RR-1, Residential, Rural District is two acres.

The surrounding land uses include farmland, forest land, and predominately low-density established and stable single-family residential development, and in general surrounding area is zoned A-2, Agricultural, General. In the general area of the subject property along Courthouse Road and Anderson Mill Road, there are single-family residential properties that vary in lot size from one to three acres and others that are over three acres all of which are zoned A-2, Agricultural, General.

The property under review is designated by the Comprehensive Land Use Plan (the “Plan”) as being within the Rural Conservation Area. As such, the general area is expected to accommodate future low-density residential development. This requested Zoning District, Rural, Residential, RR-1, has a Zoning Ordinance defined two acre minimum lot size requirement for lots not served by public water and sewer, however, the density proposed under this rezoning request is equal to or greater than that of the density of A-2 zoned property.

Chapter XI of the Comprehensive Plan outlines the policies, goals, and objectives of the County, and Housing Goal (2) states “Provide for a limited amount of low-density single-family dwellings in agriculturally zoned lands”. As previously stated, this general area has low-density single-family dwellings; thus, this general area may be considered an existing low-density residential area with agricultural land surrounding the residential uses. The proposed development is consistent with the Plan’s Housing goals and objectives for this general area.

Generally, the composition of the Residential, Rural, RR-1 District “is intended to provide development flexibility by allowing for spacious residential development for those who live in a rural environment”. Within this general area, there is anticipated residential development that will occur and limited single-family residential development has already been established of similar and compatible lot size along Courthouse Road and Anderson Mill Road. The proposed RR-1 zoning is an appropriate transitional low-density residential zoning to buffer the A-2 zoned property. Lastly, the Zoning Ordinance does require a 10-foot landscaped buffer between the proposed RR-1, District and the abutting A-2, District zoned property.

OVERVIEW OF DEVELOPMENT IMPACTS

Public Utilities, Public Safety & School System Impacts

As public water and sewer is not available in the area, the use of public water and sewer utilities is not proposed by the applicant. It is the intention of the applicants to develop the property with individual private wells and individual private septic systems.

With the proposed three lot subdivision, the impacts on public safety services should be minimal. The Ford fire station is located on Cox Road approximately two miles from the subject property.

The impact on the public school system should be minimal based on the school system’s census information, which estimates 0.56 students per household, and at build out (three to five years in normal economic housing market conditions) this proposed development would add two students to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school.

Midway Elementary which is under capacity is located approximately two miles away from the subject property.

Transportation Impacts

The impacts on the existing transportation network from the proposed development would not warrant the construction of any turn lanes or tapers. The proposed lots are accessible from the VDOT Frontage Road which has only one existing driveway at the terminus of the road. A driveway entrance permit is required by VDOT for each private entrance to each lot per VDOT regulations with each private entrance being placed at the location with the best possible sight distance which may require the property owner to grade slopes, clear brush, remove trees, or conduct other similar efforts, or any combination of these, necessary to provide the safest possible means of ingress and egress that can be reasonably achieved.

Voluntary Proffer Conditions

The applicant submitted the following voluntary proffer conditions as part of the rezoning request:

1. Homes to be constructed will be at a minimum of 1,650 heated square feet.
2. All homes will have a brick or stone veneer foundation on all sides.
3. Professional landscape package.
4. Three tab architectural shingles.
5. Custom landscaping package.
6. Double hung vinyl windows.
7. Either vinyl or metal front rails if rails are required by County Code.
8. Hardwood and ceramic tile floors in the main living areas, bedroom, and utility room.
9. Custom cabinets with solid surface counter tops in kitchen area.
10. Custom vanities with marble tops in bathrooms.
11. Rear porch, deck or patio depending on plans and client specifications.

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 of the request to rezone the subject property given that:

1. The zoning classification requested, RR-1, Residential Rural, is compatible with the surrounding zoning pattern and surrounding land uses;
2. The requested zoning classification, RR-1, Residential Rural, conforms to the underlying uses recommended for this general area as set forth in the Rural Conservation area of the Comprehensive Land Use Plan.

PLANNING COMMISSION RECOMMENDATION

Since this is a zoning matter, the standard statement regarding the Planning Commission's recommendation on this 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-18-1, as presented be recommended for (approval, approval with proffers, or disapproval) to the Board of Supervisors.

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

Mr. Prorise asked if there are any County regulations pertaining to required buffers between properties.

Mr. Bassett said there is when a property is zoned RR1. You have to maintain a (10) ten foot landscape buffer around the perimeter of the RR1 zoned property.

Mr. Titmus asked how far away the nearest RR1 zoned property is relative to this property.

Mr. Bassett said about a mile south there is property back off of Bobcat Road and Tranquility Road that is zoned RR1.

Mr. Cunningham asked if the properties, based upon the preliminary sight drawing, can be further subdivided.

Mr. Bassett said you might be able to divide the middle piece granted you are able to meet the (200) two-hundred foot building set back line. He said under the family division rules you may, at some future point and time, be able to divide the center lot as well. It should also be noted that anyone with the (200) two-hundred foot building set back would find it difficult to divide the center parcel. The way I interpret the ordinances as the sub-division agent, flag lots are not allowed in the County. This is helpful to anyone who chooses to go deep into the property. I make them aware that the two lot lines from the road right-a-way have to diverge in different directions. They then see the difficulty of meeting the (200) two hundred foot building set-back line requirement.

Mr. Titmus wanted to know if the property was not rezoned could the applicant get three parcels.

Mr. Bassett said under the rules for family division they could get three parcel.

Mr. Titmus said this seems more like spot zoning. What makes this more necessary then the land in the north end that we are trying to change back from RR1 to A2?

Mr. Bassett said he feels within the purpose statement for the RR1 district and within the comprehensive plan there is allowances for further development of A2 property in the County. Given the surrounding land uses and other single family homes on lots of similar size, I believe it meets the purpose statement for that zoning district as well as the comprehensive plan.

Mr. Tucker wanted to know if we would be setting a precedent by approving this rezoning.

Mr. Bassett said if someone wanted to say that they could, but as I indicated earlier that would not be the case. From a staff and zoning stand point, we look at the surrounding development. We are looking to see if it fits in with the area, what is going on in the area, what other lots sizes are in the area and the type of development. This is done on an individual zoning request basis.

Mr. Prorise said he agrees with Mr. Bassett's position. The context of the community makes it different than if it was the context of ten (10) acres in the middle of an agricultural community where there is a hundred acre field or two or three hundred (200) acre farms being rezoned to RR1. When you ride around the neighborhood you discover it already looks like a subdivision with small lots and beauty homes.

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

Mr. Hampton Gordon, 14100 Boydton Plank Road, Dinwiddie who is the agent for the applicant said as far as the center lot being further divide it is not impossible. He also added that this division would not affect traffic because all the lots would come out on Frontage Road before they accessed Courthouse Road. Homes of this caliber could attract those persons working at Fort Pickett as well.

Mr. Cunningham wanted to know what Professional Landscape Package looks like.

Mr. Donnie Bostic, 2811 Waterford Terrace, Sutherland VA said we bring in a professional landscaper out of chesterfield and the package usually includes low maintenance shrubbery, mulch and sidewalks.

The Chairman asked if there are any more questions for the applicant or his agent. He said if not he was opening the public hearing for the case. He asked if there was anyone signed up to speak.

Christina Garrettson, 7210 Anderson Mill Road, Church Road VA said she too wonders why the property has to be rezoned to RR1. She also wanted to know what assurances does she have that he middle parcel will not be divided.

The Chairman asked if there was anyone else signed up to speak. He said if not he was closing the public hearing for the case. He asked the commissioners if they had any more questions. If not he would entertain a motion.

Mr. Titmus commented that he didn't have a problem with three homes being built on this road. I have a problem with spot zoning, which is what I believe this is. We've had problems on Quaker Road with it and we continue to have problems in other areas that are just as close to a fire department and a school as this one is.

Mr. Hayes said he agrees with Mr. Prorise. Seeing all the homes in the area places this rezoning in a different context then someone who was trying to rezone something out in middle of nowhere.

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 rezoning, P-18-1, as presented be recommended for approval with proffers to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Prorise, Mr. Tucker, Mr. Cunningham, Mr. Hayes, Mr. Simmons, Mr. Harvell voting "AYE" and Mr. Titmus voting "NO" P-18-1 passed to the Board of Supervisors with a 6-1 yes vote.

RE: OLD BUSINESS

Mr. Bassett said he has two items. Ms. Sherry and I are still working through the requirements for Home Occupation. We will bring those new changes to you at your July Planning Commission meeting for your recommendations not for public hearing. The Second has to do with the subdivision ordinance. We have some zoning language within the definition for subdivision in the subdivision ordinance. The zoning administrator, the County Attorney and I have come up with an idea on how to correct that language. We will bring that change to you as well at the July Planning Commission meeting.

Mr. Prorise asked where staff was on the guideline for addressing how many drive-ways, from a subdivision, could come out on the different classes of state maintained roads.

Mr. Bassett said we are still looking at that. We currently don't have a recommendation for you. At the July Planning Commission meeting we will have something for you to look at. It won't be something for public hearing. It will just be something about access management for your recommendation.

IN RE: COMMISSIONERS' COMMENTS

There was general conversation amongst Commissioners about size of homes, VDOT minimums, the county possibly doing more than VDOT's minimums and handling each case that comes before this Commission on its own merit.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said the Design Review Board had its first meeting last week and all went well. In July we will be reviewing a couple of sign request along route 1. The committee members are Jessica Lindsay, John Chappell and Mr. Farmer a retired preacher that lives in the Sutherland area.

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 and Mr. Simmons seconded it and with all members voting "AYE" the meeting adjourned at 8:46 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____