

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 15TH DAY OF JULY AT 7:00 P.M.

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

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	MICHAEL DREWRY (Webex from home)	ASST. 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. He said since there are none he would entertain a motion to accept the agenda as presented.

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

Case: C-20-6
Applicant: Barry Shayne Tucker
CUP Request: To operate a business repairing ATV's and UTV's when screened from view and 200 feet from the road right-of-way
Property Location: 13003 Hatcher Dr. Church Road, VA
Tax Map Parcel #: 29-64
Property Size: approx. 118.82 acres
Current Zoning: Agricultural, General, A-2
Magisterial District: Namozine
Planning Commission Mtg.: July 15, 2020

CUP REQUEST

The applicant, Barry Shayne Tucker, is seeking a conditional use permit to operate a business that repairs ATV's and UTV's, screened from view and 200 feet from the road right-of-way, on property containing approximately 118.82 acres. The property is located at 13003 Hatcher Dr., Church Road, VA, and is further designated as Tax Map No. 29-64. The property is zoned A-2, Agricultural General, which may be changed to allow such use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, service development at the Ordinance defined density.

RELATED ATTACHMENTS

- CUP Application
- Location Map

ZONING ANALYSIS

All adjacent properties are zoned Agricultural, General, A-2. The surrounding properties consist of a single-family dwellings to the west and the remainder of the surrounding property consists of large acreage farmland and forestal land uses.

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 agricultural and forestal, low density single-family residential, and natural conservations areas.

OVERVIEW OF IMPACTS

This request is not expected to introduce new impacts to the surrounding properties as the business will be located approximately 210 feet inward to the property from Hatcher Dr. and any outdoor operations and storage will be screened from view.

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 subject business. Public safety or community issues related with the proposed use are minimized by the proposed conditions associated with this permit.

Transportation Impacts

The proposed business activity is located as part of the existing single-family residence, which is located on a private drive and does not present detrimental impacts on the transportation network, and the applicant's current entrance is to be utilized.

SITE AND USE ANALYSIS

The request to operate a business on the subject property repairing ATV's and UTV's, screened from view and 200 feet from state road right-of-way 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.

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.

Although the Comprehensive Land Use Plan does not specially recommend commercial activities within the Rural Conservation Area, staff believes that the impacts of operating the ATV and UTV repair business on the subject property will be minimized based on the proposed location of the proposed business on the subject property with the existing building to house repair operations, and with adherence to the proposed conditions of the conditional use permit.

Planning Staff Recommendation:

Planning staff reviewed the request for the conditional use permit and is satisfied that the impacts of operating a business repairing ATV's and UTV's equipment a minimum of 200 feet from the road right-of-way when screened from view 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 operate a business repairing automobiles and equipment when screened from view is subject to the following conditions:

C-20-6 Conditions:

1. The use shall be limited to the repair of ATV's and UTV's when screened from view and 200 feet from the right-of-way associated with Hatcher Dr. with a conditional use permit as identified in the Land Use Amendment Application.
2. Buildings constructed as part of the business repairing ATV's and UTV's shall meet the applicable Fire Code requirements as set forth in the Fire Code, as amended, and Building Code requirements as set forth in the Building Code, as amended;
3. The property shall meet all required development standards for this type of business as required by Chapter 22 of the Dinwiddie County Code, as amended;
4. Site lighting installed shall be directed downward and inward to the subject property to preserve the night sky and shall not directly cast light onto the adjoining properties;
5. All outdoor activities associated with the repair of automobiles and equipment shall be conducted between the hours of 7:00 AM and 10:00 PM;

6. All repair and/or storage of ATV's and UTV's will either be conducted indoors or screened from public view;
7. All activities associated with the repair and/or storage of ATV's and UTV's shall comply with all applicable federal, state, and local codes; and
8. This conditional use permit is subject to be reviewed by the Zoning Administrator of Dinwiddie County on an annual basis from the date of issuance of the conditional use permit. Failure to abide by these conditions may result in legal action.

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-20-6, as presented to repair ATV's and UTV's when screened from view and 200 feet from the road right-of-way be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.

Mr. Bassett asked if there were any questions from the Commissioners.

The Chairman said since there are no questions for Mr. Bassett. Would the applicant or his representative like to come forward and add anything.

Barry L Tucker, 6012 Tranquility Lane, Sutherland VA, the father of the applicant, said he is representing his son who had to work. He commented that he did not have anything to add, but would try to answer any questions the Commissioners have for him.

The Chairman said if there are no more questions for the applicant or his agent he was opening the public hearing portion of the case. He asked if anyone had signed up to speak. He said since there is no one signed up to speak he is closing the public hearing portion of the case. He opened the discussion among the Commissioners. The Chairman said if there is no more discussion, he would entertain a motion.

Mr. Titmus 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-20-6, as presented to repair ATV's and UTV's when screened from view and 200 feet from the road right-of-way be recommended for approval with conditions to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Cunningham, Mr. Harvell, Mr. Simmons, Mr. Titmus, Mr. Prosize, Mr. Tucker and Mr. Hayes voting "AYE," C-20-6 was recommended for approval to the Board of Supervisors.

RE: PUBLIC HEARING

Mr. Tucker read the following disclosure statement before the members heard case P-20-1.

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

I am employed by the AME Zion Church, which has an organization address of 9500 Arena Drive, Suite 102, Largo, Maryland 20774. Due to my employment with the AME Zion Church, I will not participate in any discussion or vote pertaining to zoning application tonight by Provident Care, LLC.

Planning Commission Staff Report

File#: P-20-1
Applicant: Provident Care, LLC, and Agent, Joyce Sims
Rezoning Request: Agricultural, General, A-2 to Business, General, B-2 w/Proffers;
Assisted Living Facility
Property Location: 18600 Lundy's Road, Dinwiddie
Tax Map Parcel #'s: 57-80C
Acreage: Approx. 21.76 +/- acres
Magisterial District: Rowanty District
Planning Commission Mtg.: July 15, 2020

CASE OVERVIEW

The applicant, Provident Care, LLC, and their agent, Joyce Sims, are requesting to rezone property containing approximately 21.76 +/- acres from A-2, Agricultural General, to B-2, Business General with Proffers for an assisted living facility with a conditional use permit. The B-2, Business General, zoning classification allows for an assisted living facility with a conditional use permit pursuant to the Zoning Ordinance allowed density. The property is located at 18600 Lundy's Road Dinwiddie, VA, and is further defined as Tax Map Parcel No. 57-80C. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area, which allows for commercial and service uses for this general area.

ATTACHMENTS

- Rezoning Application
- Property Location Map

BACKGROUND INFORMATION

On August 3, 1994, the Board of Supervisors approved a conditional use permit, C-94-5, to allow A.M.E. Zion Church to construct a personal care facility for the aged on a portion of Tax Parcel 57-1-75, an 80 tract of land situated off of Bishop Street in Dinwiddie between I-85 and the CSX railroad. Again, on March 6, 1996, after A.M.E. Zion Church proposed a new location for the personal care facility (the current location off of Lundy's Road), the Board of Supervisors approved a conditional use permit, C-95-4, to allow A.M.E. Zion Church to construct a personal care facility for the aged, the Lula G. Williams Wellness Center, on Tax Map parcel 57-80C and a portion of 80, which is land situated off of Lundy's Road.

In September 2008, A.M.E. Zion Church proposed a change of use from the home for the aged and received approval for a conditional use permit to utilize the subject property as a residential retreat/conference center and banquet facility.

LAND USE AND ZONING ANALYSIS

The properties surrounding the subject property include the vacant educational building, an institutional use, and open space with a cellular tower located just to the southwest of the subject vacant personal care facility. At the entrance to Lundy's Road are single-family residential uses. These surrounding properties are zoned A-2, Agricultural General.

As designated by the Comprehensive Land Use Plan, the subject property is within the Planned Growth Area which allows limited commercial development, and the B-2 Zoning District allows an "assisted living facility" as a conditional use. Chapter XI of the Comprehensive Plan outlines the policies, goals, and objectives of the County, and policy statement (3) states "maintain and enhance the County's ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors." As previously stated, this general area is designated as Planned Growth Area; thus, with the property being located in the Dinwiddie Courthouse area, this general area may be considered a part of the Dinwiddie Courthouse growth center.

OVERVIEW OF DEVELOPMENT IMPACTS

Public Utilities, Public Safety & School System Impacts

The existing elderly care facility utilizes on-site well and septic, and the proposed use will not have an increase impact beyond that of the current use. The impact on public safety services is reduced considering a shift from 24-hour elderly care to the conference center.

Transportation Impacts

The impacts on the transportation network are minimal. Since the subject property has a commercial entrance on Courthouse Road proper access is available to the site and access to the transportation network in the Dinwiddie Courthouse area. The road system in this particular area has adequately handled the limited traffic generated by the subject use.

Planning 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, B-2, Business General, with the proffer limiting the use to the assisted living facility with a conditional use permit is compatible with the surrounding zoning pattern and surrounding land uses.
2. The requested zoning classification, B-2, Business General, with the proffer limiting the use to the assisted living facility with a conditional use permit conforms to the underlying uses recommended for this general area as set forth in the Planned Growth 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 to the Board of Supervisors is set forth below:

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-20-1 as presented, be recommended for (approval with proffers, OR disapproval) to the Board of Supervisors.

Mr. Bassett asked if there were any questions from the members.

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

Joyce Sims, Church Drive North Dinwiddie, VA informed the members that she has been familiar with this facility for quite a few years as her mom was a resident in 2005 at the assisted living facility, and she would like to see it returned to its purpose.

Mr. Nathan Davenport, Ms. Sims' business partner, came forward and said he would answer any questions the members may have concerning the purposed use.

Mr. Simmons asked Mr. Davenport what is the general scope of the assisted living facility.

Mr. Davenport said the general scope of the assisted living facility is assisting seniors who are not able to take care of themselves on a regular and normal basis.

Mr. Titmus asked how many seniors the facility is considering to care for at one time.

Mr. Davenport said the facility can house up to sixty (60) seniors, but it will operate under the State ratio guidelines of CNA's, medical technicians, and LPN's to patients.

Mr. Hayes asked Mr. Davenport if what they are trying to have is a facility that was like what was there before it was rezoned to a retreat/conference center.

Mr. Davenport said that is correct.

Mr. Titmus said, for clarity, what you are talking about is an assisted living facility for elderly people who need help taking medicine or help doing rehab and not an adult home much like Azzie Manor in Dewitt.

Mr. Davenport said they are going to have an assisted living facility

The Chairman said if there are no more questions for the applicant or his agent he was opening the public hearing portion of the case. The Chairman asked if anyone had signed up to speak.

Rev. T. Keith Venable 10921 Burley Drive South Prince George, VA he supports the assisted living facility that Ms. Sims and her partners want to operate. He would encourage the members to vote yes so that the facility can eventually get back to what it was originally built for.

The Chairman said since there is no one else signed up to speak he is closing the public hearing portion of the case. He opened the discussion among the Commissioners.

Mr. Titmus said he had a couple of things. One, he is kind of disappointed that some conditions have not been put forth as a part of this rezoning. Two, Public Safety has not been a part of the process from the beginning. I asked and found out that the nursing home on Diamond Drive is running about one hundred and six (106) EMS calls a year with patient contact. That equals to one call every three days. This facility has the same amount of beds, and I believe it will have the same impact.

Mr. Titmus asked Mr. Bassett if the conditional use permit that will be heard later is denied, does that mean the rezoning will be denied.

Mr. Bassett said no. The rezoning is separate and would remain rezoned to what is agreed upon. However, any assisted living facility request going forward will still have to come before the Planning Commission for approval of a conditional use permit.

There was some further discussion among Staff and the Commissioners.

Mr. Prosize 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-20-1 as presented, be recommended for approval with proffers to the Board of Supervisors. It was second by Mr. Simmons and with Mr. Harvell, Mr. Cunningham, Mr. Prosize, Mr. Simmons, Mr. Hayes voting “AYE,” and Mr. Titmus voting “NO” and Mr. Tucker “ABSTAINING” P-20-1 was approved with proffers to the Board of Supervisors.

RE: PUBLIC HEARING

MEMORANDUM

TO: Planning Commission
FROM: Mark Bassett, Planning Director
DATE: March 12, 2020
SUBJECT: Proposed Zoning Ordinance amendments to add a \$100.00 fee for administrative review-eligible projects; to consolidate the Article’s definitions into one Section and to add new telecommunication facilities definitions; and to provide for procedures and requirements for administrative review projects and standard review projects

Proposed Zoning Ordinance Amendments

The proposed amendments to the Dinwiddie County Zoning Ordinance include amending Section 22-8 and Sections 22-268, 22-270, 22-271, 22-274, Section 22-274.1. Section 22-8 – Administrative fees is amended to include a \$100.00 fee for administrative review-eligible projects.

Section 22-268 is amended to consolidate the Article’s definitions into one Section to define an “Administrative review-eligible project”, “Antenna”, “Base station”, “Co-locate”, “Existing structure or facility”, “Micro-wireless facility”, “Small cell facility”, “Standard process project”, “Utility pole”, “Water tower”, “Wireless broadband support structure”, “Wireless facility”, “Wireless infrastructure provider”, “Wireless services”, “Wireless service provider,” and “Wireless support structure”. Section

22-270 is amended providing that all standard process project wireless telecommunication facilities require a conditional use permit, and Sec. 22-270 (e) provides that a wireless broadband support structure 60 feet or less AGL is not subject to the requirements of Article IX.

Sec. 22-271 is amended to provide for a review process for a standard process review project and Sec. 22-274 (a) is amended to include general standards for standard review process projects. Section 22-274 (b) is included to provide for general standards for standard review process projects and administrative review-eligible projects. Section 22-274.1 is amended to remove the definitions from this Section and include them in Sec. 22-268 Definitions, and Section 22-274.1 is further amended to include regulations for reviewing administrative review-eligible projects which regulations are included in Section 22-274.1 (c). Section 22-274.1 (d) includes regulations for reviewing the replacement or modification of an existing antenna support structure under the administrative review process, and Section 22-274.1 (e) includes provisions for a co-location of antenna by a telecommunications service provider on an existing antenna support structure to be considered an administrative review-eligible project. After the public hearing, changes may be made to the ordinance, as appropriate.

Staff Recommendation

Staff recommends approval of the Zoning Ordinance amendments as submitted.

Planning Commission Action

WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286(A)(7), 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.

Mr. Bassett asked if there were any questions from the Commissioners.

The Chairman asked if there were any more questions for Mr. Bassett. He said if not he was opening the public hearing portion of the case. The Chairman asked if anyone had signed up to speak. He said since there is no one signed up to speak he is closing the public hearing portion of the case. He opened the discussion among the Commissioners.

Mr. Titmus made a motion and read the following: WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286(A)(7), 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.

It was second by Mr. Simmons and with Mr. Titmus, Mr. Simmons, Mr. Prosis, Mr. Cunningham, Mr. Harvell, Mr. Tucker and Mr. Hayes voting “AYE,” the proposed amendments were approved.

IN RE: COMMISSIONERS' COMMENTS

There was some general conversation among the members about the cases heard by the Commission this evening.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett reminded the members that they will be hearing the following public hearing cases in August. There is the return of Conditional Use Permit, C-20-5. It is the laydown yard extension for Ogburn and Ogburn. There is Conditional Use Permit, C-20-7. It is the proposed assisted living facility. There is rezoning, P-20-2. It is a rezoning for the property where Picture Lake Campground is located. The campground was approved under a conditional use permit in 1977 and then reapproved in 1988 with conditions. They are only allowed in the A-2 zoning district. The property is currently zoned R-1 and the County wants to correct the zoning for the property on the Official Zoning Map.

IN RE: ADJOURNMENT

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Titmus made a motion to adjourn the meeting and Mr. Simmons seconded it and with all Commissioners in agreement the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____