

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 12TH DAY OF AUGUST AT 7:00 P.M.

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

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	MICHAEL DREWRY (Webex by phone)	ASST. COUNTY ATTORNEY

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:20 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. Tucker 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: MINUTES

The Chairman asked if there were any corrections to the July 8, 2020 regular meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented.

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

The Chairman asked if there were any corrections to the July 15, 2020 regular meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented.

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

Mr. Tucker read the following disclosure statement before the members heard this public hearing case.

**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#: C-20-7
Applicant: Provident Care, LLC, and Agent, Joyce Sims
CUP Request: CUP for an 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.: August 12, 2020

CASE OVERVIEW

The applicant, Provident Care, LLC, and their agent, Joyce Sims, are seeking a conditional use permit to operate an assisted living facility with a conditional use permit, on the following described property containing approximately 21.76 +/- acres. The property is located at 18600 Lundys Road Dinwiddie, VA, and is further designated as Tax Map Parcel No. 57-80C. The property is zoned B-2, Business 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 Planned Growth Area which allows limited commercial, service development at the Ordinance defined density.

ATTACHMENTS

- CUP 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 60- bed 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.

This facility will be classified and licensed in the Department of Social Services as an "Assisted Living Facility". There will be no skilled nursing provided. As part of the management team there will be an Executive Director (ED) who is a licensed practical nurse (LPN) and a nursing supervisor or Director of Nursing (DON) who is also a LPN.

The employees that will be primarily caring for the residents will include med-technicians that are licensed to administer medications and perform daily activities (bathing, dressing, eating) as well as certified nursing assistants (CNAs) who are licensed to provide daily care as well with the exception that they cannot administer medications.

The ideal demographic served will be mostly the elderly (65 and above) however the mix of residents may include the disabled and some younger than 65. No resident will be under the age of 18. Mild dementia may be included as well, however, the facility will not have any component or section that will include behavioral challenging residents that would require a locked unit. The ED and DON listed above will be essential in the vetting of potential residents to make sure they meet the criteria for the facility. The criteria will be laid out in detail within policies and procedures.

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. An assisted living facility is permitted in the B-2, Business General, zoning district with an approved conditional use permit

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 and Public Safety 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.

Public safety services will be impacted when considering a shift from the conference center to a 60-bed non-medical residential care setting with 24-hour supervision. The only time EMS will be called will be for perceived life threatening injuries. The impact on public safety services is affected considering a shift from 24-hour elderly care to the conference center. It is anticipated that the facility would generate approximately 45 EMS calls for service and 3 fire calls for service per year. The predicted EMS call volume is a 1.2 % increase over the current 5-year average for calls for service. The fire calls are a negligible increase. These volumes should be maintained as long as the facility has strong medical direction and medical staff and EMS does not become a primary source of evaluation, treatment and transport of non-emergent patients.

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:

Planning staff reviewed the request for the conditional use permit and is satisfied that the impacts of operating an assisted living facility 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 an assisted living facility is subject to the following conditions:

C-20-7 Conditions:

1. The use of the property shall be limited to a 60-bed assisted living facility as identified in the Land Use Amendment Application;
2. Any site lighting installed shall be directed downward and inward to the site to preserve the night sky and shall not directly cast light onto the adjoining properties or public roads;
3. The assisted living facility shall maintain a current license from the Virginia Department of Social Services to maintain and operate the assisted living facility;
4. The assisted living facility shall comply with all applicable federal, state, and local codes; and
5. This conditional use permit is subject to review by the Dinwiddie County Zoning Administrator on an annual basis from the date of issuance. 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'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 conditional use permit, C-20-7 as presented, be recommended for (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.

Ms. Joyce Sims came forward and said Mr. Davenport, her business partner, will be giving a short presentation for the members. After the presentation, Mr. Davenport asked if there were any questions.

Mr. Hayes asked how this request is different from what was there originally.

Mr. Davenport said, in a lot of ways the goal and the purpose will be the same. What will be different is the way we will go about doing things.

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.

Mr. Titmus asked Mr. Bassett if the applicant is not successful revenue wise with this requested assisted living facility, would they have to reapply with another CUP to do a different kind of assisted living facility like the one in Dewitt.

Mr. Bassett said no. The assisted living facility could be transferred to a new owner as well. As long as they have met the conditions set forth and had the proper licensing through the Department of Social Services for an assisted living facility, they would not have to reapply for a specific CUP. The applicant would only have to come before this Planning Commission if they applied for something other than being licensed as an assisted living facility. A good example would be a group home or group home large.

Mr. Hayes asked Mr. Titmus if he had concerns beyond what the state regulates on assisted living facilities and what staff has provided as conditions for this assisted living facility.

Mr. Titmus said his concerns are beyond the five conditions we have listed.

The Chairman said if there is no more discussion, 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-20-7 as presented, be recommended for (approval with conditions, OR disapproval) to the Board of Supervisors. It was seconded by Mr. Prosize and with Mr. Cunningham, Mr. Harvell, Mr. Simmons, Mr. Titmus, Mr. Prosize, and Mr. Hayes voting "AYE," C-20-7 was recommended for approval with conditions to the Board of Supervisors.

RE: PUBLIC HEARING

Planning Commission Staff Report

File #: P-20-2
Applicant: The Board of Supervisors of Dinwiddie County, Virginia
Rezoning Request: Residential, Limited, R-1 to Agricultural, General, A-2
Tax Map Parcel #: 33-6-A
Property Size: 24.50 +/- acres
Magisterial District: Rohoic District
Planning Commission Mtg.: August 12, 2020

CASE OVERVIEW

The applicant, the Board of Supervisors of Dinwiddie County, Virginia, is rezoning property containing approximately 24.50 +/- acres from R-1, Residential Limited, to A-2, Agricultural General to correct the zoning for this portion of the property on the official zoning map. The front portion of the property extending 300 feet inward from and along the Route 1 right-of-way is currently zoned B-2, Business General, and is not a part of the rezoning and is to remain zoned B-2, Business General. The A-2, Agricultural General, zoning classification allows for a campground with a conditional use permit pursuant to the Zoning Ordinance allowed density. The property is currently occupied by Picture Lake Campground located at 7818 Boydton Plank Road North Dinwiddie, VA, and is further defined as a portion of Tax Map Parcel No. 33-6-A. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Planning Area, which allows for commercial and service uses for this general area.

ATTACHMENTS

- Rezoning Application
- Property Location Map
- Zoning Map

BACKGROUND INFORMATION

In 1972, the Board of Supervisors approved a conditional use permit for the construction and operation of a Holiday Inn Travel Park, a campground, on Tax Map Parcel 33-6-A. Again, on March 16, 1988, the Board of Supervisors approved conditional use permit, C-88-2, to allow H and B of Virginia, Inc. to operate the campground, Picture Lake Campground. The official zoning map for the County dating back to when the campground was approved with conditional use permit shows that this property is zoned R-1, Residential Limited, which does not allow for a campground. Thus, with the proposed buildout of the campground, the zoning for this portion of the property needs to be corrected to A-2, Agricultural General, which allows for the campground as approved with a conditional use permit in 1972 and again in 1988 when the campground ownership changed.

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding this land parcel include mixed land uses that include open space and Picture Lake, and commercial land uses.

The open space and lake to the north and west of the subject property is zoned Agricultural, General, A-2. Property to the east and south is zoned Business, General, B-2.

The subject property is located within the Urban Planning Area as defined by the Comprehensive Land Use Plan. This Urban Planning Area is expected to accommodate commercial and service uses within the general area of the existing campground.

OVERVIEW OF IMPACTS

Public Utilities, School System, and Public Safety Impacts

The impacts on the subject property are minimal. The proposed rezoning to B-2, Business, General, allows for the current use, the campground to continue as originally approved in the 1988 conditional use permit. Recently, the onsite sanitary sewer system has been upgraded, and water and sewer are part of the public system. Short-term rentals at the campsite do not impact the school system. There are impacts to the school system when a contractor who has a family stays for a period and the children of the contractor have to attend Dinwiddie County schools. The potential impact on public safety will be minimal and no existing public safety concerns have been raised as part of the existing operation of the campground.

Transportation Impacts

The impacts on the existing transportation network are minimal. The subject property has existing access to and frontage on Boydton Plank Road (Route 1). The road system in this particular area is adequate to handle the traffic generated by the campground. Any future development of the campground requires a review of the impacts on the existing transportation network.

Staff Recommendation:

Staff recommends APPROVAL of the request to rezone the subject property based on the following reasons:

1. The zoning classification requested, A-2, Agricultural, General, is consistent with the surrounding zoning pattern, and is an appropriate zoning classification given the current approved campground use located on the subject property;
2. The requested zoning classification with the conditionally approved campground use conforms with the underlying uses outlined in the Dinwiddie Urban Planning Area in the Comprehensive Land Use Plan for this general area; and
3. The existing campground with a conditional use permit does not have an adverse impact on the surrounding properties.

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 in this matter, 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-20-2 be recommended for (approval OR disapproval) to the Board of Supervisors.

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

Mr. Cunningham asked if the residences in the campground are permanent or temporary.

Mr. Bassett said there should not be anyone in the campground with a permanent residence. That would not meet the definition of a campground under the State's campground provisions as well as the County's campground regulations. The two caveats to the state provisions and county regulations would be if someone is homeless and if a major construction project is happening, such as Amazon or Aldi.

The Chairman said if there are no more questions for Mr. Bassett 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 rezoning P-20-2 be recommended for (approval OR disapproval) to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Cunningham, Mr. Harvell, Mr. Simmons, Mr. Titmus, Mr. Prosis, Mr. Tucker and Mr. Hayes voting "AYE," P-20-2 was recommended for approval to the Board of Supervisors.

RE: PUBLIC HEARING

To: Dinwiddie County Planning Commission

From: Mark Bassett, Planning Director

Date: August 5, 2020

Subject: Zoning Ordinance Amendments to the A-1 and A-2 Zoning Districts Maximum Density Provisions Relating to the Date for a Parent Parcel

Proposed Zoning Ordinance Amendments

As provided for in Dinwiddie County Zoning Ordinance Sec. 22-5, Amendments to Chapter, and as provided for under § 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended, Dinwiddie County is amending the Dinwiddie County Zoning Ordinance by amending Section 22-60.1 – Maximum Density in the A-1 Zoning District and Section 22-71.1 – Maximum Density (2) and (5) in the A-2 Zoning District to clarify and to further define the size of the parent parcel as the number of acres existing in a parcel on May 21, 2019.

Staff Recommendation

Staff recommends approval of the Zoning Ordinance amendments as presented.

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.

Mr. Hayes asked Mr. Bassett if the maximum density provisions in the ordinance have helped with the intended outcome of limiting extensive divisions in the A-2 Zoning district along secondary roads.

Mr. Bassett said overall I believe it has reduced the proliferation of lots along secondary roads in the A-2 zoned areas of the County.

The Chairman said since there are no questions for Mr. Bassett 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: 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 seconded by Mr. Tucker and with Mr. Cunningham, Mr. Harvell, Mr. Simmons, Mr. Titmus, Mr. Prosise, Mr. Tucker and Mr. Hayes voting "AYE," A-20-3 was recommended for approval to the Board of Supervisors.

IN RE: OLD BUSINESS

CASE C-20-5. The applicant, Ogburn & Ogburn Trucking, LLC, and their agent, Hampton Gordon, are seeking a conditional use permit to operate a laydown yard on the following described property containing approximately 21.21 acres. The property is located between Rt. 460 west bound lanes, Zion Rd., and Baltimore Rd. Ford, VA, and is further designated as Tax Map No. 28-35. 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. **Note: Applicant has requested a deferral to the September 9, 2020 Planning Commission meeting.**

IN RE: COMMISSIONERS' COMMENTS

Mr. Tucker said he was glad to be back.

Mr. Titmus said he has been concerned lately about Conditional Use Permits continuing to come before this Planning Commission. We do not have a Zoning Administrator and one of their responsibilities is to check yearly on the Conditional Use Permits we issue. That is not happening and that is why I am concerned.

Mr. Hayes asked Mr. Bassett if he knew how many Conditional Use Permits we have issued. Mr. Bassett said the County records go back as far as 1972 and that the County has issued 195 Conditional Use Permits.

Mr. Cunningham reminded the members that he would not be available to attend next month's meeting.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett informed the members that they six cases coming before them and possibly a plat review for a subdivision as well.

IN RE: ADJOURNMENT

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Cunningham made a motion to adjourn the meeting and Mr. Simmons seconded it and with all Commissioners in agreement the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

