

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 10<sup>th</sup> DAY OF APRIL 2019 AT 7:00 P.M.

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

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	TYLER SOUTHALL	COUNTY ATTORNEY
	JAMIE SHERRY	ZONING ADMINISTRATOR

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**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 Mr. Cunningham was not present. Mr. Cunningham arrived right after the Citizen Comment period.

**IN RE: APPROVAL OF AGENDA**

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

Mr. Bassett said he has a couple of items he would like to add to the agenda. The first is the resolution for the Capital Improvements Program. I would like to add it before the minutes. The second is a subdivision plat review that has been placed at each of your chairs. I would like to add it after the minutes.

The Chairman said since there are no other additions, deletions or corrections he would entertain a motion to accept the agenda with the additions requested by staff.

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

**IN RE: CAPITAL IMPROVEMENTS PROGRAM**

Mr. Southall said he mentioned in the workshop meeting that, since this is a resolution, it would be better to approve the resolution in a regular meeting rather than a workshop meeting.

Mr. Southall read then read the following resolution: BE IT THEREFORE RESOLVED that pursuant to Virginia Code Section 15.2-2239 the Capital Improvements Program is recommended to the Board of Supervisors in Dinwiddie County Virginia in the form presented to the Planning Commission. Mr. Titmus made a motion to accept the resolution and Mr. Tucker seconded it. With Mr. Harvell, Mr. Prorise, Mr. Titmus, Mr. Tucker, Mr. Hayes and Mr. Simmons voting "AYE" the CIP resolution was adopted.

**IN RE: MINUTES**

The Chairman said the members have before them the minutes from the March 13, 2019 Joint BOS and PC 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 joint meeting workshop minutes as presented and Mr. Titmus seconded it. With Mr. Tucker, Mr. Titmus, Mr. Harvell, Mr. Prorise, Mr. Hayes and Mr. Simmons voting "AYE" the joint meeting workshop minutes were accepted as presented.

The Chairman said the members have before them the minutes from the March 13, 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. Titmus made a motion to accept the regular meeting minutes as presented and Mr. Harvell seconded it. With Mr. Tucker, Mr. Titmus, Mr. Harvell, Mr. Prorise, Mr. Hayes and Mr. Simmons voting "AYE" the regular meeting minutes were accepted as presented.

**IN RE: SUB-DIVISION PLAT REVIEW**

Mr. Bassett said the plat you have before you this evening is a plat showing a division of 26.146 acres as requested by Bostic Real Estate Properties LLC & Slade and Sons Construction LLC located on the east side of Route 627 in Namozine District Dinwiddie County Virginia. This property was part of a rezoning request from A2 to RR1 that came before you. It allowed the applicants to garner three lots. Staff is asking the Planning Commission approval of this subdivision plat as presented.

M. Prorise made a motion that the sub-division plat showing a division of 26.146 acres as requested by Bostic Real Estate Properties LLC & Slade and Sons Construction LLC located on the east side of Route 627 in Namozine District Dinwiddie County Virginia be approved as presented and Mr. Titmus seconded it. With Mr. Tucker, Mr. Titmus, Mr. Harvell, Mr. Prorise, Mr. Hayes and Mr. Simmons voting "AYE" the sub-division plat was approved.

**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**

## **Planning Commission Staff Report**

File #: C-19-2  
Request: Conditional Use Permit: Wireless Telecommunication Tower/Facility  
Applicant: Cellco Partnership dba Verizon Wireless, through its agent, David Beniamino  
Property Location: Southern side of Rt. 460 approximately 2,500 feet south of its intersection with Wilson Rd. Wilsons, Virginia  
Tax Map Parcel #: 25-31  
Acreage: Tax parcel is approximately 250 acres; compound area is 10,000 square ft which is located approximately 230 ft. into the property from Wilson Rd. (Rt. 639)  
Magisterial District: Darvills District  
Existing Zoning: A-2, Agricultural, General  
Planning Commission Public Hearing Date: April 10, 2019

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### **APPLICATION OVERVIEW**

The applicant, Cellco Partnership dba Verizon Wireless, through its agent, David Beniamino, is seeking a conditional use permit to allow for the construction and operation of a 199-foot (195-foot monopole plus a four-foot lightning rod) wireless telecommunication tower and related equipment. The property is located on the southern side of Rt. 460 approximately 2500 feet south of its intersection with Wilson Rd. Wilsons, Virginia. The property is designated as Tax Map Parcel 25-31 and is zoned Agricultural, General, A-2 which allows such use upon receiving a conditional use permit. The County Comprehensive Land Use Plan places this property within the Resource Conservation Area which recommends public service facility development for this general area.

### **INFORMATION INCLUDED**

The following information is included for your review:

- Conditional Use Permit Application
- New Communication Tower Application
- Tower Site Location Map
- Tower Application Supporting Information
- County's Telecommunication Consultant's Technical Review

### **CASE SUMMARY**

The applicant is requesting to locate a 199-foot tall tower (195-foot monopole plus a four-foot lightning rod) with five total co-locations in this area of the County to support 4-G Broadband Data wireless service delivery and to fill in a gap in their existing coverage area along Hwy. 460 thereby providing improved and increased coverage for the surrounding area. The possibility of co-locating on existing towers in the surrounding area was pursued by the applicant, and no additional sites are available meeting the applicant's coverage objectives (see Attachment B, Technical Review by Atlantic Technology Consultants, Inc.). It is apparent that gaps in adequate coverage exist and the addition of the proposed tower will fill in any "dead" areas enhancing the coverage area along Hwy. 460 and the surrounding properties.

## **ZONING AND LAND USE ANALYSIS**

The property under review is designated by the Comprehensive Land Use Plan as a part of the Resource Conservation Area. As such, the area is expected to accommodate future public service facility development for this general area as appropriate.

The properties around this land parcel have agricultural, forestal, and low density residential uses, and the properties surrounding the tower site are zoned Agricultural, General, A-2.

Section 22-71 (2) (45) of the Dinwiddie County Zoning Code allows for the location of this proposed use, "communication tower with station", within the A-2, Agricultural, General, Zoning District provided that a conditional use permit is approved.

Additionally, Article IX of Chapter 22 of the Code of Dinwiddie, Virginia sets forth guidelines for the siting of telecommunication antennae and towers. Section 22-269 outlines the purpose and intent of the article, and within this section the goals of the ordinance are set forth. The goals are as follows:

- a. encourage the location of antennae and towers in areas where the adverse impact on the community is minimal;
- b. to accommodate wireless telecommunication services to county residents, businesses, and travelers;
- c. strongly encourages the co-location of telecommunication equipment on existing towers;
- d. maximize the use of existing structures;
- e. make available public property to facilitate the deployment of wireless telecommunication facilities;
- f. minimize adverse visual effects of wireless telecommunication facilities through careful siting and design and;
- g. minimize adverse impacts on the natural, scenic, environmental, historic, cultural, and recreational resources of the county.

As previously noted the applicant explored the opportunities for co-locating on the existing towers in the area, but co-locating on these towers does not achieve the coverage goals. The applicant's plan does comply with all federal, state, and local regulations regarding providing future co-location of equipment on the existing telecommunication tower and equipment site.

It is the applicant's intent to develop their telecommunication network within the framework established by the above stated goals. Additionally, there will be no impact on the subject and adjacent properties concerning by-right agricultural, forestal, and residential uses.

As per the Zoning Ordinance, Article IX, Section 22-274 (3) Setback requirements, "Towers must be setback a distance equal to 200% of the height of the antenna or tower to the nearest residential structure and in no case less than 400 feet", and the distance from the proposed tower to the nearest residential structure is approximately 435 feet. In addition, Section 22-274 (4) requires that "All antenna support structures must be setback 110% of the height of the structure from all property lines". The proposed location of the tower does meet this setback requirement; the setback from the proposed tower to the nearest property line is 230 feet.

## **OVERVIEW OF IMPACTS**

### *Public Utilities, School System, Environmental & Historic Recourses, & Surrounding Properties*

The potential impacts on the subject property are minimal. Electricity is the only utility needed to develop the site for a wireless telecommunication tower/facility. There is no impact on the public school system. The Section 106 filing as part of the National historic Preservation Act of 1966 (NHPA) has taken place and as the County's consultant has recommended the final comments on the 106 filing and the Phase I Environmental Site Assessment and NEPA Review shall be received prior to issuance of a Building Permit. Given the existing tree cover, visibility of the proposed tower from the surrounding properties will be limited and minimal. Finally, there is no hazard to air space navigation, and the tower will be designed to collapse upon itself once wind loads exceed the required limits, and there are required monthly site maintenance visits to the tower.

## **COUNTY CONSULTANT'S RECOMMENDATION**

The County's telecommunications consultant, Atlantic Technology Consultants, Inc., has reviewed the conditional use permit and new-build wireless telecommunication tower/facility application and is satisfied that the applicant has addressed the impacts of and need for the tower and has recommended approval of the request contingent upon (1) request and display an antenna Site registration Number from the FCC; and (2) comments back from the Virginia Department of Historical Resources should be received prior to issuance of a building permit.

## **STAFF RECOMMENDATION**

The Staff has reviewed the conditional use permit request for a 199-foot tall tower (195-foot monopole plus a four-foot lightening rod) to be located on a 100' X 100' lease tower development area and finds that the applicant has successfully addressed the impacts of the wireless telecommunication tower/facility:

1. The impact of the proposed tower will be minimal given that the proposed tower will not have direct effects on public utilities, the transportation network, public safety, schools, and water quality.
2. The subject property is of adequate acreage and the proposed location of the 199-foot unlit monopole tower will not adversely impact the surrounding land uses.
3. The proposed location of the tower conforms with the goals of the Resource Conservation Area as set forth in the Comprehensive Land Use Plan, and to the requirements of the Zoning Ordinance.

Therefore, staff recommends APPROVAL of the request for a conditional use permit to construct the subject telecommunications tower based on the following conditions:

1. The applicant shall limit the height and type of wireless telecommunication tower to a 199-foot monopole tower (195-foot monopole plus a four-foot lightening rod) located on a 100' X 100' lease compound area as stated in the application.
2. The wireless telecommunication tower/facility owner shall negotiate in good faith with the County for paid, leased tower space if the County should desire to locate broadband or other communications equipment for commercial or like services to third parties.

3. Prior to obtaining final building permit approval, the applicant shall post a bond equivalent to the cost of removal of the monopole tower with the Dinwiddie County Planning Department.
4. The monopole tower shall be engineered to accommodate six (6) co-locators (four (4) LMR and two (2) static wireless broadband providers) and their equipment.
5. The monopole tower will be constructed to meet or exceed the setbacks as shown on Site Plan sheet number C-1 of the tower overall site plan with revisions titled "Verizon Wireless, Grubby, 0 Wilson Road, Wilsons, VA 23894, Zoning Drawings, as designed by Dewberry Engineers, Inc. and dated 09/27/18.
6. The conditional use permit shall be reviewed at least every two (2) years for compliance with the subject CUP conditions and all applicable Zoning Ordinance requirements for wireless telecommunication facilities.
7. The applicant shall maintain compliance with all federal, state, and county rules and regulations related to the wireless telecommunication tower/facility use.

### **PLANNING COMMISSION ACTION**

Since this is a zoning matter, the standard statement regarding Planning Commission action on this zoning matter must be read. In order to assist, the following motion is attached as follows:

**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 request, C-19-3, be recommended for (approval with conditions OR disapproval) as presented to the Board of Supervisors.**

Upon completion of his staff presentation, Mr. Bassett asked the County's Consultant to come forward with his presentation concerning the technical review of the case.

Mr. George Condyles, President of the Atlantic group of companies, 6260 Pine Slash Road, Mechanicsville VA said the applicant supplied all the information that is required and he feels the application has merit. It is the opinion of this consultant that this application demonstrates intent to conform to all Federal, State, and County regulations regarding the construction of telecommunications support structures, represents a sound design and should therefore be grantee approval as proposed.

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

Mr. Prosize asked Mr. Condyles if this tower, which will have Verizon located on it, was going to assist telephone or internet.

Mr. Condyles said it will help both. It will enhance the voice posture in the area as well as wireless E911 and your data plan.

Mr. Prosize asked what the range of the tower will be.

Mr. Condyles said the range is about 3 to 4 miles.

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

Mr. Steve Romine, local attorney for Verizon Wireless, 222 Central Park Ave, Virginia Beach VA said he didn't have anything additional to add, but would answer any questions the Commission might have concerning this case.

Mr. Prorise asked where the applicant was going to enter the site.

Mr. Romine said he believe they will access the site off of Wilson Road.

Mr. Tucker asked if the applicant had reached out to property owners in the area to let them know what you are proposing.

Mr. Romine said normally we reach out to land owners that will be impacted. If there are others in the area that you would like for us to reach out to we can certainly do that before our case is heard by the Board of Supervisors.

The Chairman asked if there were any more questions for the applicant's agent. 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 were none he closed the public hearing portion of the case. He opened the discussion among the Commissioners.

Mr. Prorise said he goes by this property several times a week. It has been marked for months. The people in that area are well informed about it. So I feel very good about what's being proposed.

Mr. Titmus said condition #3 only talks about posting a bond equivalent to the cost of removal of the monopole tower. Does that also include the removal of concrete as well?

Mr. Bassett said typically it was just the tower, but now it is the tower and four feet below it.

The Chairman said if there are no more questions 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 conditional use permit request, C-19-2, be recommended for approval with conditions as presented to the Board of Supervisors. It was seconded by Mr. Prorise and with Mr. Titmus, Mr. Prorise, Mr. Cunningham, Mr. Harvell, Mr. Tucker, Mr. Hayes and Mr. Simmons voting "AYE" C-19-2 was approved.

**RE: PUBLIC HEARING**

## **Planning Commission Staff Report**

Case No.:	C-19-3
Applicant:	Melanie Welch
CUP Request:	To operate a commercial kennel for dogs in the A-2 Zoning District
Property Location:	5864 Brook Run Lane, Church Road
Tax Map Parcel #:	16-8-12
Property Size:	4.97 acres
Magisterial District:	Namozine District
Planning Commission Mtg.:	April 10, 2019

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## **CASE OVERVIEW**

The property owner, Melanie Welch, is requesting a conditional use permit to utilize the following described property for a commercial kennel, as such term is defined in the Dinwiddie County Code. The Agricultural, General, A-2, zoning classification allows for single-family residential and general business pursuant to the Zoning Ordinance allowed density. The property is located at 5864 Brook Run Lane, Church Road, and is further defined as Tax Map Parcel 16-8-12. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Rural Conservation Area, which recommends agricultural residential and limited commercial and service development for this general area.

The applicant intends to operate the commercial kennel behind her dwelling in the garage with shop area in order to board no more than five (5) cats and dogs at one time.

## **ATTACHMENTS**

- Conditional Use Permit Application
- Location Map
- Sub-division Plat

## **LAND USE/ZONING ANALYSIS**

The subject property, which is a platted property as part of the Brooklea subdivision, is surrounded by low density (3.0+ acres), rural, single-family residential lots, open space, and forestal/timberland land uses. The surrounding zoning pattern consists of properties zoned A-2, Agricultural, General.

In the Comprehensive Land Use Plan the subject property is located within the Rural Conservation Area, which recommends agricultural residential and limited commercial and service development for this general area. The commercial kennel would allow for a limited service use to be added as an accessory use to the primary residential use of the property.

The location of the commercial kennel is proposed to be located behind her dwelling in the garage with shop area and an adjoining fenced-in outdoor exercise/relief area for the dogs and cats. The subject property is partially wooded and the residence and kennel related activities are located in the center of the subject property and sheltered from view.

## **OVERVIEW OF IMPACTS**

### *Public Utilities & Public Safety Impacts*

Currently, there is no impact to the public utility system and utilities are provided from on-site well and septic systems. Any future expansion beyond what is allowed under the conditional use permit will be subject to governmental agency reviews and permitting. The potential impact on public safety is limited.

### *Transportation Impacts*

With the proposed use of the property generating very few vehicle trips, the impacts on the existing transportation network are negligible. The subject property has direct access to the private gravel road, Brook Run Lane which provides access to a total of three properties/dwellings.



**Planning Staff Recommendation:**

The planning staff has reviewed the impacts of the request for a conditional use permit to utilize the subject property for an accessory commercial kennel for the keeping of dogs and cats, and staff recommends APPROVAL WITH CONDITIONS of the request subject to the following conditions:

CUP, C-19-3, Conditions:

1. There shall be no more than five (5) cats and dogs boarded temporarily (i.e. kept for no more than 30 days) as part of the commercial kennel operation, and there shall be no more than two (2) cats and dogs of permanent status (i.e. any cat or dog over six months of age) on the subject property at one time.
2. All defactory matter shall be placed in a controlled location, covered and disposed of per County and State Codes.
3. The cats and dogs that are part of the commercial kennel operation, as discussed above, shall be kept in a fenced area, in cat and dog runs, or inside a structure for boarding cats and dogs.
4. Operation of the kennel shall comply with all applicable County, State, and Federal Codes.
5. The conditional use permit shall be reviewed for compliance with stated conditions at least every two (2) years.

**PLANNING COMMISSION ACTION**

Since this is a zoning matter, the standard statement regarding Planning Commission action on this zoning matter must be read. In order to assist, the following motion is attached as follows:

**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 request, C-19-3, be recommended for (approval with conditions OR disapproval) as presented to the Board of Supervisors.**

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

Mr. Prorise asked if there had been any discussion about a sign been done to advertise the kennel.

Mr. Bassett said he is not aware of the applicant desiring any signage related to the commercial kennel.

Mr. Cunningham asked if anyone had come to the Planning office to speak for or against this case.

Mr. Bassett said no one has come in to speak for or against this conditional use permit.

Mr. Hayes said this property is in A-2 and condition number one talks about two (2) permanent status animals. How did that come about?

Mr. Bassett said it has come up in other cases, so staff decided to ask all the applicants who apply for this kind of conditional use permit that question as well as adding it to the conditions.

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.

Ms. Melanie Welch located at 5864 Brook Run Land, Church Road VA said she just wanted to add the fact that she has been running a pet sitting business for the last thirty (30) years. She normally goes to the customer's home to do it. The business has grown and some customers have asked if I could keep animals at my home. I didn't have that option with my business license, which caused me to lose business. That is the reason I am requesting the conditional use permit.

Mr. Tucker asked if she was going to have someone at this kennel all the time.

Mr. Welch said if she is traveling to care for other animals, she will not have any animals at her kennel. She said when she has animals at the kennel, she would not be travelling.

The Chairman asked if there were any more 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 were none he closed the public hearing portion of the case. He opened the discussion among the Commissioners.

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 request, C-19-3, be recommended for approval with conditions as presented to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Tucker, Mr. Cunningham, Mr. Titmus, Mr. Harvell, Mr. Prosise, Mr. Hayes and Mr. Simmons voting "AYE" C-19-3 was approved.

**RE: PUBLIC HEARING**

## **Planning Commission Staff Report**

File#:	P-19-1
Applicant:	Everett Bros. Properties, Inc., & Agent, Christopher L. Everett, President
Rezoning Request:	Residential, Limited, R-1 to Residential, Urban, R-U
Property Location:	North side of Surry Ave. on the northwest quadrant of Surry Ave. and Roanoke St. intersection
Tax Map Parcel #'s:	21A-1-187 and 21A-1-188
Acreage:	Approx. 0.12 acres
Magisterial District:	Rohoic District
Planning Commission Mtg.:	April 10, 2019

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### **CASE OVERVIEW**

The applicant, Christopher L. Everett, President, on behalf of Everett Bros. Properties, Inc., is requesting to rezone property containing approximately 0.12 +/- acres from R-1, Residential Limited, minimum lot size 20,000 sq. ft. to R-U, Residential Urban, minimum lot size 5,000 sq. ft. The R-U, Residential Urban, zoning classification allows for certain residential uses pursuant to the Zoning Ordinance allowed density.

The property is located on the north side of Surry Ave. on the northwest quadrant of Surry Ave. and Roanoke St. intersection, and is further defined as Tax Map Parcel Nos. 21A-1-187 and 21A-1-188.

As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited residential uses for this general area.

### **ATTACHMENTS**

- Rezoning Application
- Property Location Map
- Property Picture

### **LAND USE AND ZONING ANALYSIS**

The subject property is located on the north side of Surry Ave. on the northwest quadrant of Surry Ave. and Roanoke St. intersection, and is further defined as Tax Map Parcel Nos. 21A-1-187 and 21A-1-188. The applicant is seeking the rezoning of the 0.12-acre property from Residential, Limited, R-1 to Residential, Urban, R-U to combine the two aforementioned parcels to construct a new single-family residential dwelling. The R-U zoning classification allows for minimum lot sizes of 5,000 square feet provided that the single-family dwelling is served by public water and sewer. The proposed dwelling is to be served by public water and sewer by the Dinwiddie County Water Authority (DCWA) water and sewer system. In addition, in the R-U Zoning District the minimum allowable lot width for lots with single-family dwellings is 50 feet at the building setback line, and the subject property has the minimum amount of road frontage and lot width to meet the Ordinance defined lot width for each proposed lot.

The surrounding land uses include open space and predominately low-density established and stable single-family residential development, and the general surrounding area is zoned R-1, Residential, Limited. In the general area of the subject property there are multiple single-family residential dwellings located on approximately two recorded lots (each lot is 25 feet wide and 100 feet deep) each of which are nonconforming under the current zoned R-1, Residential Limited, zoning classification. These surrounding nonconforming dwellings located on two lots of record are compatible in size and character with what is proposed as part of the subject rezoning request.

The property under review is designated by the Comprehensive Land Use Plan (the “Plan”) as being within the Urban Area. As such, the general area is expected to accommodate future medium density residential development.

The composition and purpose statement within the R-U Zoning District states that “In general, the “Residential, Urban” zoning district allows smaller lot sizes and setbacks than the county's other residential zoning districts, giving areas zoned R-U a more urban feel. The district regulations are designed to reflect the urban nature of such neighborhoods as characterized by detached single-family dwellings situated on small lots with narrow yards and modest setbacks. The district regulations are intended to encourage continued improvement and efficient use of existing residential buildings and their accessory structures, while ensuring that infill development will be compatible with the established character of the district”, and the proposed development is in accordance with the purpose of the R-U District.

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 Urban Area; thus, with the property being located in the existing West Petersburg neighborhood and with the property having access to the DCWA water and sewer system, this general area may be considered a residential growth center.

## **OVERVIEW OF DEVELOPMENT IMPACTS**

### *Public Utilities, Public Safety & School System Impacts*

As public water and sewer is available in the area, the use of public water and sewer utilities is being utilized by the applicant. It is the intention of the applicants to combine the subject lots/properties so that a dwelling may be located on its own individual lot.

With the proposed lot consolidation allowing for a single-family residence to be constructed, the impacts on public safety services should be minimal.

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 current build out (three to five years in normal economic housing market conditions) this proposed development would add one student to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school.

### *Transportation Impacts*

The impacts on the existing transportation network from the proposed development would not warrant the construction of any turn lanes or tapers only a residential driveway entrance.

### **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, R-U, Residential Urban, is compatible with the surrounding zoning pattern and surrounding land uses. Further, the R-U Zoning District was created to accommodate further development of the existing lots within the Urban Area including the West Petersburg neighborhood.
2. The requested zoning classification, R-U, Residential Urban, conforms to the underlying uses recommended for this general area as set forth in the Urban 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-19-1 as presented, be recommended for (approval, OR disapproval) to the Board of Supervisors.**

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

Mr. Titmus asked with the current zoning wouldn't it take eight (8) lots to build on?

Mr. Bassett said that is correct.

Mr. Tucker said this area was supposed to have a Town Hall meeting to talk about lot sizes and possible mass rezoning of the area. Did that meeting take place?

Mr. Bassett said the meeting did take place on November 16, 2018. Ms. Bonner, the Board member for that district, attended that meeting with staff. The RU district and what it was all about was covered at that meeting. Staff also, at that meeting, talked about the potential for rezoning the entire area at one time to the RU zoning district. The feedback for doing that was not something they desired at that time.

So we told the individuals who own property in that area that they could, in the future, make application to have their property rezoned. It would be done on a case by case bases.

Mr. Titmus asked if there has only been one other property, in that area, zoned to RU.

Mr. Bassett said that is correct and he is the applicant who is making the request tonight.

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. Christopher L. Everett 26975 Courthouse Road, Stoney Creek, VA said he does think this home will be a benefit to the community more so than a vacant lot. The home will look similar to the one we have already built in the community.

The Chairman asked if there were any more 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.

Ms. Deborah Ellis, 25611 Surry Ave, Petersburg VA said she is emphatically against the rezoning of the property for the Everett Brothers erection of a home. In her opinion it is an encroachment, it is a conflict and it is a history of abandonment of property. There is not enough property to build a house and it is a safety issue. Roanoke Ave is a thoroughfare and this property will encroach on vehicles being able to travel through. The Everett Brothers at no time have come out to the community to help clean up. The erection of this home is not for the good of our community as he states, it is for his pockets. If he was really concerned about helping us with our community, you would have been helping a long time ago. The only one who has help with cleaning is Mr. Wayland Huckaby. He took time out of his schedule on weekends to help and tell us what need to be done to get the area cleaned up.

Ms. Yolanda Smith, said she stands for her parent's property at 25707 Greenville Ave, Petersburg VA. My address is 25319 Shadyside Drive Petersburg VA. On behalf of the West Petersburg Community and the Families Advocating Communities Enrichment and Support. We strongly object to the construction of this new proposed Single Family Dwelling. It is a safety issue. We are trying to take back our community and build it up for our youth. To bring in another building will take away from us doing that. I don't see how a new home will be a benefit to the community. I think it will bring back the trouble to our community that we have worked hard to get out. So again, I strongly ask that you do not approve this property for rezoning.

Ms. Marjorie Smith Walker, said she was speaking on behalf of her mother's property at 25707 Greenville Ave, Petersburg VA. She said she lives at 5310 Church Drive, North Dinwiddie VA. Ms. Ellis and Ms. Smith have pretty much covered it all, but I just wanted to go on record that I object to this rezoning.

The Chairman asked if there was anyone else signed up to speak. Hearing that there were none he closed the public hearing portion of the case. He opened the discussion among the Commissioners.

Mr. Cunningham said he has heard the word encroachment of my property used several times. He asked Mr. Southall if he could give a legal definition of encroachment of someone's property.

Mr. Southall said legally when he thinks about an encroachment, he's generally thinking about the actual land lines of the property and is there something that will go over those lines. It could be a structure or some physical entrance into that property. He reminded Mr. Cunningham that encroachment is a word that's maybe a little malleable in its meaning, but legally that is what I think of.

Mr. Cunningham asked Mr. Bassett if the home propose to be built meets all the setback requirements for the new zoning and he wanted to know if it encroaches on the neighbor's property.

Mr. Bassett said under the new zoning the home does meet all of the setback requirements and the home does not encroach on the neighbor's property.

Mr. Hayes said according to the definition given by Mr. Southall, if someone wanted to build a house on any two (2) combine lots they would be required to not encroach correct.

Mr. Bassett said that is correct.

Mr. Cunningham asked Mr. Everett what he is doing to maintain beautification on lots 180 & 181.

Mr. Everett said we've widen the drive ways, so the neighbors can share it. He said we put in flowers to enhance the land scape. That was something we were not required to do, but we felt it enhances the property and that is why we did it.

Mr. Hayes asked Mr. Everett if he owns the home on lots 180 & 181 and is this home being rented.

Mr. Everett said he and his brother does own the home and they have been renting it out since 2016.

Mr. Hayes asked Mr. Everett how long has he and his brother owned the property. Also, knowing that vacant lots attract different things, have you been cleaning it up the entire time you've owned it?

Mr. Everett said they have owned it for about twenty (20) years. It was pass down to him and his brother from their grandfather. We have been cleaning up the property the entire time. We recognize that vacant lots draw activity and we felt that putting a home on the property would bring good people to the community while also eliminating loitering and trash issues connected to the property.

Mr. Cunningham said he heard mentioned the issues emergency services would have related to getting in and getting out of Roanoke Street & Surry Ave when needed to do so. He asked Mr. Everett what his thoughts were on that comment.

Mr. Everett said since it is a corner lot the setbacks are greater. That means we will have to be further off of Roanoke Street and Surry Ave. I believe it has to be forty (40) feet front from the center line on both roads. That will provide plenty of room between the structures for emergency services to access any of those properties.

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-19-1 as presented, be recommended for approval to the Board of Supervisors. It was seconded by Mr. Titmus and with Mr. Tucker, Mr. Cunningham, Mr. Titmus, Mr. Harvell, Mr. Prosise, Mr. Hayes and Mr. Simmons voting "AYE" P-19-1 was approved.

**RE: PUBLIC HEARING**

## **Planning Commission Memo Report**

**To: Dinwiddie County Planning Commission**  
**From: Mark Bassett, Planning Director**  
**Date: April 2, 2019**  
**Subject: (1) Proposed Subdivision Ordinance amendment concerning the definition of subdivision, and (2) Zoning Ordinance amendments adding maximum density, and amending the frontage requirement in the A-1 and A-2 Zoning Districts**

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### **Proposed Subdivision Ordinance Amendment**

Pursuant to Dinwiddie County Subdivision Ordinance Sec. 18-11, Amendment of chapter, and Section 15.2-2253 of the Code of Virginia, 1950, as amended, Dinwiddie County is amending the Code of Dinwiddie County, Chapter 18, Subdivisions: Article I, In General, Section 18-3, Definitions, Subdivision, (1) to delete the requirement that proposed residential subdivisions must be zoned in a residential category; (2) to add that all parcels resulting from the subdivision or division of land must comply with the maximum density allowed within the applicable zoning district; (3) to exempt family divisions from the maximum density requirements; and (4) to delete the paragraphs (5) and (6) which define the date for a land parcel of record to be exempt from being defined as a subdivision. Furthermore, the new date for a land parcel of record to be exempt from being defined as a subdivision will be the date of Board of Supervisors adoption. Following the public hearing, changes may be made to the ordinance, as appropriate.

### **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 adding Section 22-60.1 – Maximum Density in the A-1 Zoning District and Section 22-71.1 – Maximum Density in the A-2 Zoning District to include the sliding scale density thereby defining the maximum number of new lots that may be created from a parent parcel in the A-1 and A-2 Zoning Districts. In addition, Dinwiddie County is amending the frontage requirement of Section 22-62 in the A-1 Zoning district and Section 22-74 in the A-2 Zoning District to increase the frontage requirement from 300 feet to 500 feet.

### **Staff Recommendation**

Staff recommends approval of the Subdivision Ordinance and Zoning Ordinance amendments as presented.

### Planning Commission Action

**WHEREAS, in accordance with Va. Code §§ 15.2-2253, 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 Ordinance amendments:**

**NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend (approve or disapprove) of the Subdivision Ordinance amendments as presented to the Board of Supervisors.**

**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.**

The Chairman asked if there were any questions for Mr. Bassett. Hearing none he open the Public Hearing portion of the meeting. He asked if anyone had signed up to speak.

Mr. Hampton Gordon, 14100 Boydtan Plank Road, Dinwiddie VA said he has a couple of concerns with the change to the ordinance. My first concern is the broad area that will be affected in A-2 by this change. Ninety (90) percent of the County is A-2 and the increase of road frontage from 300 to 500 is a bit much. My second concern is the look of a property with five hundred (500) feet of road frontage only having three (3) acres. I don't know how much thought was given to that. A lot like that will only be two hundred and sixty (260) feet deep. That gives a person an eighty (80) foot envelope to put a house in. Under the current requirements a person has a lot that is four hundred and thirty five (435) feet deep. That gives a person a two hundred and fifty five (255) foot envelope to put a house in. Lastly, here is a short list of Counties with their rural setback numbers. Brunswick is hundred twenty five (125) feet. Sussex is two hundred (200) feet. Prince George has a four (4) to one (1) ratio with a minimum of five (5) acres, which averages out at two hundred and thirty five (235) feet and Chester Field in certain rural areas has a fifteen (15) foot setback. I believe three hundred (300) feet works for Dinwiddie and it should remain that way.

The Chairman asked if there was any one else signed up to speak. Hearing that that wasn't anyone he closed the public hearing portion of the case. He opened the discussion among the Commissioners.

Mr. Hayes said he was one of the Commissioners that recommend five hundred (500) feet and my rational was about the spacing of driveways with people turning in and out of them. The typical speed on a rural road is about forty five (45) to fifty (50) miles an hour and having a driveway every five hundred (500) feet worked better than having one every three hundred (300) feet.

Mr. Prosis said he would like to see the amendments adopted tonight. Also, if there are instincts where it needs to be adjusted there are mechanism in place for that to happen.

Mr. Tucker said he is in favor of the amendments being adopted based on something that happened within the past three years. We had a current developer who was going to have a few driveways coming out onto a state maintained road and a future developer across the street poised to do the same



thing. We were looking at opening up more driveways that would be real close to each other. I'm for the idea of spacing driveways out. That is why I support the Zoning Amendment of five hundred (500) feet for road frontage

Mr. Harvell said he has a twelve (12) acre lot that he is currently trying to develop. With this new amendment being proposed it could directly affect my goals. So I can't vote for this amendment. I will be abstaining when the roll call is made.

**Disclosure of Interest Pursuant to Va. Code Section 2.2-3115(F)**

I own a number of parcels in Dinwiddie County, including tax map parcels #73-46G and 73-46K, which are on Fox Branch Road and Sawmill Road and may have been affected by Case A-19-2. At the April 10, 2019 Planning Commission meeting, I elected to disqualify myself from voting and abstain from Case A-19-2, as the aforementioned land is zoned A-2 and I had concerns about how Case A-19-2 would affect my property.

  
John L. Harvell, Planning Commissioner

This statement was signed on April 11, 2019.

**This Record should be kept by Dinwiddie County for five years.**

Mr. Titmus made a motion and read the following: WHEREAS, in accordance with Va. Code §§ 15.2-2253, 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 Ordinance amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend approval of the Subdivision Ordinance amendments as presented to the Board of Supervisors. It was seconded by Mr. Tucker with Mr. Tucker, Mr. Cunningham, Mr. Titmus, Mr. Prosis, Mr. Hayes, Mr. Simmons voting "AYE" and Mr. Harvell "ABSTAINING" the Subdivision Ordinance was amended.

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 of the Zoning Ordinance amendments as presented to the Board of Supervisors. It was seconded by Mr. Tucker with Mr. Tucker, Mr. Cunningham, Mr. Titmus, Mr. Prosis, Mr. Hayes, Mr. Simmons voting "AYE" and Mr. Harvell "ABSTAINING" the Zoning Ordinance was amended.

**RE: OLD BUSINESS/NEW BUSINESS**

Mr. Bassett said he didn't have any old business or new business.

**IN RE: COMMISSIONERS' COMMENTS**

Mr. Tucker said as to the case surrounding the rezoning case we heard tonight, maybe the Board of Supervisor member for that area could have a meeting with the citizens, so they could better understand the reasoning for this new district and how it helps and not hurts there subdivision.

Mr. Prorise said there was a community meeting in that subdivision about the RU District and the overall consciences from the citizens was they did not want to have anything to do with the new district.

**IN RE: PLANNING DIRECTOR'S COMMENTS**

Mr. Bassett said there will be one public hearing at the May Planning Commission meeting. It is a rezoning request. The property is located right off of I85 and Route 40 east. The interchanges, when I85 was constructed, were zoned to the B-2 classification. The applicant just wants his property zoned back to A-2.

**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. Titmus seconded it and with all members in agreement the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Mark Bassett  
Planning Director

Signed: \_\_\_\_\_  
Planning Commission Chairman

Dated: \_\_\_\_\_