
Planning Commission Meeting Minutes

April 5, 2016

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, APRIL 5, 2016 AT 7:00 PM

Planning Commissioners Present: Karin Carmack, District 1, Chairman
Owen Walker, District 2
Jennifer Giovannitti, District 3
Bill Cox, District 4
David Van Gelder, District 5, Vice-Chairman

Planning Commissioners Absent: None

Staff Members Present: March Altman, Deputy County Administrator
Ed Howland, Planning & Zoning Manager
Shaun Reynolds, Environmental Manager
Tom Lacheney, County Attorney

Staff Members Absent: None

A. CALL TO ORDER:

Ms. Carmack called the meeting to order at 7:00 PM.

B. INVOCATION:

Mr. Van Gelder gave the invocation.

C. MINUTES:

1. March 1, 2016 Meeting Minutes

Ms. Carmack opened discussion of the adoption of the previous meeting's minutes.
Ms. Carmack motioned for approval of minutes from the March 1, 2016 meeting as amended.

Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE. Ms. Carmack abstained.

VOTE 4-0

MOTION Passed

D. ADMINISTRATIVE ITEMS:

Mr. Altman asked if there were any questions on the Monthly Activity Report and stated there were no administrative items. He advised the PC the Board of Supervisors took action on all the proffer cases at their March meeting and approved all of the cases on a 3-2 vote.

Mr. Lacheney advised the Planning Commission that Mr. David Sowers appealed the BOS private road denial.

1. Monthly Activity Report - March 2015-2016
2. Request for Deferral/Amend the Agenda

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There were no questions or comments in reference to the Administrative Items.

E. PUBLIC COMMENT PERIOD

Chairman Carmack opened the public comment period.

Seeing as there were no speakers, the public comment period was closed by Ms. Carmack.

F. PRESENTATIONS:

There were no presentations.

G. PUBLIC HEARINGS

1. **16-01-REZC: Nathan Nuckols, Manage This LLC (Subletts/Manakin/Flat Rock Electoral District)** request the conditional rezoning from Agricultural-10 (A 10) to Residential-2 (R-2) and the amendment of the zoning district map of approximately 14.6± acres of land fronting approximately 930± feet on the north side of Hancock Road (Route 716). Density and use will be controlled by zoning conditions or ordinance standards. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential and Natural Conservation on the Future Land Use Area Plan Map. Reference to Tax Map Parcels 30-14G and 30-14K.

Mr. Altman gave an overview of the case, stating the property ownership issue was resolved, is now listed under Manage This, LLC, and advised there would be no challenge to the ownership determination.

The proffered conditions include minimum house size of 1500 square foot, a maximum of 4 lots with an average of 3.1-acres, cash proffers of \$1880 per lot, driveways to be located side-by-side, each parcel would have road frontage to meet standards, and have minimal impact on the schools.

Mr. Altman stated there were no objections from any agencies and staff recommended approval of the request with the proffered conditions.

Mr. Altman stated staff and the applicant were available to answer any questions and clarified the correct road referenced in the staff report is Darley Road.

Ms. Carmack asked if the applicant or the applicant's agent wished to make a statement.

Mr. Woody Cofer asked for the approval of the request based on staff recommendations and offered to answer any questions.

Ms. Carmack opened the public hearing.

Mr. Carol Smith, previous property owner and presently resides across from the property, verified Mr. Altman's statement there would be no ownership challenge, and stated he had some EPA concerns due to a spring located on the property. Ms. Giovannitti asked if Mr. Smith was able to show the PC where the spring is located; Mr. Smith advised of the approximate location of the spring.

Mr. Terry Wagner questioned staff report stated Darbey Road and was advised the correction is Darley Road; questioned reference to four, two-acre lots and reference to four, 3.1-acre average lots, being advised by Ms. Carmack this should be clarified during the discussion period. He also questioned if R-2 zoning is approved and the lots are not developed now, would a future owner have the opportunity to place six houses instead of the proposed four. Ms. Carmack assured him that the proffered conditions would prevent this. Mr. Wagner stated his concern

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with rezoning to two-acre lots surrounding his property and questioned how the rezoning supports the Comprehensive Plan to help maintain a rural character.

Mr. Kenneth Seal, stated he would prefer a maximum of two homes on the property, dividing the property to accommodate that, based on the amount of existing houses and vehicle traffic.

Seeing as there were no more speakers, Ms. Carmack closed the public hearing and opened discussion.

Ms. Carmack asked Mr. Altman to clarify how the R-2 zoning recommendation for this case. Mr. Altman stated the applicant requested this zoning, the existing lots along the road, and the Comprehensive Plan is a guide and should include a transition between zoning and this proposal fits within the land development pattern.

Mr. Smith, upon clarification from Mr. Lacheney, answered additional questions concerning the spring.

Mr. Cox stated the Comp plan nor the zoning ordinance support this request and sees no way for approval.

On the motion of Ms. Carmack, for the Planning Commission to recommend to the Board of Supervisors denial of 16-01-REZC: Nathan Nuckols, Manage This LLC

Ms. Carmack, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE. Mr. Walker voted NAY.

VOTE 4-1

MOTION Passed

H. Other Business

1. None.

Ms. Carmack adjourned regular meeting and requested a recess at 7:42 PM.

Ms. Carmack reconvened the regular meeting and opened workshop meeting at 7:58 PM.

I. WORKSHOP MEETING

1. Proffers – SB 549

Mr. Lacheney discussed with the Planning Commission the impact of the Senate Bill 549, which was passed by the General Assembly and signed by Governor. The new legislation put forth by the Virginia Homebuilders Association effective changes how community have handled proffers in the past.

The Planning Commission and staff had a lengthy discussion about issue.

Mr. Lacheney stated that as more information about the pending change became available he would keep the Commission informed.

2. Comprehensive Land Use Plan Update

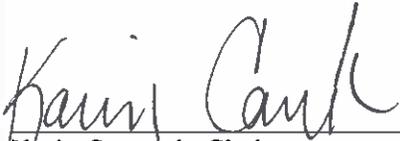
The Planning Commission and staff discussed proposed amendments to Chapters 1 and 2 of the 2010 Long-Range Comprehensive Plan, noting several items to be updated, amending or deleted.

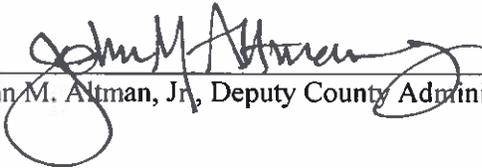
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J. ADJOURNMENT

Ms. Carmack adjourned the meeting at 9:21 PM.


Karin Carmack, Chairman


John M. Altman, Jr, Deputy County Administrator