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Planning Commission Meeting Minutes

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August 2, 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, AUGUST 2, 2016 AT 7:00 PM**

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<b>Planning Commissioners Present:</b>	Karin Carmack, District 1, Chairman Owen Walker, District 2 Bill Cox, District 4 David Van Gelder, District 5, Vice-Chairman
<b>Planning Commissioners Absent:</b>	Jennifer Giovannitti, District 3
<b>Staff Members Present:</b>	March Altman, Deputy County Administrator Ed Howland, Planning & Zoning Manager David Dameron, Zoning Administrator Tom Lacheney, County Attorney
<b>Staff Members Absent:</b>	None

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**A. CALL TO ORDER:**

Ms. Carmack called the meeting to order at 7:02 PM.

**B. INVOCATION:**

Mr. Van Gelder gave the invocation.

**C. MINUTES:**

**1. July 5, 2016 Meeting Minutes**

Ms. Carmack opened the discussion of the previous meeting's minutes.

Ms. Carmack motioned for approval as amended of minutes from the July 5, 2016 meeting.

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

**VOTE 4-0**

**MOTION Passed**

**D. ADMINISTRATIVE ITEMS:**

**1. Monthly Activity Report - July 2015-2016**

Mr. Altman provided an overview of recent Board of Supervisors activity. He informed the Commission that the Board approved the Gordon CUP request for a country inn at the last regular Board meeting. Mr. Altman added that during the Board's August 1<sup>st</sup> workshop, the Board discussed options on how to make the water and sewer system self-supporting and viewed a presentation by Draper Aden. He added that the Board will be conducting a workshop on August 15<sup>th</sup> to discuss the update of the County's subdivision ordinance; the Board will conduct public hearings on the Virginia Solar II CUP request and cases approved during tonight's meeting at the August 22<sup>nd</sup> regular Board meeting; the Board will conduct a

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retreat scheduled August 24, 25, and 26, at which members will discuss the Board's Vision and set goals and priorities for the upcoming year; and finally the Board will conduct a joint workshop with the EDA to discuss economic development on September 12<sup>th</sup>.

Mr. Cox questioned if the amount of proffers taken in as recorded on page 7 of the PC packet was attributable to the proffer reductions.

Mr. Altman advised some level of involvement but would need to research the number to find out.

Mr. Walker questioned the Board's conclusion on the water and sewer approaches.

Mr. Altman stated no definitive decision was made because it was a Board workshop. Several options discussed to make water and sewer self-supporting included creating a service district with an Ad Valorem tax, and the number of additional water and sewer customers it would take to make the systems self-supporting.

2. Request for Deferral/Amend the Agenda

Mr. Altman stated there are no requested amendments to the meeting agenda.

Ms. Carmack asked if there were any questions of Mr. Altman at this time. There were no questions or comments in reference to the Administrative Items.

**E. PUBLIC COMMENT PERIOD**

Chairman Carmack opened the public comment period.

Thomas Tonks thanked the Planning Commission for the discussion on proffers and expressed his concerns about lack of mosquito controls measures in the County.

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

**F. PRESENTATIONS:**

There were no presentations.

**G. PUBLIC HEARINGS**

1. **16-08-REZC: Walmart Real Estate Business Trust (Subletts/Manakin/Flat Rock Election District)** requests the amendment of the proffer statement for Case #09-04-REZC to allow the use of the \$250,000 contributed to the County for the design and construction of a future parallel access road contained in proffered condition #4 to purchase and equip a ladder truck to support fire suppression operations of the Powhatan County Fire and Rescue Department.

Mr. Altman provided a brief overview of the case and stated that the staff recommends the adoption of the amendment to proffer #4 should the Planning Commission recommend to the Board of Supervisors approval the CUP.

Ms. Carmack asked if the applicant was present and wished to make a statement. Applicant not present.

Ms. Carmack opened the public hearing period.

Mr. Thomas Tonks expressed concerns with taking money proposed for specific road improvement, collected through a proffer, and moved to a CIP (capital improvement plan) item.

Mr. Cox clarified the Planning Commission has never voted to reduce proffers; that was a subject for the Board of Supervisors. He also clarified that Powhatan County does not pave roads; that is done by VDOT with their money.

Ms. Carmack asked if anyone else wished to comment.

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

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Mr. Altman clarified the dollars being discussed did not come directly from the proffers, which are for residential development not commercial development, but from a donation that Wal-Mart made to the County as part of the zoning case.

Mr. Van Gelder clarified the request is specific from Walmart which is why they have to come before the Planning Commission to request the change to the proffered condition.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack moved for the Planning Commission to recommend approval of 16-08-REZC: Walmart Real Estate Business Trust to the Board of Supervisors.

Ms. Carmack, Mr. Cox, Mr. Van Gelder, and Mr. Walker voted AYE.

**VOTE 4-0**  
**MOTION Passed**

2. **16-04-REZC: Milhaus Corporation (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Tilman's Farm Subdivision (Case #05-13-REZC) by reducing the cash proffer to \$1,880.00 per dwelling unit.

Mr. Altman provided a brief overview of the case, clarifying that the request affected approximately 330 acres of un-platted property and approximately 52 platted lots, and that proffers had been paid on the lots that had been issued Certificates of Occupancy.

Ms. Carmack asked if the applicant was present and wished to make a statement.

Mr. Gary Lee Scottow stated he represents the applicant and was available for questions.

Ms. Carmack opened the public hearing period.

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

Mr. Cox noted that the Board of Supervisors stated the major county financial problem is infrastructure upgrades; the Board of Supervisors passed a tax increase on the citizens of the county to pay for the needed upgrades. He personally has no interest of reducing the development community's contribution to our infrastructure needs and does not support this.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack (due to Ms. Giovannitti's absence) moved for the Planning Commission to recommend, denial of 16-04-REZC: Milhaus Corporation to the Board of Supervisors.

Ms. Carmack, Mr. Cox, and Mr. Van Gelder voted AYE.

Mr. Walker voted NAY.

**VOTE 3-1**  
**MOTION Passed**

3. **16-02-AZ: County of Powhatan** – An Ordinance amending and reenacting provisions contained in Section 83-162, Conditional Uses, of Article III, Rural Districts, of the Zoning Ordinance of the County of Powhatan by adding heavy equipment/vehicle repair as a conditional use in the Agricultural-10 (A-10) zoning district.

Mr. Altman provided a brief overview of the case previously discussed in the July 5, 2016 Planning Commission workshop, and stated staff recommends approval of this amendment to the County Zoning Ordinance.

Ms. Carmack opened the public hearing period.

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

Ms. Carmack asked if any members had any questions for staff.

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Mr. Cox stated the current zoning ordinance was broader than previous one and we were not re-enacting and that he supported the function.

After discussion, Planning Commission agreed to remove the wording "re-enact" from the proposal. Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack moved for the Planning Commission to recommend approval of 16-02-AZ as amended to the Board of Supervisors.

Ms. Carmack, Mr. Cox, Mr. Van Gelder, and Mr. Walker voted AYE.

**VOTE 4-0**  
**MOTION Passed**

**H. Other Business**

1.

Ms. Carmack adjourned regular meeting and requested a recess at 7:34 PM.

Ms. Carmack reconvened the regular meeting and opened the workshop meeting at 7:40 PM.

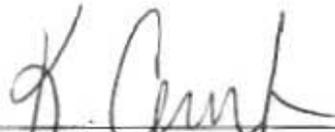
**I. WORKSHOP MEETING**

1. **Comprehensive Land Use Plan Update Discussion**

The Planning Commission continued its discussion of the Future Land Use Map. The Commission discussed the updated map which includes parcels that were 50 acres or more. After a lengthy discussion the Chair asked staff to prepare a similar map that included the existing water and sewer lines, and to redraw the growth area boundary following parcel lines.

**J. ADJOURNMENT**

There being no further business, Ms. Carmack adjourned the meeting at 8:30 PM.



Karin Carmack, Chairman  
Chairman



Bret Schardein  
Director of Community Development

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