
Planning Commission Meeting Minutes

September 6, 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, SEPTEMBER 6, 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: Bret Schardein, Director of Community Development
Ed Howland, Planning & Zoning 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. August 2, 2016 Meeting Minutes

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

Mr. Cox asked the minutes be amended to reflect Ms. Carmack moved for the Planning Commission to recommend approval of case 16-08-REZC. He also asked for his statement concerning case 16-02-AZ be amended to the current zoning ordinance was broader than previous one and we were not re-enacting and that he supported the function.

Ms. Carmack motioned for approval of minutes as amended from the August 2, 2016 meeting.

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

**VOTE 5-0
MOTION Passed**

D. ADMINISTRATIVE ITEMS:

- 1. Monthly Activity Report - August 2015-2016**
Planning Commission members discussed possible changes to the Monthly Activity Report including bringing together the use of calendar year and fiscal year and possible quarterly

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reporting instead of the present monthly reporting. Mr. Schardein advised the Commission he will check with the Board of Supervisors to see which method works best for all.

2. Request for Deferral/Amend the Agenda

Mr. Cox suggested the postponement of case 16-07-AZ for 30 days since it was not included in the packet.

All Planning Commission members concurred to move case 16-07-AZ to the next meeting. Ms. Carmack asked if there were any questions of Mr. Schardein at this time. There were no questions or comments in reference to the Administrative Items.

Ms. Carmack welcomed Bret Schardein, new Director of Community Development.

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. **16-05-REZC: Norwood Creek (Subletts/Manakin/Flat Rock Electoral District)** requests the amendment of the proffer statement for the Norwood Creek Subdivision (Case #04-11-REZC) by reducing the cash proffer from \$3,530 to \$1,880.00 per dwelling unit.

Mr. Schardein provided a brief overview of the case.

Ms. Carmack asked if the applicant wished to make a comment.

Mr. David Sowers noted the suggested staff wording was a change to the proffer, possibly because of State law changes, from the wording in his original application; he has no objection to using staff wording. He asked if the Planning Commission had any questions for him. There were no questions and Mr. Sowers respectfully asked the Planning Commission to approve his request.

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

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack moved for the Planning Commission to recommend denial of 16-05-REZC to the Board of Supervisors.

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

Mr. Walker voted NAY.

**VOTE 4-1
MOTION Passed**

2. **16-07-REZC: Goodwyn Road (Bethesda/Lees Landing Electoral District)** requests the rezoning of approximately 0.25 acre of land from I-1, Light Industrial to R-2, Residential. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Land Use Plan Map. The subject property is located at 3600 Goodwyn Road. Reference to Tax Map Parcel 27-28.

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Mr. Schardein presented a brief overview of the case.

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

Mr. Woody Cofer asked that the case be approved based on staff recommendations and offered to answer any questions of the Planning Commission.

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

Ms. Carmack opened the period for questions for staff or applicant.

Mr. Cox asked for clarification on two issues. To have a 50-foot border is a subdivision rule and this accomplishes that? And there is also a stream closer with required 50-foot natural border from the edge of the deck, does this accomplish that?

Mr. Schardein confirmed yes, both issues would be addressed.

Ms. Giovannitti questioned if there are a process and written guidelines in the subdivision ordinance that tracks the actual construction and completion of the deck?

Mr. Lacheney clarified that this rezoning request is to rezone a small portion of a parcel to R-2; the reason for the request is not something the PC would regulate or follow-up on if it is a proper rezoning.

Staff clarified that a permit to construct a deck was applied for but did not meet setback requirements without acquiring additional land.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Giovannitti made the motion, based on staff approval, for the Planning Commission to recommend approval of 16-07-REZC to the Board of Supervisors.

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

VOTE 5-0
MOTION Passed

3. **16-09-REZC: Branchway Springs, Portions of Section C & D (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Branchway Springs Subdivision (Case #05-10-REZC) by reducing the cash proffer from \$6,395 to \$1,880.00 per dwelling unit.

Mr. Schardein gave a brief overview of the case.

Ms. Carmack asked if the applicant cared to speak.

Mr. Doug Bradbury, representing the applicant, addressed the Planning Commission, stating he is not in favor of proffers which he believes are a targeted tax at those having to go through a rezoning case to obtain a building permit.

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

Ms. Carmack opened the period for questions for staff or applicant.

Ms. Giovannitti stated that with limited ways taxes can be added to new development, she believes proffers are important taxes for the County, voluntarily selected when the developments came in.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Giovannitti made the motion for the Planning Commission to recommend denial of 16-09-REZC to the Board of Supervisors.

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

VOTE 4-1
MOTION Passed

4. **16-10-REZC: Branchway Springs, Portions of Section D & C (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Branchway Springs Subdivision (Case #04-06-REZC) by reducing the cash proffer from \$3,530 to \$1,880.00 per dwelling unit.

Mr. Schardein gave a brief overview of the case.

Ms. Carmack asked if the applicant cared to speak.

Mr. Bradbury, agent for the applicant, encouraged the Planning Commission, County Administrator, and staff, in an effort to cut down on everyone's time, to be more concise with packet documents and voiced his concern the subdivision ordinance may quadruple in size, causing more confusion.

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

Ms. Carmack opened the period for questions for staff or applicant.

Ms. Giovannitti thanked Mr. Bradbury for his comments and agreed we all strive for efficiency.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Giovannitti made the motion for the Planning Commission to recommend denial of 16-10-REZC to the Board of Supervisors.

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

VOTE 4-1
MOTION Passed

5. **16-03-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-122(d)(3), Application Fees, of Article II, Administration, of the Zoning Ordinance of the County of Powhatan

Mr. Schardein gave a brief overview of the proposed ordinance amendment, changing the wording from "resolution" "ordinance" to match the process used by the County.

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

Ms. Carmack opened the period for questions for staff or applicant.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack made the motion to recommend approval of 16-03-AZ to the Board of Supervisors.

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

VOTE 5-0
MOTION Passed

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6. **16-04-AZ:** The County of Powhatan requests the amendment and reenactment of Section 83-231, Permitted Uses, and Section 83-232, Conditional Uses, in the Village Center (VC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan to allow Fire and EMS Stations and medical treatment facilities as permitted uses.

Mr. Schardein gave a brief overview of the proposed ordinance amendment, proposing to make fire and EMS stations and medical facilities permitted uses in the VC district.

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

Ms. Carmack opened the period for questions for staff or applicant.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack made the motion to recommend approval of 16-04-AZ to the Board of Supervisors.

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

VOTE 5-0
MOTION Passed

7. **16-05-AZ:** The County of Powhatan requests the amendment and reenactment of Section 83-241, Permitted Uses, and Section 83-242, Conditional Uses, in the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan to allow conference centers and Fire and EMS stations as permitted uses.

Mr. Schardein gave a brief overview of the proposed ordinance amendment, proposing to make fire and EMS stations and conference or training centers permitted uses in the VC district.

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

Ms. Carmack opened the period for questions for staff or applicant.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack made the motion to recommend approval of 16-05-AZ to the Board of Supervisors.

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

VOTE 5-0
MOTION Passed

8. **16-06-AZ:** The County of Powhatan requests the amendment and reenactment of Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan to allow conference centers and hotels as conditional uses.

Mr. Schardein gave a brief overview of the proposed ordinance amendment, proposing to add conference/training facility and hotel/motel as conditional use in that district. This was generated by Independence Golf Club wanting to expand and diversify their activities beyond just golf. Staff recommends the approval.

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

Ms. Carmack opened the period for questions for staff or applicant.

Ms. Carmack expressed concerns with a "transition district" and prefers to perhaps encourage Independence Golf Club to rezone to something that would be a little more comprehensive to allow better flexibility in use.

Mr. Cox expressed his concerns with definitions in the zoning ordinance and permitted and/or conditional uses within the Residential Utility and Village Residential districts. He would like a more comprehensive review of the problems and issues Independence has and all the options on the zoning side to find the best possible working situation to mesh what they want to do with the County's zoning laws. Mr. Cox suggested a deferral.

Ms. Carmack suggested a deferral may not address their concerns.

Mr. Van Gelder agreed with a deferral to look at it more closely and asked if there were time restraints with this.

Mr. Schardein replied that no time restraints were expressed to him but he would need to follow-up with Mr. Altman to confirm. He asked the County Attorney to weigh in on asking for a denial vs. a deferral.

Mr. Lachenev suggested a procedural approach to defer indefinitely. Under Robert's Rule, anything with an indefinite deferral disappears from the agenda, never to reappear on an agenda.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack made the motion to defer 16-06-AZ indefinitely.

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

VOTE 5-0
MOTION Passed

H. Other Business

1.

Mr. Walker expressed a comment on the Soar Farm, stating it is creating some economic activity within the County, although it is temporary.

Ms. Carmack opened a discussion concerning a possible workshop to specifically discuss the Comprehensive Plan. Mr. Schardein is to follow-up with Commission members to verify schedules.

Ms. Carmack adjourned regular meeting at 7:40 PM.

Ms. Carmack opened the workshop meeting at 7:45 PM.

I. WORKSHOP MEETING

1. Comprehensive Land Use Plan Update Discussion

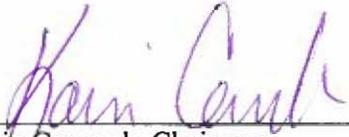
The Planning Commission continued its discussion of the Future Land Use Map. The Commission discussed the updated map which includes parcels that were 50 acres or more. After a lengthy discussion the Chair asked staff to prepare a similar map that included the existing water and sewer lines, and to redraw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

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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