

Planning Commission Meeting  
March 01, 2022

**VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN  
THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD  
BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, TUESDAY,  
March 1, 2022, AT 6:00 PM**

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<b>Planning Commissioners Present</b>	Vicki Hurt, District 1 (Chair), Amy Kingery, District 2, Bobby Hall, District 3 Jane Pendergast, District 4, Barbara Brown, District 5 (Vice-Chair)
<b>Planning Commissioners Absent</b>	None
<b>Staff Members Present</b>	Thomas Lacheney, County Attorney Office Bret Schardein, Deputy County Administrator Frank Hopkins, Planning Director

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**1. Call to Order**

Chairman Hurt called the meeting to order at 6:00 PM.

**2. Invocation**

Dr. Brown gave the invocation.

**3. Adoption of Agenda**

**a. Request to Postpone Action/Amend the Agenda**

Dr. Brown made a motion to defer the approval of the February 1<sup>st</sup>, 2021, minutes until the next meeting.

Ms. Pendergast seconded the motion.

Chairman Hurt, Dr. Brown, Mr. Hall, Ms. Pendergast, and Ms. Kingery voted AYE.

**VOTE 5-0  
MOTION PASSED**

Chairman Hurt stated that case 21-13 rezoning for FD&B Enterprises will be deferred until the regular meeting on April 5<sup>th</sup>, 2022.

**4. Administrative Items**

**a. Approval of Minutes: December 7<sup>th</sup>, 2021 (Regular Meeting)**

Chairman Hurt expressed her confusion on page 4, stating that there should be no statement of Dr. Brown making a motion as amended. She then pointed out Mr. Hopkin's email address above the New Business section.

Chairman Hurt made a motion to accept the December 7<sup>th</sup>, 2021, minutes as amended.

Ms. Kingery seconded the motion.

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Chairman Hurt, Dr. Brown, Mr. Hall, Ms. Pendergast, and Ms. Kingery  
voted AYE.

**VOTE 5-0**  
**MOTION PASSED**

**b. Approval of Minutes: January 6<sup>th</sup>, 2022 (Regular Meeting)**

Dr. Brown pointed to page 12 under New Business, stating that the solar panels are fixed and do not move. She then pointed to a grammatical error on page 14 and asked that “owner” be added to the sentence.

Ms. Pendergast made a motion to accept the January 6<sup>th</sup>, 2022, minutes as amended.

Mr. Hall seconded the motion.

Chairman Hurt, Dr. Brown, Mr. Hall, Ms. Pendergast, and Ms. Kingery  
voted AYE.

**VOTE 5-0**  
**MOTION PASSED**

- 5. Public Comment Period** (At this time, the Planning Commission will hear citizen comments on matters not scheduled for a public hearing that involves the services, policies, and affairs of Powhatan County government related to planning or land use issues).

Chairman Hurt opened the public comment period.

Seeing no one else wishing to speak, Chairman Hurt closed the public comment period.

**6. Old Business**

There is no old business.

**7. Public Hearings**

- a. **21-09-CUP: Beldale Solar** (District #5: Trenholm/Smith’s Crossroads/Provost) requests a conditional use permit (CUP) to permit a solar energy farm in the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The use is proposed to be located on Tax Map 13-16, located approximately one mile north of the 5000 block of Anderson Highway along the western edge of Cartersville Rd in western Powhatan County. The subject properties consist of 2942.26 acres. The maximum project area subject to this request is 350 acres. The subject property is designated as Rural Areas and Protected Lands on the Countywide Land Use Plan Map in the 2021 Long-Range Comprehensive Plan.

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Mr. Hopkins gave an overview of the conditional use permit, stating that the property is a district 5 parcel that is currently zoned in Agricultural A-10. This parcel will be used as a solar farm with roughly 10 million dollars in revenue. It will be fenced in and have a buffer at all sides to reduce visibility.

The applicant gave a brief update on the project, stating that the company has been going through multiple steps to help the project satisfy the county and surrounding neighbors. This included moving the solar panels further back to reduce visibility and planting pollinators to help with that as well. They also created a larger buffer around wetlands.

Chairman Hurt opened the public comment period.

[Carl Shwendeman, 1727 Teresa Lane](#), expressed his support for the solar project. He explained that Powhatan County gets 60% of its power by burning natural gas. He was especially concerned about the issues with Russia, stating that Russia was on the verge of shutting down a large portion of the world's supply of natural gas. In his opinion, a solar farm would help the entire community if this does occur.

[Franklin Wood, 5635 Cartersville Road](#), commended Mr. Price and his company. He asked that the Planning Commission take note of the proffer for additional solar on the site and enforce this condition.

[Blake Cox, 6454 Waymore Lane](#), expressed his support for the solar project. He described the farm to be both smart and responsible.

[Darlene Riley, 5470 Cartersville Road](#), expressed her concern regarding the solar project. She stated that although the chances of an issue are slim, they did occur they would contaminate the water that everyone in the community uses. She urged the Planning Commission to look into other options.

[Lindsey Yak, 2813 Maidens Roads](#), stated that the use of the parcel as a solar farm contradicts the fact that the land is designated as rural under the Comprehensive Plan.

[Terry Adcock, 5719 Cartersville Road](#), made sure that everyone received the letter which explained the opinions of many members of the community. She also stated that Farm Bureau is in support of denial. After the applicant spoke, she mentioned issues that the applicant has been having at their other locations for bad water runoff.

[Wilson Denoon, 2850 Trenham Road](#), expressed his concerns about the water contamination that could occur as a result of the solar farm. He also expressed his regret with buying his own set of solar panels for his home.

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[Chad Heller, 5440 Cartersville Road](#), was also concerned with water contamination. He also expressed that wildlife could damage his farm as they look for somewhere else to inhabit. He urged the Planning Commission to deny the use of the property as a solar farm. After the applicant spoke, Mr. Heller asked about the life expectancy of the panels and what happens to them once they are no longer usable.

[Charlie Purcell, 4414 Western Mountain Road](#), an owner of the subject property, addressed some of the issues brought up by the community. He explained that with such poor income for other potential projects, creating a solar farm seems like the least intrusive thing to do. He went on to explain that there are no emissions of any kind and no chemicals that could run off into the water. He also mentioned multiple details about the efforts being made to make the solar farm as unobstructive as possible.

[Amy Wood 5635 Cartersville Road](#), pointed out that there was burning going on next door to clear the area. She also wanted to know who to contact if any issues present themselves because Hexagon has already stated that they will not be the ones taking on the project.

[Robin Duncan, 5809 Anderson Highway, 5490 Cartersville Road](#), expressed her support for the solar farm but also pointed out the issues it would present for pollinators. She was also concerned about the area's historical presence.

[Rachel Henley, 3910 Old Buckingham Road](#), mentioned some studies being done to evaluate the impact that solar farms have on natural resources. She urged the Planning Commission to look at these studies.

[Max Timberlake Jr., 1479 Dorset Road](#), represented the Powhatan Farm Bureau Federation, stating that the federation had voted to deny the proposed solar plant.

Seeing no one else wishing to speak, Chairman Hurt closed the public comment period.

Mr. Hall asked if the solar farm facility fits the agricultural vision for the area underneath the Comprehensive Plan.

Dr. Brown stated that she believed it could fit into the vision for the area. She pointed out there would be land management where there is none now. She also mentioned that she spoke to the U.S. Department of Energy Research who told her that there was no risk of leaching with the type of solar panels being discussed because of the way they are manufactured. She believed that the project could work in alignment with the Comprehensive Plan.

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Ms. Pendergast stated that she believed that solar farms could be appropriate within rural areas under certain conditions.

Mr. Hopkins clarified that there would be no solar panels or equipment placed upon the protected lands on the property.

Ms. Kingery reminded the Board that they needed to look at the Comprehensive Plan as a whole, and not just pages 76 and 77.

Dr. Brown made a motion that for Resolution 1 in accordance with 15-2-22-32 of the code of Virginia, the Powhatan Planning Commission determined that this request is in substantial accord with the 2021 long-range Comprehensive Plan. Chairman Hurt seconded the motion.

Chairman Hurt and Dr. Brown voted AYE. Ms. Pendergast, Mr. Hall, and Ms. Kingery vote NAY.

**VOTE 3-2**  
**MOTION DENIED**

- b. **Case #22-01-CUP: Terre Haute** (District #1: Subletts) request of Roberta Teresa Hudson for a conditional use permit (CUP) to allow a country inn within the Agricultural-10 (A-10) zoning district per Sec. 83-162 of the Zoning Ordinance of the County of Powhatan. The use is located at Tax Map Parcel #32-27D in eastern Powhatan County near the intersection of Huguenot Springs Rd (U.S. RT 607) and Manakin Rd (U.S. RT 667). The 2021 Long Range Comprehensive Plan designates the subject property as Rural Areas and Protected Lands on the Countywide Future Land Use Plan.

Mr. Hopkins gave an overview of the conditional use permit, stating that the applicant wants to start a Country Inn using the structure on the property. The applicant also intends on having a small produce stand outside of the Inn. Its maximum occupancy is 50 guests.

Chairman Hurt opened the public comment period.

[Maxine Malazzo, 909 Mannequin Road](#), asked the Planning Commission to look at the traffic pattern along Huguenot Springs Road. She stated that it is pretty unsafe. She was not sure if it could handle an additional 50 vehicles. She also pointed out the applicant's intent to put up a large, illuminated sign.

[Carl Schwendaman, 1727 Teresa Lane](#), asked if 2-3 feet of land could be added along the road by the property so that VDOT could create a shoulder.

[Michelle Bavaro, 2615 Huguenot Springs Road](#), mentioned that the applicant had been using her property as an Airbnb since 2018. She stated that this had led to large events with loud music and even permitted fireworks. Ms. Bavaro was

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concerned that this permit would allow the applicant to expand the property beyond the typical “country inn” that most people envision.

Jane Dunnington, 897 Mannequin Road, expressed her concern with the project and the ramifications it could have on the community.

Regina Sobi, 971 Mannequin Road, requested that a VDOT traffic study be done to make sure that the proper safety measures are in place if the inn is established.

Seeing no one else wishing to speak, Chairman Hurt closed the public comment period.

Mr. Hopkins clarified that VDOT did request a commercial entrance to the property. He also mentioned that there is a condition which states that the sign must be no larger than 16 square feet and cannot be internally illuminated.

The applicant spoke briefly about maintaining the historical integrity of the property.

Chairman Hurt stated that she was slightly concerned when she saw that the property had been used as a wedding venue seeing as she has been unable to find a conditional use permit for it.

The applicant explained that it was once used as a wedding venue but is inactive at this time. She provided paperwork to confirm this as well as a copy of an easement that states that she cannot build any more structures on the property. She also explained that the inn would only have four bedrooms total, she has only been clearing dead woods, and that the lights in her yard are to walk her dog at night.

Ms. Pendergast expressed some confusion with the categorization of the property because, for example, it prohibits more than 50 guests, but there are only four rooms. She did not approve of the wording under some of the conditions because it seemed to leave a lot of room for interpretation.

Mr. Hopkins explained that the maximum occupancy also accounts for the tea house the applicant plans to set up for people staying at the inn.

The Planning Commission agreed that some of the wording needed to be changed to better fit the project being proposed. They also discussed commercial entrance, stating that nothing else could begin until that was addressed.

Chairman Hurt made a motion that in accordance with section 83-123-F4, the Powhatan County zoning ordinance, public necessity, convenience, general welfare, and good zoning practice, the Planning Commission RECOMMENDS

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the conditional use permit with the modified conditions of a constrained maximum occupancy for any event and overnight accommodation and a standard noise ordinance.

Ms. Pendergast seconded the motion.

Chairman Hurt, Dr. Brown, Mr. Hall, Ms. Pendergast, and Ms. Kingery voted AYE.

**VOTE 5-0**  
**MOTION PASSED**

- c. **Case #22-02-CUP: Overboe** (District #1: Subletts) request of Trent and Stephanie Overboe for a conditional use permit (CUP) to allow an accessory dwelling unit within the Single-family Residential-2 (R-2) zoning district per Sec. 83-213 of the Zoning Ordinance of the County of Powhatan. The use is located at Tax Map Parcel #30B1-1-31 (2724 Valley Springs Rd) in central Powhatan County. The 2021 Long Range Comprehensive Plan designates the subject property as Rural Areas on the Countywide Future Land Use Plan.

Mr. Hopkins gave an overview of the conditional use permit for an accessory dwelling. He stated that the accessory is intended to be some type of garage space with an accessory dwelling/ office area for their elderly parents.

Chairman Hurt opened the public comment period.

Seeing no one else wishing to speak, Chairman Hurt closed the public comment period.

Mr. Hall asked about the inconsistency of the exact square footage of the dwelling from one page to another.

Mr. Hopkins clarified that the dwelling will be 1,200 square feet.

Chairman Hurt asked if there will be an additional driveway added to the property.

The applicant explained that there would be no additional driveway.

Chairman Hurt made a motion that in accordance with section 83-123 of the Powhatan County zoning ordinance and public necessity, convenience, general welfare, and good zoning practice, the Planning Commission recommends APPROVAL of the request submitted by Mr. and Mrs. Overboe to permit an accessory dwelling unit detached on tax maps 30B-1-31 subject to the conditions presented in this particular CUP.

Dr. Brown seconded the motion.

Chairman Hurt, Dr. Brown, Mr. Hall, Ms. Pendergast, and Ms. Kingery voted AYE.

**VOTE 5-0**

**MOTION PASSED**

- d. **Case #22-03-CUP:** Baltz (District #2: Holly Hills) request of Laura Baltz for a conditional use permit (CUP) to allow a child day care center within the Residential Utility (RU) zoning district per Sec. 83-352 of the Zoning Ordinance of the County of Powhatan. The use is located at Tax Map Parcel #42A-2-B-13 (1510 Holly Hills Rd) in eastern Powhatan County. The 2021 Long Range Comprehensive Plan designates the subject property as Rural Areas on the Countywide Future Land Use Plan.

Mr. Hopkins gave a brief overview of the conditional use permit, stating that is in the Holly Hills area and is intended for a child daycare center. He also stated that the property is 0.88 acres. Although the applicant intends on having eight children, the conditional use permit is listed as up to twelve because that is the maximum occupancy by state law and Social Services. There will be two driveways and ample parking.

Chairman Hurt opened the public comment period.  
Seeing no one else wishing to speak, Chairman Hurt closed the public comment period.

Dr. Brown asked if there are any plans to fence in the property along the road.

Mr. Hall stated he believes twelve children at one time is a lot to handle. He asked that the occupancy be changed to a maximum of eight children.

Ms. Kingery made a motion to recommend APPROVAL of case 22-03-CUP as amended with a restriction of eight guests at a time.

Ms. Pendergast seconded the motion.

Chairman Hurt, Dr. Brown, Mr. Hall, Ms. Pendergast, and Ms. Kingery voted AYE.

**VOTE 5-0**  
**MOTION PASSED**

- e. **Case #22-02-AZ:** The County of Powhatan requests the amendment of the provisions set forth in section of and Chapter 68 (Subdivision Ordinance) Article III (Subdivision Standards) Sec. 68-175 – Access and Circulation, to remove Powhatan County’s specific access management requirements.

Mr. Hopkins gave a brief overview of the case, stating that it is an ordinance amendment to remove county spacing standards and refer to VDOT regulations for access management. In terms of spacing on 60, it was found that there is only

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a 20-parcel difference between the full 625 feet versus 496 feet. Every single one of these parcels would have to apply for a rezoning.

Chairman Hurt opened the public comment period.

[Carl Schwendaman, 1727 Teresa Lane](#), asked if Powhatan County would consider doing an entrance credit system where they maintain the same number of entrances and consolidate them. He wanted to prevent the addition of more and more entrances on Route 60.

Seeing no one else wishing to speak, Chairman Hurt closed the public comment period.

Ms. Pendergast asked how many parcels out of the 223 would not meet VDOT standards. She then asked what this change would do for the county.

Mr. Hopkins clarified that 213 parcels would not meet VDOT standards after the switch. This means that 213 properties will have to have a waiver. He also explained that if the Planning Commission decides to keep things the way they are, it will be passed to the Board of Supervisors to have a waiver. If they remove it, it will go to VDOT to figure out better access in their waiver system.

Ms. Pendergast expressed her concerns with the addition of more driveways to Route 60. She was unsure what the point of this change is.

Ms. Kingery stated that she saw the advantage of measuring the same way that VDOT does. This would prevent the County from having to calculate the difference between VDOT's standards.

Dr. Brown expressed her concern with the County's method of measuring. She pointed out that it has not been tested by a traffic engineer. This means there is nothing to back up their decision.

Mr. Hall agreed with Dr. Brown's concerns.

Chairman Hurt mentioned the importance of conducting a traffic analysis on any type of major development as well as the fact that VDOT has the staff and training to do that. She believed that the County should take on VDOT's traffic standards and do a stringent traffic impact analysis.

Ms. Pendergast stated that there are other options rather than switching to VDOT standards. She worried about adding driveways and then being unable to take them away.

Chairman Hurt agreed with Ms. Pendergast's concerns. She pointed to the traffic impact analysis as a tool to provide a solution to this issue.

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Mr. Hopkins clarified that there would be a cost associated with a traffic impact analysis. He asked if this would only incentivize small investors with the funds to fit the bill.

Dr. Brown supported the traffic impact analysis because it would present answers to the questions that keep being brought up.

Ms. Pendergast asked how getting the traffic impact analysis would empower the County to impose certain regulations. She had a few questions about the study and who would have to participate.

Mr. Schardein gave a brief overview of Goochland's traffic impact analysis regulations.

Chairman Hurt made a motion that in accordance with public necessity, convenience, general welfare, and good planning, the Planning Commission recommends APPROVAL of the work requests submitted by the County of Powhatan to amend Chapter 68, Article 3 to remove the political county-specific access management standards and to utilize Virginia Department of Transportation regulations as amended to require a traffic impact analysis with any site plan submission.

Mr. Hall seconded the motion.

Chairman Hurt, Dr. Brown, and Mr. Hall voted AYE. Ms. Kingery and Ms. Pendergast voted NAY.

**VOTE 3-2**  
**MOTION PASSED**

**8. New Business**

No new business.

**9. Adjourn**

Chairman Hurt thanked Ms. Kingery for her years of work. She also thanked the guest speaker. There being no further business, Ms. Hurt adjourned the meeting at approximately 8:17 PM.

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Vicki Hurt  
Chairman

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Frank Hopkins  
Planning Director