

Planning Commission Meeting
May 09, 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, MAY 09, 2022, AT 6:00 PM.

Planning Commissioners Present Vicki Hurt, District 1 (Chair),
Darlene Bowlin, District 2,
Bobby Hall, District 3,
Jane Pendergast, District 4,
Barbara Brown, District 5 (Vice-Chair)

Planning Commissioners Absent None

Staff Members Present Thomas Lacheney, County Attorney Office
Frank Hopkins, Planning Director

1. Call to Order

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

2. Invocation

Dr. Brown led the invocation.

3. Adoption of Agenda

a. Request to Postpone Action/Amend the Agenda

None.

Ms. Pendergast made a motion to **approve** the agenda as presented.

Ms. Bowlin seconded the motion.

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

VOTE 5-0

MOTION PASSED

4. Administrative Item

a. Approval of Minutes: April 05, 2022 (Regular Meeting)

Dr. Brown pointed out that Mr. Hall should not be listed as Vice-Chair.

Ms. Pendergast made a motion to **approve** the minutes as amended.

Mr. Hall seconded the motion.

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

VOTE 5-0
MOTION PASSED

5. Public Comment Period

Chairman Hurt opened the public comment period.

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

6. Old Business

None.

7. Public Hearings

- a. **Case #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 for the proposed solar energy farm 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.

Drew Price, a representative of Hexagon Energy, gave a brief overview. He explained that Beldale Solar has been addressing community concerns and engaging with citizens. He then presented the new & enhanced conditions, including multiple buffers, erosion & stormwater plans, traffic plans, and land use.

The applicant stated that the goal behind the solar farm is to provide additional income to sustain their timber business. He emphasized many benefits of this specific project, including that he too wants the project to be as minimally invasive and visible as possible and ensured that they would fix it if the project could be seen.

Chairman Hurt opened the public comment period.

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[Carl Schwendemann, 1727 Teresa Lane](#), expressed his support for the project. He asked if the County could develop a proffer that required the developers to build electric car charging stations at the Powhatan Public Library, the Village building, and the County Administration Building.

[Rachel Henley, Powhatan Extension Office](#), stated that she had sent an invitation for the Planning Commission, Board of Supervisors, and County Government staff to attend a listening session Virginia Tech is putting on concerning large-scale solar projects.

Seeing no one else wishing to speak, Chairman Hurt closed the public comment period. Ms. Bowlin expressed concern with the location where the solar parts are being manufactured because she had seen that many parts come from China and are causing hundreds of delays throughout the U.S.

Mr. Price explained that although there is some concern in the industry, they do not have all of this upcoming information because they are only the project developers. This means that the developers will sell the project to an owner.

Mr. Hall stated that the Board of Supervisors confirmed that the project does fall in line with the Comprehensive Plan. He also expressed his support for the additional conditions that were created.

Dr. Brown agreed with Mr. Hall. She stated her appreciation for the additional conditions that address lingering concerns.

Ms. Pendergast asked if the decommissioning cost excluded the salvage value, and she stated that this exclusion needs to be explicitly stated. She also expressed concern about things being left in the ground if they break off.

Mr. Price agreed to include the exclusion under point 22 of the decommissioning section.

Chairman Hurt clarified that if the applicant were to find any historical grounds during the project, they would take note of the area so that it goes undisturbed.

Dr. Brown made a motion to recommend **approval** of the request submitted by Beldale, LLC to permit a solar energy farm on Tax Map 13-16 subject to the conditions presented in this report with the addition of the no salvage value.

Mr. Hall seconded the motion.

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

VOTE 3-2
MOTION PASSED

- b. **Case #22-02-REZC:** Colony Land Investments LLC (District #1 Sublett's/Manakin/Flat Rock) is requesting to rezone Tax Map Parcel 42-9H from Commerce Center (CC) to Heavy Industrial (I2), and amendment of the zoning district map of approximately 18 acres of land located at the end of South Creek One adjoining one parcel to the east of the Colony Construction asphalt plant addressed at 1890 South Creek One. The applicant requests to construct an office and clarify existing on-site storage associated with the adjoining asphalt plant. The subject property is designated as Industrial on the Countywide Land Use Plan Map in the 2021 Long-Range Comprehensive Plan.

Mr. Hopkins gave a brief overview. He stated that, after the rezoning, the applicants plan to build a small office on the south end of the lot and combine lots and build a service route.

Chairman Hurt opened the public comment period.

[Carl Schwendemann, 1727 Teresa Lane,](#) asked if the service road would take the same path as Charter Colony Road.

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

Chairman Hurt stated that she would like to proffer the service route as a condition.

Dr. Brown pointed out an error on page 277. She stated that the word “no” should be added in the section that mentions the comments that have been submitted.

Chairman Hurt made a motion to recommend **approval** of the request submitted by Colony Construction LLC to rezone Tax Map Parcel 42-9H from Commerce Center (CC) to Heavy Industrial (I-2) with the construction of the proposed service road.

Ms. Pendergast seconded the motion.

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

VOTE 5-0

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MOTION PASSED

- c. **Case #22-03-AZ:** The County of Powhatan requests the amendment of the provisions outlined in Chapter 83 (Zoning Ordinance) Article IX (Nonconformities) Sec. 83-502. Nonconforming structures, to add a section clarifying the regulations for adaptive reuse of nonconforming structures. This amendment will allow property owners of nonconforming structures more easily renovate and utilize their properties, provided there is a conforming use.

Mr. Hopkins gave a brief overview. He suggested that point #5 be altered to allow for the change of use.

Chairman Hurt opened the public comment period.

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

Dr. Brown suggested that points #2 and #5 be dropped.

Ms. Pendergast stated that she did not believe that there should be the ability to expand out because it could make the nonconformance worse. This would mean keeping point #2.

Mr. Lachenev clarified that these points only pertain to abandoned nonconforming structures or structures whose use has been abandoned with intent. This means that continuously used nonconforming structures do not apply.

Chairman Hurt stated that she would like to make a responsible change that applies to the direction the Planning Commission would like to see Powhatan County moving.

Ms. Bowlin asked why an abandoned nonconforming use could not build an addition as long as it meets the other setbacks.

Mr. Lachenev stated that they could be; it was up to the County to decide if they found that appropriate.

Mr. Hall stated that he still has some concerns regarding point #5.

Dr. Brown suggested that they restrict the change of the existing footprint but allow owners to build a second structure and create a breezeway.

Mr. Lachenev stated that the less interpretation staff had to do, the better.

Ms. Pendergast expressed concern about the expansion of the footprint.

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Ms. Bowlin suggested allowing them to raise the roof if needed to encourage remodeling instead of rebuilding.

Mr. Lachenev suggested changing point #2 to prevent building a structure from being “altered in a way as to increase the square footage.”

Chairman Hurt clarified the idea that the Planning Commission wants to allow additions as long as they are not increasing the nonconformity of the building.

Chairman Hurt opened the public comment period.

[Carl Schwendemann, 1727 Teresa Lane](#), asked if they could allow nonconforming buildings to have additions that go back as long as it complies with setbacks. He believed this would enable these buildings to keep up with the times.

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

Chairman Hurt made a motion to **approve** the request submitted by the County of Powhatan to amend provisions outlined in Chapter 84 (Zoning Ordinance): Article IX (Nonconformities) of the County Code.

Dr. Brown seconded the motion.

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

VOTE 5-0

MOTION PASSED

- d. **Case #22-04-AZ:** The County of Powhatan requests the amendment of the provisions outlined in Chapter 83 (Zoning Ordinance) Article IV (Village Growth Area Districts) Sec. 83-252. - Conditional uses of the Light Industrial District (I-1) to add a Child Day Care Center use to the conditional uses of the I-1 zoning district. This will allow applicants to pursue a conditional use permit for a Child Day Care Center in the Light Industrial (I-1) District.

Mr. Hopkins gave a brief overview.

Chairman Hurt opened the public comment period.

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

Chairman Hurt expressed her support for the project.

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Ms. Bowlin made a motion to recommend **approval** of the request submitted by Powhatan County to amend Section 83-250 to add a child daycare center as a conditional use in the Light Industrial (I-1) zoning district.

Dr. Brown seconded the motion.

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

VOTE 5-0
MOTION PASSED

- e. **Case #22-05-AZ:** The County of Powhatan requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article IV (Village Growth Area Districts) Sec. 83-210. - Single-family Residential-2 (R-2) District, Article III (Rural Districts) Sec. 83-160. - Agricultural-10 (A10) District, Sec. 83-180. - Rural Residential-5 (RR-5) District, and Article V (Transition Base Districts) Sec. 83-350 - Residential Utility (R-U) District, to amend the by-right accessory uses and conditional accessory uses involving Accessory Dwelling Units (detached). This provision will eliminate the need for a conditional use permit for an Accessory Dwelling Unit (detached) and make the use by right as an accessory use in the given district.

Mr. Hopkins gave a brief overview.

Chairman Hurt opened the public comment period.

David Sowers, 2000 Norwood Creek Drive, expressed his opposition to this amendment and explained why he believes it needs more work.

Carl Schwendemann, 1727 Teresa Lane, expressed his support for the amendment. Seeing no one else wishing to speak, Chairman Hurt closed the public comment period. Dr. Brown stated that if the Planning Commission ultimately decides to remove the need for a CUP, it could be counterproductive. She asked if they should be more specific in their description of the appropriate use.

Mr. Hall expressed some concern about the freedom that removing the need for a CUP would create.

Ms. Bowlin stated that she would like to see this clause go away.

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Dr. Brown suggested postponing the decision to allow the administrator to work with the amendment more.

Chairman Hurt stated that she would like the CUP to stay in place.

Ms. Pendergast suggested clarifying that the only situations that qualify must be family-oriented and the aesthetics of the secondary structure.

Chairman Hurt made a motion to **defer** the request submitted by Powhatan County to amend Sections 83-160, 83-210, 83-180, and 83-350 to remove conditional use permits involving detached accessory dwelling units and make the use by right in the residential districts.

Ms. Pendergast seconded the motion.

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

VOTE 3-2

MOTION PASSED

The Planning Commission subsequently decided against the deferral in favor of a workshop regarding this amendment scheduled for the June 7th meeting.

2. New Business

- a. **Case #22-01-PB:** Dollar Tree design pattern book for 1830 Stavemill Crossing Ln tax map #42-7-6.

Mr. Hopkins gave a brief overview. He stated that there are similar-looking buildings in the area, but he also believes they could do better.

Chairman Hurt opened the public comment period.

Carl Schwendemann, 1727 Teresa Lane, asked if the developers could extend the sidewalk along the road up to Rte. 60 as well as a bike path along the frontage of Rte. 60. He then asked if the developers could install electric car chargers.

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

Chairman Hurt stated that she did not find the building rather appealing. Especially the sides and back of the building. She noted that the County needs to use its design standards consistently.

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Ms. Pendergast asked if there was anything in the design that did not comply with the pattern book.

According to their ordinance, Mr. Hopkins stated that stand-alone corner lots are supposed to have a corner feature, so the Planning Commission could ask for that.

Chairman Hurt suggested requiring a car wash on the side to add architectural detail.

The Planning Commission favored a craftsman design.

Chairman Hurt made a motion for the applicants to match the description in the pattern book more closely.

Ms. Pendergast seconded the motion.

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

VOTE 5-0
MOTION PASSED

8. Adjourn

Chairman Hurt adjourned the meeting at approximately 8:20 PM.

Vicki Hurt
Chairman

Frank Hopkins
Planning Director