

Planning Commission Meeting
June 7, 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,
JUNE 7, 2022, AT 6:00 PM.**

Planning Commissioners Present	Vicki Hurt, District 1 (Chair), Darlene Bowlin, District 2, Jane Pendergast, District 4, Barbara Brown, District 5 (Vice-Chair)
Planning Commissioners Absent	Bobby Hall, District 3
Staff Members Present	Thomas Lacheney, County Attorney's Office Bret Schardein, Deputy County Administrator Frank Hopkins, Planning Director

1. Call to Order

Chairman Hurt called the meeting to order at approximately 6:30 PM.

2. Invocation

Dr. Brown led the invocation.

3. Adoption of Agenda

a. Request to Postpone Action//Amend Agenda

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

Dr. Brown seconded the motion.

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

VOTE 4-0

MOTION PASSED

4. Administrative Items

a. Approval of Minutes: May 9, 2022 (Regular Meeting)

Dr. Brown made a motion to **accept** the minutes as presented.

Ms. Pendergast seconded the motion.

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

VOTE 4-0

MOTION PASSED

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5. Public Comment Period (Certificates of Appreciation, Special Resolutions, Proclamations, and Presentations)

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 #22-06-AZ: The County of Powhatan** requests the amendment of the provisions set forth in Chapter 83 (Zoning Ordinance) Article III (Rural Districts) Sec. 83-160 – Agricultural-10 (A-10) District, Sec. 83-240 – Commerce Center (CC), Sec. 83-250- Light Industrial (I-1), Sec. 83-260 12 Heavy Industrial (I-2), and Article XI Sec. 83-521 - Definitions to create new use of wood and stump recycling and add it to the A-10 and CC zoning districts as a conditional use and to I-1 and I-2 as a by-right use.

Ms. Rozmus gave a brief overview. She stated that this case involves the addition of a stump recycling definition and use to the County zoning ordinance.

Chairman Hurt opened the public comment period.

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

Dr. Brown stated that she had no problem with the definition but was under the impression that they had removed 8-20 because it was the same at 8-10. Mr.

Lacheney explained that 8-20 is still in place.

Chairman Hurt asked if this amendment attempts to have the ordinances fall in line with the Comprehensive Plan. Mr. Hopkins explained that the use existed before the big zoning ordinance reviewed in 2014, which allowed stump recycling to take advantage of the CFP. Now, similar types of businesses would like to take advantage of it, but it does not exist anymore. Chairman Hurt asked if there is much noise associated with the stump recycling process. She was concerned that neighbors would not like any noise pollution.

Ms. Pendergast asked where in the zoning ordinance this was located in the past. Mr. Hopkins stated that it had been located in under A-10. Ms. Pendergast asked why the

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Planning Commission should not consider putting this under industrial. Ms. Rozmus noted that it would be listed under industrial as well as a conditional use permit, allowing them to put conditions on the permitted noise level.

Chairman Hurt stated that she believed stump recycling should be listed under industrial by right, but she has concerns about listing it under A-10. Mr. Lacheney suggested that the Planning Commission create a condition that limits the proximity of a stump recycling station to any other building instead of attempting to limit the noise level. Chairman Hurt asked what the best way to protect the property owner in A-10 would be. Mr. Lacheney suggested that the Planning Commission require the applicant to produce any information necessary to make a calculated plan.

Chairman Hurt made a motion to recommend the approval of Case #22-06-AZ.

Dr. Brown seconded the motion.

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

VOTE 4-0

MOTION PASSED

- b. Case #22-07-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. 83-240 – Commerce Center (CC), Sec. 83-250- Light Industrial (I-1), and Sec. 83-260 Heavy Industrial (I2) to add the contractor storage yard use to these districts. The contractor storage yard use will be added to A-10 and CC as a conditional use and I-1 and I-2 as a by-right use.

Ms. Rozmus gave a brief overview. She stated that this case involves the addition of contractor storage yards as a conditional use permit/conditional use in commerce center and its classification of light industrial by right.

Chairman Hurt opened the public comment period.

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

Ms. Bowlin asked why it is not classified as a commerce center by right. Ms. Rozmus stated that she believes part of that decision had to do with the location of the storage yard.

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Ms. Pendergast asked if fencing would be beneficial for safety reasons. The Planning Commission agreed to evaluate this on a case-by-case basis.

Dr. Brown made a motion to recommend the **approval** of Case #22-07-AZ.

Ms. Bowlin seconded the motion.

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

VOTE 4-0

MOTION PASSED

- c. **Case #22-08-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. 83-230- Village Center (VC), 83-300 – Village Center Planned Development (VC-PD), Sec. 83-290. - Village Residential Planned Development (VR-PD) and Sec. 83-310. - Commerce Center Planned Development (CC-PD). This amendment will amend the purpose section of each respective zoning district to align each district with the areas denoted by Economic Opportunity in the 2021 Powhatan County Comprehensive Plan.

Mr. Hopkins gave a brief overview. He stated that this involves the amendment of the purpose section to attach the zoning districts to allow people to bring in applications for rezoning that include land use designation of economic opportunity. Dr. Brown asked if this would enable mixed-use. Mr. Hopkins stated that it would allow mixed-use in some cases, and the Planning Commission would be able to vet the process.

Chairman Hurt opened the public comment period.

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

The Planning Commission expressed its support for this amendment.

Ms. Pendergast made a motion to recommend the **approval** of Case #22-08-AZ.

Dr. Brown seconded the motion.

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

VOTE 4-0

MOTION PASSED

8. New Business

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None.

9. Workshop

- a. **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 (A-10) 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.

Dr. Brown stated that although she is not convinced that everyone would be careful with their use of an accessory dwelling, she does not have an issue with them being rented out if an elderly parent passes away or is in a similar situation. Chairman Hurt agreed with Dr. Brown.

Ms. Bowlin stated that she believed people would abuse power to build accessory dwellings.

Ms. Pendergast expressed concern about allowing homeowners to rent out their accessory dwellings. She explained that undesirable situations could arise from renting out to people who are not family. Mr. Hopkins explained that the use standard states that adding a detached accessory dwelling to a single-family dwelling shall not change the status of the dwelling as a single-family detached dwelling.

Ms. Pendergast stated that she does not want to increase the intensity because it invades the purpose of A-10. She expressed multiple concerns about allowing tenants in the accessory dwellings.

Chairman Hurt stated that she was okay with allowing A-10 by right and requiring a conditional use permit for everything else. Dr. Brown noted that the Planning Commission intends to provide citizens with the opportunity to provide a place for their aging parents to live or for their older children to get off their feet. She explained that she did not think the County could control them beyond that.

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Chairman Hurt suggested that the Planning Commission control how many accessory dwellings can be built by limiting the suitable acreage.

Ms. Pendergast pointed out that, according to A-10, the property could technically qualify under several acreages. Mr. Hopkins suggested that the County require each property owner to sign an affidavit stating that the accessory dwelling will be for family use only.

Mr. Lacheney suggested that the Planning Commission limit the accessory building to only one bedroom.

Chairman Hurt and Dr. Brown agreed that the County should set an acreage rule and let it go from there. Dr. Brown stated that she was not willing to give up the CUP.

Chairman Hurt suggested that they limit the acreage to 3 acres or more with a CUP. The Planning Commission decided to advertise a vote on this matter for their July meeting and considered voting "no change."

Dr. Brown made a motion to make no changes to the current regulations for an accessory dwelling and that it continues to be allowed under R2, RR5, and RU zoning districts.

Chairman Hurt seconded the motion.

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

VOTE 4-0

MOTION PASSED

10. Adjourn

Chairman Hurt adjourned the meeting at approximately 7:15 PM.

Vicki Hurt
Chairman

Frank Hopkins
Planning Director