

Planning Commission Meeting Minutes

May 7, 2019

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, MAY 7, 2019 AT 7:00 PM

Planning Commissioners Present	Karin Carmack, District 1, Chairman David Van Gelder, District 5, Vice-Chairman Owen Walker, District 2 Donna Moore, District 3 Bill Cox, District 4
Planning Commissioners Absent	None
Staff Members Present	Andrew Pompei, Planning Director Kelley Kemp, Assistant County Attorney Alyson Oliver, Planner II Juli Kurnos, Planner I

1. Call to Order

Ms. Carmack called the meeting to order at 7:00 PM.

2. Invocation

Mr. Van Gelder gave the invocation.

3. Administrative Items

a. Request to Postpone Action/Amend the Agenda

None

b. Approval of Minutes

Ms. Carmack motioned to approve the minutes from the regular meeting and workshop on April 2, 2019.

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

**VOTE 5-0
MOTION Passed**

4. Public Comment Period

Ms. Carmack opened the public comment period.

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

5. Old Business

None

6. Public Hearings

Case #19-01-CUP: William Davis (District #1: Subletts/Manakin/Flat Rock) requests a conditional use permit (CUP) to permit a commercial landscape operation within the Commerce Center (CC) zoning district per Sec. 83-242 of the Zoning Ordinance of the County of Powhatan.

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The property is located at 1331 Page Road, being Tax Map 43-39A. The subject property consists of 5.75 acres and is designated as Commerce Center and Natural Conservation (Route 60 Corridor East Special Area Plan) on the Countywide Land Use Plan Map in the 2010 Long-Range Comprehensive Plan. The property is currently zoned Residential-Commercial (R C), but is proposed to be rezoned to Commerce Center (CC) as part of Case #18 09 AZ (Ordinance O-2018-38). In conjunction with the rezoning request, the applicant has requested that the Board of Supervisors approve a waiver/modification to local intersection spacing requirements set forth in Table 68-175(e)(5)d.

Ms. Oliver provided an overview of this request.

Ms. Carmack opened the public hearing.

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

The Planning Commission discussed the following issues:

- The possibility of using a shared entrance to access this site; and
- Applicable architectural design standards for the proposed commercial landscaping operation.

After discussion, Ms. Carmack motioned to **recommend approval** of the CUP request and the requested waiver from the applicable intersection spacing standards.

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

VOTE 5-0
MOTION Passed

7. New Business

None.

8. Adjourn

There being no further business, Ms. Carmack adjourned the meeting at 7:05 PM.

Karin Carmack
Chairman

Andrew Pompei
Planning Director

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VIRGINIA: AT A WORKSHOP OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, MAY 7, 2019 AT 8:06 PM

Planning Commissioners Present	Karin Carmack, District 1, Chairman David Van Gelder, District 5, Vice-Chairman Owen Walker, District 2 Donna Moore, District 3 Bill Cox, District 4
Planning Commissioners Absent	None
Staff Members Present	Andrew Pompei, Planning Director Kelley Kemp, Assistant County Attorney Alyson Oliver, Planner II Juli Kurnos, Planner II

1. Call to Order

Ms. Carmack called the meeting to order at 7:06 PM, following adjournment of the regular Planning Commission meeting held on May 7, 2019.

2. Discussion: Solar Energy Farms

Mary Beth Major, Renewables Program Manager for the Virginia Department of Environmental Quality (DEQ), gave a presentation to members of the Planning Commission regarding the state of solar energy in Virginia and the DEQ Permit by Rule process for reviewing proposed solar energy farms statewide.

Members of the Planning Commission discussed the following:

- Factors contributing to increased interest in solar energy in Virginia;
- The DEQ Permit by Rule process and criteria;
- Powhatan County's role in regulating proposed solar energy project; and
- Possible standards for review of proposed solar energy projects in Powhatan County.

3. Discussion: Zoning Requirements in Hideaway Lake

Mr. Pompei initiated a discussion on the possibility of adopting an overlay district that would reduce the minimum yard requirements for properties in Hideaway Lake, a platted subdivision in southwestern Powhatan County. After discussion, the Planning Commission decided that they would not pursue adoption of an overlay district in the Hideaway Lake subdivision at this time, as (1) accommodating residential development in that area is not in accord with the long-range comprehensive plan and (2) existing infrastructure is inadequate to serve additional development.

4. Discussion: Revisions to the Sign Ordinance

Ms. Oliver and Ms. Kurnos provided the Planning Commission of an overview of lessons learned from attending a signage conference hosted by the Sign Research Foundation. Mr. Pompei then initiated a discussion on potential amendments to the sign ordinance (Sec. 83-488 of the zoning ordinance).

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The Planning Commission discussed the following:

- Updating the existing sign ordinance to address recent case law pertaining to the regulation of signage; and
- Potential design regulations, including standards that address the size, illumination, and color of signs.

The Planning Commission requested that staff begin drafting an amendment to the sign ordinance to be discussed at the June Planning Commission workshop.

5. Adjourn

Ms. Carmack adjourned the workshop at approximately 8:56 PM.

Karin Carmack
Chairman

Andrew Pompei
Planning Director



Powhatan County Planning Commission Agenda Item

Meeting Date: June 4, 2019

Agenda Item Title: Discussion (Workshop): Revisions to the Sign Ordinance (Sec. 83-488)

Action Requested: The Department of Community Development requests feedback and direction regarding possible revisions to the sign ordinance (Sec. 83-488) (see attachment).

Dates Previously
Considered by PC: May 7, 2019

Summary of Item: Based on discussion at the workshop on May 7, 2019, the Department of Community Development has continued to research possible revisions to the sign ordinance (Sec. 83-488) and develop a strategy for drafting those revisions (see attachment).

A representative from the International Sign Association (Kenny Peskin: Director – Industry Programs) will provide information regarding current trends in signage and sign regulations.

Attachments: Memo

Staff/Contact: Andrew Pompei: Planning Director
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Board of Supervisors
Angela Y. Cabell, Chairman
William E. Melton, Vice Chairman
Laurence J. Nordvig
Carson L. Tucker
David T. Williams



County Administrator
Theodore L. Voorhees

The County Of
Powhatan

TO: Planning Commission
FROM: Andrew Pompei, Planning Director
DATE: May 30, 2019
SUBJECT: Possible Amendments to Sign Ordinance (Sec. 83-488)

Current Situation

Sec. 83-488 of the Powhatan County Zoning Ordinance establishes standards regarding the placement and design of temporary and permanent signage.

Project Goals

The Department of Community Development recommends that Sec. 83-488 be rewritten to:

- Revise standards to align with guidance provided by the U.S. Supreme Court in *Reed v. Town of Gilbert* (2015) regarding the regulation of sign content;¹
- Refine design requirements (area, height, illumination, etc.) to better reflect recommendations set forth in the 2010 Long-Range Comprehensive Plan;
- Revise and simplify language to provide greater clarity regarding certain requirements and practices.

Proposed Changes

The Department of Community Development proposes the following changes to Sec. 83-488:

Update and Add Definitions for Different Types of Signs

To provide better clarity regarding types of permitted signage and to reflect current design trends, definitions regarding different types of signage will be revised. Definitions regarding new types of signage will be added.

¹ In *Reed v. Town of Gilbert* (2015), the U.S. Supreme Court determined that content-neutral sign regulations best protect freedom of speech (First Amendment). Local regulations may address such issues as the size and placement of signage, but should not regulate signage based on its content (i.e. sign messaging). Other localities in Virginia have recently revised sign regulations to address guidance provided by the U.S. Supreme Court in *Reed v. Town of Gilbert*, including [York County](#) and [Fairfax County](#).

Regulate Signage by Zoning District

Standards regarding the size and number of temporary and permanent signage permitted on an individual parcel will vary by zoning district. Zoning districts will be grouped as follows:

Use Type and/or Community Character	Related Zoning Districts	Approach to Regulating Signage
Agricultural/Rural	Agricultural-20 (A-10) Agricultural-10 (A-10) Agricultural/Animal Confinement (A-C) Rural Residential (RR)	Smaller-scale, externally-illuminated signage that blends with the rural character of surrounding properties.
Residential	Rural Residential-5 (RR-5) Single-Family Residential-2 (R-2) Village Residential (VR) Village Residential Planned Dev. (VR-PD) Residential Utility (R-U)	Smaller-scale signage that is generally not illuminated that blends with the residential character of surrounding properties.
Commercial	Commerce Center (CC) General Commercial (C) Office (O)	Larger illuminated signage readable along high-speed major thoroughfares, with design standards that help create attractive entrance corridors.
Industrial	Light Industrial (I-1) Heavy Industrial (I-1) Mining and Mineral Extraction (M)	Illuminated signage with design standards that help create a campus-like environment within industrial parks.
Mixed Use	Crossroads (CR) Village Center (VC) Village Center Planned Dev. (VC-PD) Courthouse Square Center (CHSC)	Smaller-scale, externally-illuminated signage that helps create a pedestrian-friendly environment and reflects the historic and/or village-like character of surrounding properties.

Within each category, there may be different design requirements for residential uses versus nonresidential uses. For example, there would be different standards regarding signage for residential versus nonresidential properties within the A-10 zoning district.

Update Standards Regarding Electronic Message Centers (EMCs)

Standards regarding electronic message centers (EMCs) will be updated to reflect current trends and technology. For example, updated standards would address illumination levels and the minimum amount of time a message may be displayed before changing. To protect the character of rural areas and residential neighborhoods, EMCs will continue to be permitted only in commercial and industrial areas along the U.S. Route 60 Corridor.

Update Language to Reflect Decision in Reed v. Gilbert

The wording and standards set forth in Sec. 83-488 will be modified to reflect guidance set forth in *Reed v. Gilbert*.

Feedback Requested*General Approach*

Does the Planning Commission have any questions, comments, or concerns regarding the concepts presented above?

Sign Preferences

Attachment #1 includes examples of different sign types. Most of the examples are existing signs in Powhatan County. Based on these examples and your experience in Powhatan County:

- Are there are sign types or features (of temporary and permanent signage) that you think should be prohibited (either countywide or in certain instances)?
- Are there are sign types or features (of temporary and permanent signage) that you think should be encouraged (either countywide or in certain instances)?

Next Steps

Based on the feedback received, the Department of Community Development will continue to draft amendments to the standards regarding signage (Sec. 83-488).

Attachments

Attachment #1: Examples of Different Sign Types



Powhatan County Planning Commission Agenda Item

Meeting Date: June 4, 2019

Agenda Item Title: Discussion (Workshop): Solar Energy Farms

Action Requested: The Department of Community Development requests feedback regarding the draft memo (attached) entitled *Policy Guidance Regarding the Review of Solar Energy Farms*.

Dates Previously
Considered by PC: May 7, 2019

Summary of Item: A draft memo (attached) has been prepared that provides guidance regarding the:

- Siting and design of solar energy farms; and
- Review of applications requesting a conditional use permit (CUP) for solar farms.

This policy guidance is intended to reflect feedback provided by the Planning Commission at its meeting on May 7, 2019.

Attachments: Draft Memo (Policy Guidance Regarding the Review of Solar Energy Farms)

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Board of Supervisors
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The County Of
Powhatan

TO: Applicants Requesting a Conditional Use Permit (CUP) to Allow a Solar Energy Farm
FROM: Planning Commission
DATE: _____
SUBJECT: Policy Guidance Regarding the Review of Solar Energy Farms

Current Situation

Throughout Virginia, there is growing interest in developing solar energy farms to supply residential and commercial consumers with renewable energy. Powhatan County and other rural localities are reviewing numerous requests to construct large-scale energy farms.

Due to their scale and design, solar energy farms may have more significant visual and environmental impacts on the surrounding community than other conditional uses within the Agricultural-10 (A-10) zoning district.

At its meeting on _____, the Planning Commission endorsed the following guidance regarding the:

- Siting and design of solar energy farms; and
- Review of applications requesting a conditional use permit (CUP) for solar energy farms.

This guidance is intended to ensure that the Planning Commission has adequate information to review proposals involving solar energy farms, and that proposed solar energy farms are designed to reflect the goals and objectives set forth in the long-range comprehensive plan.

Siting and Design Guidance

The siting and design of the proposed project should incorporate elements recommended in the long-range comprehensive plan.

Review Process

All CUP requests must be reviewed in accordance with Sec. 83-123(f).

It is recommended that CUP requests involving solar energy farms undergo additional review:

- *Neighborhood Meeting*

The applicant should organize a neighborhood meeting in accordance with standards set forth in Sec. 83-122(c), inviting adjoining property owners and other members of the public to learn about the proposal and provide feedback.

- *Additional Application Materials*

In addition to any requirements set forth in Sec. 83-123(f), the applicant should provide the following:

- *Conceptual Plan*

The applicant should submit a conceptual plan showing the overall project and the proposed location of:

- Solar panels/arrays;
- Perimeter fencing;
- Perimeter buffers;
- Riparian buffers;
- Substations (if applicable); and
- Access points.

- *Project Calculations (Area, Size, Etc.)*

Within the application and/or on the conceptual plan, the applicant should identify the:

- Total acreage of the parcels where the proposed project is located;
- Total acreage located within perimeter fencing; and
- Total acreage covered with solar panels/arrays.

- *Density Calculation*

The applicant should identify the location of any existing and approved solar energy farms located within a five-mile radius of the proposed project, along with a calculation of the total area of existing and approved solar energy farms within that radius.

- *Review: Environmental Resources*

The applicant should provide an environmental review that analyzes potential impacts to wildlife and wildlife habitats located on or near the property where the proposed facility is located.

Powhatan County prefers that this analysis be conducted by a third party, with the Department of Community Development selecting the consultant and the applicant reimbursing Powhatan County for the cost of the analysis.

- *Wetlands Delineation*

The applicant should provide a study that shows the location of on-site wetlands, streams, and water bodies.

- *Review: Historic/Cultural Resources*

The applicant should provide a cultural resources review that identifies historical, architectural, archeological, or other cultural resources on or near the property where the proposed facility is located.

Powhatan County prefers that this analysis be conducted by a third party, with the Department of Community Development selecting the consultant and the applicant reimbursing Powhatan County for the cost of the analysis.

- *Decommissioning Plan*

The applicant should provide a decommissioning plan that describes the decommissioning process and provides financial assurance that there will be sufficient funds available for decommissioning and site restoration when the solar arrays have reached the end of their useful life.

- *Fiscal Impact Review*

The applicant should provide an economic impact analysis that identifies any expected impacts on Powhatan County's tax revenues, along with the estimated costs of additional services

Powhatan County may have to provide to support the facility. This analysis may also include any expected change in the value of the subject property and expected employment during and after construction of the facility.

- *Workshop: Planning Commission*

Prior to a public hearing, the applicant should present the request to the Planning Commission at a public workshop. Prior to that workshop, the Department of Community Development shall transmit (as part of the publicly-available agenda packet) an initial list of recommended conditions to the Planning Commission for review.

- *Consistency with the Comprehensive Plan*

Prior to making a recommendation regarding a particular project, the Planning Commission should make a determination as to whether the proposal is in accord with the long-range comprehensive plan that is in effect at the time of the public hearing [Code of Virginia 15.2-2232(A): Review of Public Utility Facility].