

Aye: Donald Gilliam
 Preston L. Hunt
 Robert M. Jones
 Clifford Jack Leatherwood
 Chris Mason
 John Prengaman
 Teresa Sandlin
 Cannon Watson
 Absent: Mark Jenkins

Nay: (None)

Abstain: John "Jack" W. Peery, Jr.

Set Day, Time and Place of Regular Meetings & Adoption of Bylaws

Chairman Prengaman called for suggestions regarding the regular meeting schedule.

Commissioner Jones made a motion, seconded by Commissioner Peery, to hold the regular Planning Commission meetings on the third Tuesday of the month at 7:00 p.m. in the Board of Supervisors room of the Courthouse, and to adopt the Bylaws as presented; the motion carried:

Aye: Donald Gilliam
 Preston L. Hunt
 Robert M. Jones
 Clifford Jack Leatherwood
 Chris Mason
 John "Jack" W. Peery, Jr.
 John Prengaman
 Teresa Sandlin
 Cannon Watson
 Absent: Mark Jenkins

Nay: (None)

**Bylaws Of
 Prince Edward County Planning Commission**

- 1) Meetings shall be held on a monthly basis, normally on the third Tuesday of the month at 7:00 P.M. in the Board of Supervisor's room. The schedule may be altered at any regularly scheduled meeting. Meetings may be cancelled due to lack of business; but the Commission shall meet at least every two months.
- 2) Additional meetings may be held at any time upon the call of the chairman, or by a majority of the members of the commission, or upon request of the Board of Supervisors following at least twenty-four hours' notice to each member of the commission.
- 3) The commission at its regular meeting in January of each year shall elect a chairman and vice-chairman. The recording secretary shall be the Director of Planning and Community Development or a designated alternate, who shall make an audiotape of the proceedings of each meeting and prepare minutes for the permanent records of the commission.
- 4) The duties and powers of the officers of the planning commission shall be as follows:
 - A. Chairman
 - Preside at all meetings of the commission.
 - Call special meetings of the commission in accordance with the bylaws.

- Sign documents of the commission.
- See that all actions of the commission are properly taken.

B. Vice-Chairman

During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all duties and be subject to all the responsibilities of the chairman.

C. Recording Secretary

- Prepare an audiotape of the proceedings of each meeting of the commission.
- Prepare minutes from the audiotape of each meeting in detail sufficient to include the tenor of public comments and the commission's reasoning underlying each decision or recommendation.
- Circulate a copy of the minutes to each member of the commission before the next meeting.
- Prepare the agenda for all commission meetings.
- Be custodian of commission records.
- Inform the commission of correspondence relating to business of the commission and attend to such correspondence.
- Handle funds allocated to the commission in accordance with its directives, state law, and county ordinances.
- Sign official documents of the commission.

- 5) All maps, plats, site plans, and other materials submitted to the commission shall be filed in the office of the Director of Planning and Community Development and maintained for public access until the project to which they relate has been completed or vacated. Minutes of the commission's meetings shall be permanently filed in the office of the planner and maintained for public access.
- 6) Matters referred to the commission by the Board of Supervisors shall be placed on the calendar for consideration and possible action at the first meeting of the commission after the referral and appropriate public notification.
- 7) A majority of the members of the commission shall constitute a quorum for the transaction of business, but no quorum shall be required for informational meetings at which no action is to be taken.
- 8) Reconsideration of any decision of the commission may be taken when the interested party for such reconsideration makes a showing satisfactory to the chairman that, without fault or deliberate omission on his own part, essential facts were not presented to the chairman.
- 9) Roberts Rules of Order for Committees shall govern the commission's proceedings in all cases not specifically ordered by these bylaws.
- 10) Order of consideration of agenda items in a public hearing:
 - Director of Planning and Community Development or other staff member presents report including summary of all comments (written, electronic and verbal) received from interested parties and makes a recommendation.
 - Commission members may question the staff member on the presentation.
 - Proponent(s) of the agenda item make presentations as appropriate.
 - Opponent(s) of the agenda item make presentations as appropriate.
 - Applicant make rebuttal of objections not previously covered.
 - Commission members may question applicant, proponents, or opponents or may offer comments on the agenda item.

- Commission may opt to gather additional information about the matter and take action at a future meeting, or vote on recommendation, whether approving or denying request, to Board of Supervisors.
- 11) Any member of the commission who has any personal or financial interest in any matter before the commission shall declare the nature of that interest and shall if the interest constitutes a legal conflict of interest by Virginia law recuse him/herself from the deliberations on that matter, including lobbying other members, participating in the discussions, or voting on the matter. In cases where the interests do not raise to the level of legal conflict of interest by Virginia law, a member may voluntarily recuse him/herself in the interest of avoiding the appearance of conflict. All commission members shall be sensitive to the importance of impartiality and shall endeavor to always avoid any actual or appearance of conflict of interest.
 - 12) Each member of the commission who has knowledge that he/she will be unable to attend a scheduled meeting of the commission shall notify the County Administrator's office at the earliest opportunity. The Director of Planning and Community Development shall notify the chairman if projected absences will produce a lack of quorum. Members who are absent from three consecutive meetings, or who are absent from more than half of the commission's meetings during a calendar year, will be referred to the Prince Edward County Board of Supervisors for possible replacement.
 - 13) The vice-chairman shall succeed the chairman if he vacates his office before his term is completed. A new vice-chairman shall be elected at the next regular meeting.
 - 14) These bylaws may be recommended for amendment at any meeting having a quorum present by a majority vote, provided that notice of such proposed amendment has been given to each member in writing at least two weeks prior to its consideration. If recommended for approval, proposed amendments must then be adopted by the Board of Supervisors before becoming effective.
 - 15) Planning Commission members are strongly encouraged to attend a Virginia Certified Planning Commissioner's Training Program within two years of their appointment to the Planning Commission. This certification course will provide a basic foundation of planning law, history, and technical expertise needed by planning commissioners to maximize their competency and ability to render legally defensible decisions and recommendations. Costs associated with the program will normally be paid by Prince Edward County.

In Re: Public Hearing – Special Use Permit, Bart Gray

Chairman Pregelmann announced this was the date and time scheduled for a Public Hearing to receive citizen input prior to considering a request by Bart Gray for a Special Use Permit to operate an Indoor/Outdoor Commercial Sports and Recreation Center, located at 140 Sheppards Road on property identified as Tax Map Parcel 022-A-73. This is an A2, Agricultural Residential District. Notice of this hearing was advertised according to law in the Friday, January 5, 2018 and Friday, January 12, 2018 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Rob Fowler, Planning and Zoning Director, stated Prince Edward County received a Special Use Permit application to permit the operation of an Indoor/Outdoor Commercial Sports Recreation Center, located at 140 Sheppards Road, on Tax Map Parcel 022-A-83 and owned by Bart Gray.

Mr. Fowler said the proposed facility will consist of an approximately 7,000 square foot building that will house two batting cages and a synthetic field space, along with an outdoor rectangular field and parking. The facility will operate Monday-Sunday 12:00 p.m. – 10:00 p.m. with limited openings outside of the normal operating hours for special occasions. The facility will provide off-street parking and will not generate odor, dust, or fumes and noise should not impact the adjacent properties.

Mr. Fowler said the property is located in an A2, Agricultural Residential District and the use is allowed by Special Use Permit.

Mr. Fowler said the business owner, Lindsay Hardwoods, next door to the property has concerns; one other inquiry was made. He said one of the conditions is fencing; the property will be supervised as the Grays live on the property.

Commissioner Peery said the left turn onto the property from Route 15 South will be difficult. Mr. Fowler said the Grays met with VDOT and that is a recommended entrance as is shown on the plan as the VDOT-approved entryway. He said the turn is right past the median.

Commissioner Mason said possible future expansion would include an outdoor rectangular field. Mr. Fowler stated the project is planned to be done in phases; the inside will be done first. Mr. Fowler added there will be no stormwater issues since the disturbance is under an acre; they are building a full erosion and sediment control plan.

Mr. Bart Gray distributed copies of Massey Engineers' initial narrative written early in the project's conception. He added the outside activities are not included in the initial plan and not part of this proposal. Mr. Gray said the current plans center on the entry, parking lot and building. Plans to add pitching mounds on the north side of the building, on the other side of the building from Lindsay Hardwoods, may be in the future.

Commissioner Jones asked if their residence is on the property; Mr. Gray said it is. He said he spoke with the adjacent business, Lindsay Hardwoods, regarding the amount and location of the necessary fencing. He said it is intended the participants in the ball teams do not leave the lot.

Commissioner Pregelman asked about the hours of operation. Mr. Gray said weekdays, they plan to open at 3:00 or 4:00 p.m. and run until 9:00 or 10:00 p.m., after school. He said on weekends, they plan to open at 1:00 p.m. He said they plan to operate summer camps in the large, clear span space.

Chairman Pregelman opened the public hearing.

Mr. Harlan Horton, Attorney for Lindsay Hardwoods, said the sawmill adjoins the property; he said they are concerned about the installation of a facility that will cater to young children and teenagers on property that is immediately adjacent to its operation. Sawmills propose a higher than normal risk of injury to anyone who is unfamiliar to the operation. Children are inquisitive especially when they encounter log piles and heavy equipment. Mr. Horton said his client is opposed because of the high risk of injury that such an industrial operation poses. He said they are also concerned about the impact on their ability to continue operations. They have been notified in writing by their insurance agent that the placement of the youth facility next to the sawmill poses "serious potential risk hazards. Both your property and general liability underwriters will be concerned and potentially make your account less attractive to the insurance market, especially after a trespass-related claim. I do not believe warning or No Trespass signs are adequate." Mr. Horton said Lindsay Hardwoods employs 15-17 full time employees on a regular basis. The loss of the ability to obtain insurance would essentially put them out of business, as insurance for saw mills is hard to come by. Mr. Horton said he was told the youth facility would employ, at most, two to three part-time employees. If the Special Use Permit is approved, it is imperative to consider carefully the potential impact on the existing business and its employees, as well as the best method possible for the users of the facility will be safe, meaning the children participating and their families waiting with nothing to do but explore the area. He said at the very least, requiring Mr. Gray to erect an effective security border fence of at least seven feet high with three strands of barbed wire at the top, that surrounds the youth facility out to Route 15 to prevent people from entering the saw mill property, would be an absolute necessary condition. This would protect the youth and their families and alleviate the concerns his clients' insurance agent has regarding maintenance of the insurance and continuing its operation.

There being no one further wishing to speak, Chairman Pregelman closed the public hearing.

Mr. Gray stated he is not trying to open a youth baseball building to put the sawmill out of business or impact their insurance; he said he sees the merit of a fence but the seven-foot high fence with three strands of razor wire seems excessive. He said the recreation will take place inside the building; he said if they decide to have activity outside, he will have to return to the County. He said the initial project, fencing makes sense.

Commissioner Jones stated some pictures of the building and asked how many feet from the sawmill property. Mr. Gray said there is a natural 25-28 feet deep tree line, the setback is 35 feet. He said from the building to the center point of Lindsay Hardwood's operation is approximately 475 feet. He said the tree line will be undisturbed and a fence will be put up.

Commissioner Jones asked about the parking area. Mr. Gray said the parking lot is L-shaped, the majority is along the front of the building.

Chairman Prengaman questioned the occupancy of the building. Mr. Gray said that if successful, he would estimate 100 people. He said there will be two baseball teams, 12 children to a team. He said times would be staggered for arrival and departure; there would be the team of 12 children, two coaches and the parents. He said there are no doors or exit points on the side next to the sawmill. He said there are three 12-foot wide garage doors on the north side, and one entrance door on the west side.

Chairman Prengaman asked about restroom facilities. Mr. Gray said there are adequate facilities with handicap access. He said the 7,000-foot building has a clear span; he said it will include a video room and a parent waiting room. He said there will be no food or concessions in the building.

Commissioner Mason said in looking at the preliminary plan, he asked if a fence from the corner of the building to the edge of the parking lot, would keep people from going anywhere other than into the building. He asked what is on the north side.

Mr. Gray described attaching the fence to corner of the building. Mr. Gray added if pitching mounds and tables are added, he would want fencing around the courtyard and it would be fully contained.

Mr. Horton said the objection to the project is to put conditions on the Special Use Permit that are reasonable and the objective is how to make sure even one child doesn't explore and get hurt.

Further discussion followed regarding the fence. Commission Watson questioned the barrier behind the Executive Inn. He said with the transient nature of the people, there isn't a great difference. Commissioner Jones agreed that would be more of a concern, and that seven-foot tall fence with barbed wire seems excessive.

Following some discussion, Commissioner Jones made a motion, seconded by Commissioner Hunt, to approve for recommendation to the Board of Supervisors the request for operation of an indoor/outdoor Commercial Sports Recreation Center, with the following conditions:

- 7-foot-high fence installed in advance of the business opening, along the southern edge of the parking lot and attached to the building
- Future outside pitching mounds on the north side must be fenced
- Any future expansion must be brought before the Planning Commission

The motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston L. Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		
Absent:	Mark Jenkins		

In Re: Special Use Permit Application – Abner King

Mr. Fowler stated Mr. Abner King is present to answer any additional questions the Planning Commission members may have. He said he will plant additional buffer and has addressed the generator and noise issue, lighting, buffer, the hours of operation, and sanitation issues. Mr. Fowler stated VDOT has no concerns regarding the bridges, and Mr. King will install a VDOT-approved commercial entrance.

Mr. King stated his vision is to be able to be at home with his family, in addition to the farm.

Chairman Prengaman inquired about the 72-decibel generator. Mr. King stated it will be a single generator, and the decibels are comparable to an average outdoor heat pump which is 70 decibels. He said the generator will be kept insulated in a box to keep the noise buffered.

Commissioner Jones asked how many sheds will be produced, and if there will be a store on the property. Mr. King said there will be 10-15 maximum on the property, and the goal is 6-8 at a time.

Commissioner Sandlin asked if people will come to the farm to purchase the sheds. Mr. King said all sheds are pre-sold; there will be no retail on the farm.

Commissioner Peery said he is concerned about the road as it is in rough shape. Mr. Fowler said there are only 50 trips per day, not enough to be considered for paving.

Mr. King said he will add shrubs to the buffer of trees to meet the existing buffer.

Commissioner Hunt questioned the size limit of the buildings. Mr. King said the widest buildings are 14' wide; the largest building is 14' x 40'.

Mr. Fowler stated the closest house is 446 feet away. He said there was an issue regarding the setbacks but accessory structures do not have setback requirements.

Commissioner Jones made a motion, seconded by Commissioner Gilliam, to approve for recommendation to the Board of Supervisors the Special Use Permit Application of Mr. King, with the following conditions:

- No retail sales on site
- Maximum of 15 finished buildings stored on site
- Fence / buffer around generator for noise control
- Shrubs planted to continue the buffer from its existing location to the barn
- Portable toilet facilities maintained for employees

The motion carried:

Aye:	Donald Gilliam	Nay:	John "Jack" W. Peery, Jr.
	Preston L. Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		
Absent:	Mark Jenkins		

Approval of Minutes: December 19, 2017

Commissioner Jones made a motion, seconded by Commissioner Watson, to approve the meeting minutes from December 19, 2017, as presented; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston L. Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Pregelman		
	John Townsend, III		
	Cannon Watson		

In Re: Old Business

Mr. Fowler said the Board of Supervisors approved the amendment to the Zoning Ordinance concerning Custom Manufacturing as a Commercial Use in the Agricultural Conservation District by Special Use Permit during their last meeting.

New Business

(None.)

Commissioner Peery made a motion, seconded by Commissioner Watson, to adjourn the meeting at 7:56 p.m.; the motion carried:

Aye:	Donald Gilliam	Nay:	
	Preston L. Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Pregelman		
	John Townsend, III		
	Cannon Watson		
Absent:	Mark Jenkins		

Next Meeting: February 20, 2018