



**Prince Edward County Planning Commission
Meeting Minutes
October 25, 2016
7:00 pm**

Members Present: John Townsend, Chairman Chris Mason, Vice Chairman
Donald Gilliam Preston L. Hunt
Mark Jenkins Jack Leatherwood
John Pregelman
Absent: Robert "Bobby" Jones, John "Jack" W. Peery, Jr., Cannon Watson
Staff Present: Rob Fowler, Director of Planning & Community Development

Chairman Townsend called the October 25, 2016 meeting to order at 7:00 p.m.

Approval of Minutes: August 16, 2016:

Chairman Townsend requested any changes or corrections be made known.

Chairman Townsend made a motion to approve the August 16, 2016 minutes as presented; the motion carried:

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

In Re: Public Hearing – Special Use Permit – Barry and Gwendolyn Martin

Chairman Townsend said this is the time and date advertised for a Public Hearing to receive citizen input prior to the Planning Commission making recommendations to the Board of Supervisors concerning a Special Use Permit application to permit the operation of a Bed and Breakfast in an existing dwelling located at 248 Pisgah Church Road on Tax Map Parcel 041-19-1, owned by Barry and Gwendolyn Martin. Notice of this public hearing was advertised according to law in the Friday, October 14, 2016 and Friday, October 21, 2016 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Fowler reported a Special Use Permit application was received to permit the operation of a Bed and Breakfast in an existing dwelling located at 248 Pisgah Church Road on Tax Map Parcel 041-19-1, owned by Barry and Gwendolyn

Martin. The property is presently zoned A1, Agricultural Conservation, and this zoning classification permits Bed and Breakfast by Special Use Permit.

Chairman Townsend opened the public hearing.

Barry Martin presented his intent to convert a hay barn into a one-bedroom apartment, initially for his family use, but also to make it available to the public to rent for a special event. He stated this would not be a long-term rental. The structure is in the middle of 31.7 acres and is adjacent to the High Bridge Trail.

Commissioner Pregelman asked about parking; Mr. Martin stated there is a circular driveway, three quarters of a mile long.

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

Chairman Townsend made a motion, seconded by Commissioner Jenkins, to approve for recommendation to the Board of Supervisors the special use permit application to permit the operation of a Bed and Breakfast in an existing detached dwelling located at 248 Pisgah Church Road on Tax Map Parcel 041-19-1 owned by Barry and Gwendolyn Martin; the motion carried:

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

In Re: Public Hearing – Proposed Zoning Amendment: Manufactured Home

Chairman Townsend said this is the time and date advertised for a Public Hearing to receive citizen input prior to the Planning Commission making recommendations to the Board of Supervisors concerning amendments to the Zoning Ordinance regarding the Manufactured Home Subdivision classification. Notice of this public hearing was advertised according to law in the Friday, October 14, 2016 and Friday, October 21, 2016 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Fowler said staff recommends removing the language regarding Manufactured Home Subdivision from the A1, Agricultural Conservation and A2, Conservation Residential zoning classifications along with the definition of Manufactured Home Subdivision from Article VI, Section 6-200.3 (C). He stated there were no inquiries or opposition received regarding this issue.

Chairman Townsend opened the public hearing.

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

Chairman Townsend made a motion, seconded by Commissioner Pregelman, to approve for recommendation to the Board of Supervisors the removal of the language regarding Manufactured Home Subdivision from the A1, Agricultural Conservation and A2, Conservation Residential zoning classifications and the definition of Manufactured Home Subdivision from Article VI, Section 6-200.3(C); the motion carried:

Aye: Donald Gilliam
Preston C. Hunt
Mark Jenkins
Clifford Jack Leatherwood
Chris Mason
John Pregelman
John Townsend, III

Nay: (None)

Absent: Robert M. Jones
John "Jack" W. Peery, Jr.
Cannon Watson

ARTICLE II DISTRICT REGULATIONS

Sec. 2-100 A1 Agricultural Conservation District

Sec. 2-100.1 Statement of Intent

The A1 Agricultural Conservation District applies to those areas designated as agricultural and forestal on the future land use map of the Prince Edward County Comprehensive Plan. Agricultural, forestry and related uses are encouraged within A1 Districts. Very low-density residential and related uses are allowed in recognition that very low density residential development can be compatible with agricultural and forestry activities. The A1 District also allows certain limited commercial uses in recognition of the County's historic development patterns.

Sec. 2-100.3 Permitted Uses

(A) The following uses are permitted by right in the A1 Agricultural Conservation District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards.

1. Agricultural Use Types

Agriculture * Commercial Feed Lots *
Farm Employee Housing Farm Stand
Forestry Operation
Stable *

2. Residential Use Types

Accessory Apartment * Home
Occupation * Manufactured Home
Manufactured Home, Accessory * Manufactured Home,
Emergency * ~~Manufactured Home Subdivision~~
Residential Human Care Facility Single Family
Dwelling, Detached Two Family Dwelling

adoption or marriage to the person who maintains the home shall not be counted towards this total. The care of 5 or less individuals for portions of a day shall be considered a home occupation.

HOME OCCUPATION - An accessory use of a dwelling unit for gainful employment involving the on-site production, provision, or sale of goods and/or services.

MANUFACTURED HOME - A single or multi-sectional manufactured home. MANUFACTURED HOME,

ACCESSORY - A manufactured home that is subordinate to a single-family dwelling on a single lot.

MANUFACTURED HOME, EMERGENCY - A manufactured home used temporarily for the period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, flood, or other act of nature, or used temporarily as housing relief to victims of a federally declared disaster in accordance with Sec. 300-100.3.

~~MANUFACTURED HOME SUBDIVISION - A 10 acre or larger community of manufactured home dwellings with lots that are subdivided for individual ownership.~~

MANUFACTURED HOME PARK - A 3 acre or larger tract of land intended to accommodate a manufactured home community of three or more spaces for lease or condominium ownership. A manufactured home park is also referred to as a “mobile home park”.

In Re: Public Hearing – Proposed Zoning Amendment: Retail Sales

Chairman Townsend said this is the time and date advertised for a Public Hearing to receive citizen input prior to the Planning Commission making recommendations to the Board of Supervisors concerning amendments to the Zoning Ordinance regarding Retail Sales Establishments. Notice of this public hearing was advertised according to law in the Friday, October 14, 2016 and Friday, October 21, 2016 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Fowler reported Prince Edward County staff was contacted regarding the process to establish retail sales operations in the A1, Agricultural Conservation zoning district. After reviewing the current zoning ordinance, there are several uses listed under Commercial Use types that have sales of merchandise associated with their use, but by definition do not clearly provide for an establishment selling retail products.

Mr. Fowler stated staff suggests that the Planning Commission add a classification of “Retail Sales Establishments” as a use allowed by Special Use Permit in the A1, Agricultural zoning district. Applicants would have to meet the current development standards outlined in the ordinance and comply with any additional building codes or other state agency requirements.

Staff also suggests that the following definition of Retail Sales be added to Article VI, Section 6-200.9:

Retail Sales – The business of selling merchandise directly to customers for their own use.

Mr. Fowler stated there were inquiries from businesses and two districts do allow Retail Sales by right and by Special Use Permit for a convenience store, but does not define outside of that. He stated the Special Use Permit application process allows the Planning Commission and the Board of Supervisors to restrict, scale, and add conditions while allowing growth. He stated there was no opposition to this amendment.

Chairman Townsend questioned the definition regarding retail sales. Mr. Fowler stated a definition exists regarding sales and rentals; this language can be added to the existing definition to expand upon it. Discussion followed.

Commissioner Mason expressed his concerns regarding opening the Agricultural districts up to retail sales with no protections. These establishments should be in the commercial corridors and not by homes. Commissioner Mason

added that when Special Use Permit applications are used, the Planning Commission and Board of Supervisors can restrict square footage and add conditions. Discussion followed.

Chairman Townsend opened the public hearing.

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

Chairman Townsend stated the recommendation of Retail Sales by Special Use Permit in A1 and A2 would mean that 90% of county would be eligible. He said the revised Comprehensive Plan covers the intention and spirit of where the County wants business, and there are special strategic areas where businesses will be. We want to preserve open land.

Mr. Fowler stated he spoke with other localities that have a lot of agriculture; some of those would find an area in their Corridor, zone it commercial and at the back of that area would still be zoned agricultural. He said unless there is a very defined standard in the ordinance that stresses the use, it could resemble Route 29 in the Amherst area. He said the Comp Plan calls for Route 460 to be the commercial growth area, we likely do not want to open the County up to just any business, but the Special Use Permit process provides the County with a certain level of protection. Discussion followed.

Commissioner Pregelmann stated "Retail Sales" is up for interpretation; discussion followed.

Chairman Townsend made a motion, seconded by Commissioner Hunt, to recommend to the Board of Supervisors approval of the amendment of the Zoning Ordinance to allow by Special Use Permit in the A1, Agricultural Conservation and A2, Agricultural Residential districts, the current definition of "Retail Sales"; the motion carried:

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

In Re: Public Hearing – BRW Enterprises, LLC

Chairman Townsend said this is the time and date advertised for a Public Hearing to receive citizen input prior to the Planning Commission making recommendations to the Board of Supervisors concerning a Special Use Permit application to permit retail sales of sporting goods, firearms and ammunition within an existing building located at 152 Patrick Henry Highway on Tax Map Parcel 120-A-32A, owned by Jason Badeaux. Notice of this public hearing was advertised according to law in the Friday, October 14, 2016 and Friday, October 21, 2016 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Fowler reported Prince Edward County staff was contacted regarding a Special Use Permit application to permit retail sales of sporting goods, firearms and ammunition within an existing building located at 152 Patrick Henry Highway on Tax Map Parcel 120-A-32A, owned by Jason Badeaux. This property is currently being used as a restaurant and a separate space has been constructed to operate the sporting goods and retail. This is an allowed use in the A1, Agricultural Conservation District by Special Use Permit.

Mr. Fowler stated the building has three entrances and the owners are working with the ATF to obtain a license to operate; they have met requirements to obtain a barricade. There have been no inquiries or opposition.

Chairman Townsend opened the public hearing.

Jason Badeaux stated he currently owns and operates a restaurant at the location. He and Jacob Romaine, owner of the pawn shop in Farmville, discussed operating a sporting goods, firearms and ammunition shop. He said the building is in Prince Edward County and the parking area is in Charlotte County.

Chairman Townsend questioned the proposed hours of operation for the retail shop; Mr. Badeaux stated the shop would be closed Sunday, and it would be open Monday through Saturday from 12:00 noon until 7:00 p.m. The hours at the restaurant are 12:00 noon through 9:00 p.m. during the week, and from 12:00 noon until 2:00 a.m. on Friday and Saturday. There is a cinderblock wall separating the two establishments.

Commissioner Hunt questioned the sale of liquor at the restaurant and the proximity of the gun shop. Mr. Badeaux stated alcohol license is for consumption in the restaurant and the regular customers are in local hunt clubs. He added there are other check stations nearby.

Mr. Badeaux stated their intended merchandise would include fishing rods, tackle; dog food; firearms, muzzleloaders; camping items. They do not intend to add onto the building; the retail space is approximately 800 sq ft., less than one-third of the building. He stated he would like to put a lighted box sign on the left and on the building, matching that on the restaurant.

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

Chairman Townsend made a motion, seconded by Commissioner Prengaman, to approve for recommendation to the Board of Supervisors the special use permit application to permit retail sales of sporting goods, firearms and ammunition within an existing building located at 152 Patrick Henry Highway on Tax Map Parcel 120-A-32A, owned by Jason Badeaux, to comply with the regulations as set forth by the ATF and building code, and any future expansion would require an additional Special Use Permit; the motion carried:

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

Chairman Townsend advised Mr. Badeaux that it will now go before the Board of Supervisors, who may add stipulations.

Old Business

(None)

New Business

(None)

Chairman Townsend made a motion and adopted by the following vote:

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

the meeting was adjourned at 7:47 p.m.

Next Meeting: November 29, 2016