



**Prince Edward County Planning Commission
Meeting Minutes
January 19, 2016
7:00 pm**

Members Present: John Townsend, Chairman Chris Mason, Vice Chairman
 Preston L. Hunt Mark Jenkins
 Robert “Bobby” Jones Jack Leatherwood
 John “Jack” W. Peery, Jr. John Prengaman
 Cannon Watson

Absent: Donald Gilliam

Staff Present: Rob Fowler, Director of Planning & Community Development

Mr. Rob Fowler, Director of Planning & Community Development, called the January 19, 2016 meeting to order at 7:00 p.m.

Election of Chairman

Mr. Fowler called for nominations for the position of Chairman. Commissioner Jones nominated Commissioner Townsend. Mr. Fowler called for any additional nominations. There being none, he closed the nominations. Mr. Fowler called for the vote for Commissioner Townsend as Chairman. The motion carried:

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

Absent: Donald Gilliam

Mr. Fowler turned the meeting over to Chairman Townsend.

Election of Vice-Chairman

Chairman Townsend called for nominations for the position of Vice-Chairman. Commissioner Jones nominated Commissioner Mason. Mr. Fowler called for any additional nominations; there being none, he called for the vote for Commissioner Mason as Vice-Chairman. The motion carried:

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

Set Day, Time and Place of Regular Meetings

Chairman Townsend called for suggestions for regular meetings.

Commissioner Jones made a motion to hold the regular Planning Commission meetings on the third Tuesday of the month at 7:00 p.m., seconded by Commissioner Peery. The motion carried:

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

Adoption of Commission Bylaws

Chairman Townsend emphasized Section 16 of the By-Laws, regarding the Certified Planning Commissioner's Training Program; he strongly encouraged the members to attend.

Commissioner Jones made a motion, seconded by Commissioner Peery, to adopt the Bylaws with the amendment in the time of the meetings at 7:00 p.m.; the motion carried:

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

Approval of Minutes: December 15, 2015:

Chairman Townsend requested any changes or corrections be made known. Chairman Townsend stated a correction regarding the Public Hearing title had previously been reported.

Chairman Townsend made a motion, seconded by Commissioner Peery, to approve the December 15, 2015 minutes with corrections; the motion carried:

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

In Re: Public Hearing – Special Use Permit – Frank & Mary Lacey

Chairman Townsend said this is the time and date advertised for a Public Hearing to receive citizen input prior to considering a request for a Special Use Permit by Frank and Mary Lacey for a Special Use Permit to operate a Bed and Breakfast located at 665 Dry Bridge Road on property identified as Tax Map Parcel 021-8-3. This is an A-1, Agricultural Conservation District. Notice of this public hearing was advertised according to law in the Friday, January 8, 2016 and Friday, January 15, 2016 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Chairman Townsend opened the public hearing.

Mr. Rob Fowler, Director of Planning and Community Development, stated the County received a Special Use Permit application to permit the operation of a two room Bed and Breakfast in an existing detached single-family residence located at 665 Dry Bridge Road on Tax Map Parcel 021-8-3, owned by Frank and Mary Lacey. The property is approximately six acres; no exterior improvements are planned and there is parking on-site. The property is presently zoned A-1, Agricultural Conservation, and this zoning classification permits a Bed and Breakfast by Special Use Permit.

Mr. Frank Lacey described his property and stated it is close to the High Bridge Trail. Mrs. Lacey stated there are several bedroom suites in the home and a barn is available for horses.

Commissioner Peery asked if there is access to the [High Bridge] Trail from the house. Mrs. Lacey said the access is about two doors down. Mr. Lacey added access is along Hard Times Road.

Mrs. Lacey stated advertisement for the Bed and Breakfast would be done with flyers and word of mouth, Facebook, on Airbnb. She said they are not looking for occupancy every night. She stated it's ready to open; some inquiries have already been made. Mrs. Lacey stated they may put a small sign up that says "High Bridge Trail B & B" and presented an example. Discussion followed.

Commissioner Leatherwood questioned if the home has been inspected. Mr. Fowler stated they would be required to obtain a building permit application for the Building Official to inspect for compliance; that is the only approval other than the Planning Commission and the Board of Supervisors that would be required.

Mr. Lacey added that it is handicapped accessible.

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

Mr. Fowler stated there has been no opposition.

Chairman Townsend made a motion, seconded by Commissioner Prengaman, to approve for recommendation to the Board of Supervisors the application for Special Use Permit for the Bed and Breakfast located at 665 Dry Bridge Road on Tax Map Parcel 021-8-3, owned by Frank and Mary Lacey; the motion carried:

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

In Re: Proposed Zoning Amendment

Chairman Townsend said this is the time and date advertised for a Public Hearing to receive citizen input prior to considering a Special Use process for Day Care Centers in R-2 (General Residential) Districts. Notice of this public hearing was advertised according to law in the Friday, January 8, 2016 and Friday, January 15, 2016 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Chairman Townsend opened the public hearing.

Mr. Fowler stated Prince Edward County staff was contacted regarding the process to establish a Day Care Center located in an R-2, General Residential District.

Currently, the Prince Edward County Zoning Ordinance only permits Day Care Centers as a permitted use in the C-1, General Commercial District, the A-1 Agricultural Conservation District, and the A-2 Agricultural Residential District.

Staff is proposing an amendment to R-2, General Residential Districts to permit the operation of Day Care Centers by obtaining a Special Use Permit. These facilities would be required to have a design professional establish occupancy limits as well as requiring licensure and inspection by the Virginia Department of Social Services.

The current zoning ordinance does provide a definition for Day Care Centers and staff does not propose any changes.

Mr. Fowler stated the approval from Social Services and other licensing would still be required, but this would be another option for people in the R-2 districts, churches, and civic groups.

Chairman Townsend questioned if the interested person is looking for a day care center. Mr. Fowler stated they are, it would not be occupied by them; they would operate the property as a day care center, which takes it from Residential Child Care and puts it into Commercial classification by the definition in the current zoning ordinance.

Chairman Townsend questioned the number of children in the Day Home classification; Mr. Fowler said the state would permit 20 children; those are owner occupied. A Day Care center is a location that doesn't have occupancy. Mr. Fowler added that the Special Use Permit allows the Commission to decide as each application is evaluated based on the property; some may not be suitable. Discussion followed regarding VDOT entrances to the property and other property specifics.

Commissioner Hunt questioned if this pertains to a specific property. Mr. Fowler stated the client is researching a property on Back Hampden Sydney Road to see if it is feasible to pursue. Commissioner Jones asked if this is a pre-existing home. Mr. Fowler stated it could be or it could be a vacant lot that someone wants to build.

Mr. Fowler stated that if the client was to pursue this home, it would be changed from a Residential classification in the Building Code to a different use, which would then require an architect or design professional to set the occupancy load and state any Code updates that would have to be done prior to obtaining the license from Social Services to operate.

Chairman Townsend asked if any inquiries have been received regarding this topic; Mr. Fowler said there were none.

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

Chairman Townsend made a motion, seconded by Commissioner Leatherwood, to approve for recommendation to the Board of Supervisors the addition of the R-2 designation to provide for a Special Use Permit to allow for Day Care Centers; the motion carried:

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

Old Business

Chairman Townsend questioned the Subdivision Ordinance being discussed at the Board of Supervisors meeting in January; Mr. Fowler stated it will be taken to the Board of Supervisors next month.

Commissioner Mason asked about the Tharpe compliance. Mr. Fowler stated that Mr. Tharpe has agreed to come into compliance.

Commissioner Prengaman stated VDOT had three proposals for road changes within the County and asked if any were approved. Mr. Fowler stated word has been received from the Governor's office that they met and Prince Edward County scored three on the 4, 38 and 77. Mr. Fowler stated the VDOT representative will likely go through additional information and lobby; the final decision is approximately five months away.

Chairman Townsend stated Dr. Stephenson Bynum put up the radio station tower in Rice and is also interested in putting up a television station.

New Business

(None)

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

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

the meeting was adjourned at 7:21 p.m.

Next Meeting: February 16, 2016