

Mr. Robert Love, Planning and Community Development Director, said the County has received a request by Mark Smith, DBA Sandy River Distillery, Inc., to amend the Prince Edward County Zoning Ordinance to allow for the operation of Distilleries as a permitted use in the A-1, Agricultural Conservation Zoning District. After reviewing the Zoning Ordinance, it was noted by staff that Microbreweries, Distilleries, and Farm Wineries are uses not currently defined or allowed in any zoning district within the County. A survey of a number of rural Virginia localities found that these uses were generally complimentary, located in proximity to one another, and also provided for in their locality Zoning Ordinances. Therefore, these uses are being recommended to be added in the A-1, Agricultural Conservation and the A-2, Agricultural Residential zoning districts with development and operational standards along with specific definitions.

County staff has developed language and the following definitions for: Microbreweries, Distilleries, Farm Wineries and Brewpubs. The proposed amendment to the Zoning Ordinance would amend the Zoning Ordinance to allow Microbreweries, Distilleries, and Farm Wineries as by right uses in the A-1, Agricultural Conservation and the A-2, Agricultural Residential districts.

The Proposed amendment would also amend the Zoning Ordinance by adding Brewpubs as an allowed use if issued a Special Use Permit in the A-1, Agricultural Conservation and the A-2, Agricultural Residential districts.

Mark Smith stated the idea to open a distillery at the Sandy River Outdoor Adventures park; he said it would be an opportunity for the County to offer jobs to residents and make the County more of a destination place to bring people to our area. He said it would be an opportunity not just for the park but also for the County to partake in agri-tourism. He said the name "Farmville," we need to push farming in the community; this would support the farmers. He said Virginia has been stepping up the agri-tourism and would benefit this county also. Mr. Smith said this would allow the development of a market that is not existent currently in this county.

Chairman Pregaman opened the public hearing.

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

Chairman Pregaman this is unique for the County; Commissioner Jones stated that this is a very popular thing for other localities, and this would be an added attraction for people at the Adventures Park which is very well run.

Commissioner Jones did question Article A which states the use of "agricultural products which are used by the distillery in the manufacture of its alcoholic beverages other than beer and wine are grown on the farm" and asked if that means he has to grow his own grains. Mr. Love said that he must grow a percentage; he said that under the state guidelines, there are levels and classes of distilleries and wineries and rather than list those standards, which the state may change, we referenced that in the amendment and he would have to meet the state guidelines, go through the site plan review, obtain building permits and any other things of that nature. Mr. Love said the ordinance amendment would enable it as a use in the County.

Chairman Pregaman said this would allow distilleries as is stated in the County as long as they adhere to the guidelines of the state and the County. Mr. Love said framework and guidelines are included on how it's permitted locally referencing state permitting guidelines for distilleries, wineries, brew pubs and breweries.

Commissioner Jones then questioned the ten-seat limit to the distillery. Commissioner Sandlin asked if that is something that could be amended at a later date. Chairman Pregaman said the restriction to ten seats could be covered by the state's guidelines. Mr. Love said the ten-seat limit does not include outdoor seating; he said it is not due to COVID-19, but is specifically for the tap room operation itself. Mr. Love said it would not restrict them from having additional people on a patio or deck, or at the facility; he said it is the difference between a small class operation versus a major commercial enterprise.

Commissioner Jones made a motion, seconded by Commissioner Sandlin, to approve for recommendation to the Board of Supervisors an amendment to the Prince Edward County Zoning Ordinance to allow for Microbreweries, Distilleries, and Farm Wineries as by right permitted uses in the A-1, Agricultural Conservation Zoning District and A-2, Agricultural Residential Zoning District, and to add a definition with use and design standards for Brewpub, Microbrewery, Distillery, and Farm Winery; the motion carried:

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

Nay: (None)

In Re: Public Hearing - Special Use Permit, Outdoor Shooting Range

Chairman Prengaman announced this was the date and time scheduled for a Public Hearing on a request by Scott Schmolesky on behalf of Hampden-Sydney College for a Special Use Permit to operate an outdoor shooting range on Tax Map Parcel 064-A-45, with an address of 7128 Farmville Road, Farmville, Virginia. Notice of this hearing was advertised according to law in the Friday, December 4, 2020 and Wednesday, December 9, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Chairman Prengaman recused himself from this public hearing due to a potential conflict of interest.

Mr. Love stated the County has received an application from Scott Schmolesky on behalf of Hampden-Sydney College for a Special Use permit to operate an outdoor shooting range on Tax Map Parcel 064-A-45, with an address of 7128 Farmville, Road, Farmville, VA. This parcel is in an A1, Agricultural Conservation zoning district and shooting ranges are allowed in the district only after approval of a special use permit.

The purpose of the Special Use Permit is to build and operate a sporting clay and skeet shooting range. The range will be used by a shooting team from Hampden-Sydney College. The range will only be used during daylight hours, on weekday afternoons generally from 3:00 p.m. to 5:00 pm. It is anticipated approximately 6-12 people will be in attendance during each practice session lasting approximately 60-90 minutes. An excerpt from a pamphlet from the National Skeet Shooter Association concerning the planning, building, and operation of a skeet field has been provided. As seen in the pamphlet, the distance a pellet can travel depends on the side and from what gauge shotgun the shell is fired. Shotgun shells Size 7 ½ bird shot will be used which have a maximum range of 300 yards. As shown on the site plan, there is an ample safety/buffer zone provided with a distance of 840 yards. Besides safety, noise and cleanup of clay pigeons and any lead shot would be issues. If lead shot is used, it could pose potential contamination challenges for both wildlife and water. We do not know the soil acidity of the site.

The County has received several phone calls and several letters of objection to the request from adjoining property owners who are concerned with noise, safety, overall design and location of the buffer area along with the proximity of an existing cemetery to the proposed range.

County staff is of the opinion the buffer area is adequate. The use is generally compatible with the zoning district but will have some minimal impact on surrounding properties, such as noise.

Commissioner Peery, Vice-Chair, asked Mr. Schmolesky to provide any additional information. Mr. Schmolesky said they wish to operate a shooting course strictly for [the Hampden-Sydney] shooting team, twice a week with two hours per session on a designated part of Slate Hill with a large buffer zone and a limited amount of time. He said there would be 6-12 students under the supervision of the shooting coach with range safety experience. He said the team would meet two days a week to practice. He said there is more than enough buffer zone for safety and for those concerned about being close to the property, and in concern for their safety, the team agrees to not shoot those days that they are harvesting hay. Mr. Schmolesky said the buffer zone is an established area along the upper end and also at the cemetery; all shooting would take place off to the side and no shot would be fired near the cemetery. He said he has contacted Angie Way, Director-Curator at the Esther Atkinson Museum on campus, and the archeological

surveys that take place twice a year are scheduled and there would be no shooting on those days as well. Mr. Schmolesky said he spoke with other neighbors and has received good feedback and compromises regarding being able to shoot on the property.

Commissioner Peery said there has been some concern about the lead shot contaminating the ground and water; he asked if there is any way to address that. Mr. Schmolesky said remediation can be done; he said the area was used as a shooting range years ago. He isn't sure if there has been remediation there previously but they can look at lead abatement and lead leaching and address that as they go. He repeated that they will be there two days a week, two hours per session, six fall season students per session.

Commissioner Peery then asked if there are plans for tournaments or open houses. Mr. Schmolesky said there will be no tournaments or open houses; he said this is strictly a range for students to practice to compete in tournaments. He said this area is only four to five miles from campus and is safe for the students in the club. All of this will take place under the supervision of the coach who will be there at the same time.

Commissioner Jones asked where the team currently practices. Mr. Schmolesky practices were taking place at a public site, but there are no practices currently as they are locating a practice site.

Commissioner Sandlin asked if it will only be two times a week. Mr. Schmolesky said it will be two times a week, two hours per session, typically from 3:00 – 5:00 p.m.

Commissioner Leatherwood asked if there are any plans for this to be used by the public. Mr. Schmolesky said there are no plans for the public to use this range, and not even for the college general population, only the Hampden-Sydney shooting team who are qualified to go to the range with the coach.

Commissioner Peery opened the public hearing.

Frederick Goubile asked if Hampden-Sydney has the proposed shooting range marked off behind his property located at 7324 Abilene Road. Mrs. Goubile said there is shooting that goes on now.

Janet Loveless said her land is approximately one-third mile south of the proposed gun range and is a part of the Ken Worthy and Dolly Worthy Slate Hill Farm. She asked that the Commission check the safety buffer zone and if it extends over a road that is used by both property owners, including her adjoining property. She said she doesn't believe a road is considered a buffer zone. She said she grew up on that property and the map for this proposal is not the same place where the gun range was when she was growing up. She then stated she is a third of a mile south of this gun range, with a lack of a sufficient buffer zone, she will hear noises. She said skeet shooting is not 25 rounds in a box but can be up to 100 shots per round. She said it will not be looking at a little bit of noise; multiply this by six to twelve students. She asked that the Commissioners do some investigation and know that the property was not used as a gun range and would like for an investigation to be done on lead contamination and water table contamination. She said she does not want to hear two or four hours of gun shots while she's gardening or in her yard. She asked that the Commission note her opposition to this proposal and investigate the map, the buffer zone and where the original gun range was located. She added lead pollution is a problem for any animals and any crops that are grown on the property, and that it is zoned as farm property. She also asked that the Commission investigate how many shots in a practice round session per student, and then multiply that by the number of students. She asked that the Commission postpone a decision until more information can be obtained.

Dolly Worthy said the family farm was left to the children that were raised on the farm and doesn't want skeet on the property.

Charles Horton, Sporting Clay Team Coach for Hampden-Sydney College, said he was active duty military for six years and has experience running ranges with all types of guns. He said there has been talk of the buffer zone; he said the graphic was designed by him and in accordance with his experience as a range safety officer in the military, when an area survey is done for something like this, the most conservative projections possible are used. He said if this proposal is granted, they would make sure there would be no issue with any shooting anywhere near anyone else's property. He said the graphic shows the left and right limits of the practice area. He said there is the possibility of using steel shot to address the lead abatement issues; he said it is more expensive but is a potential option. He added

that there are other ranges that operate at many times the capacity that this one would operate, and there are no issues with ground contamination. Mr. Horton said following his own extensive site survey, he said there is no exposed running water that he could find. He then said practices are drills to help the students improve and become competitive; these students travel to compete in tournaments. Mr. Horton said a large part of the practice involves dry-fire which produces no noise at all. He said half of a typical practice is spent doing dry-fire and working on the fundamentals of sporting clays. He said typically, over the course of the 90-minute practice, only about 50 rounds of ammo are used, but it is not near the 600-700 rounds as was mentioned. He said the practices happen in a very deliberate, planned-out, concentrated way and are facing away from the nearest houses.

Kevin Worthy stated he opposes the shooting range. He said he has plans to build and retire on adjacent property, and it would not be a comfortable situation having gun shots around all the time. He said he lived on the property in the 1960s and 1970s, and knows the property very well, but it would not be conducive to a living arrangement when he moves there to retire.

Mr. Schmolesky said he understands the concerns, and assured the Commission that extensive work to make sure this will be a limited impact practice for the shooting team on the property. He said the coach is highly qualified who is supervising the team for a limited amount of time on college property. He said Hampden-Sydney [College] bought the property and was up-front about the potential of operating a shooting course on this property as a proposed use of the property. He said they are working with the people that lease properties to make sure it is not disruptive to them, extensive surveys have been done, worked extensively to ensure they would not disrupt the Abilene Road and Mercy Seat neighbors. He said he would be happy to discuss this with the Worthys; he said this is a very limited use and would not be open to the public or even the general college population. It is only for practice for the shooting team.

Gary Womack said he owns a cattle farm off Abilene Road, which is on the back side of the Worthy farm. He said the gunshots are not going to be good with the cows. He said he has had problems over the years with Hampden-Sydney college students and no one seems to want to address the situation; he agrees with the Worthys about the situation. He said the coach is qualified, but are the students qualified, and stated that over the years, his fields were set on fire behind his house and he's found beer cans and a keg in his fields. He said the Sheriff's office has been involved but nothing was ever addressed. He expressed concern that it will happen again.

Mr. Schmolesky apologized for the actions of those students but assured him that the students he supervises and the Coach will not be the students that were pulling that kind of disappointing behavior. He said the current team has been working very hard to find a place to practice four hours per week.

Mr. Horton said the Sporting Clays team has existed for 20 years; there has never been a negative association with the shooting program in any way. He said there is ample buffer and there is no way there could be a physical impact from the range to the cow farm to the north. He said there may be some noise during the limited hours of practice, but no falling shot.

Robert Loveless stated he and his wife plan to put a house on their property and the proposed shooting range is less than a third of a mile away. He said they plan to put their house on the hill beyond the pond. They will hear every gun shot and this is not what they were looking forward to in retirement. He understands the desire to have a gun club, but he does not feel this is the appropriate place for it. He said a statement was made that when the property was sold to Hampden-Sydney, but that during the negotiations there was no talk nor is there anything in the restrictive covenant agreement about a possible shooting range and that topic was not discussed. He said no one from Hampden-Sydney made any attempt to contact his mother-in-law; the first they found out about it was the sign at the road announcing the public hearing.

There being no one further wishing to speak, Commissioner Peery closed the public hearing.

Commissioner Watson said that the students are not at the college for very long; he said this operates only during the academic year, when they will be at the school. He said they get a month off for Christmas, a week around Thanksgiving, a week at spring break, and they will be gone by May 1 until almost September. He said he was predisposed negatively to the project until he saw it was two hours a day only twice a week. Commissioner Watson said they have not limited someone to do something because someone else *intended* to put a house there at some future time. He said the "not in my back yard" is difficult but "not in my future back yard" is another piece entirely.

Commissioner Jones stated his concerns regarding the cattle farms; he said cattle react poorly to the sound of shooting. He said this can create problems for the owners as cattle can get in a rampage and go through fences. He said he questioned if that is the best spot for a shooting range.

Commissioner Sandlin said that if this would be approved, there should be a condition limiting the ammunition to steel shot and not the lead, hours of operation, and only by the shooting team of Hampden-Sydney. She suggested some sort of security so only the team can go to the range. Discussion followed.

Mr. Love said in questioning the amount of buffer, the County does have a beta GIS and provided a site plan. He said he measured and was able to get 830 yards as shown on the amended site plan presented by Hampden-Sydney. He said the site is not near the joint access road.

Commission Hunt asked if there is a way to do a test shooting at the site to see the extent of the noise.

Commissioner Jones asked if Mr. Love can contact all parties involved to schedule a test shoot. Mr. Love said he will coordinate a test shooting.

Commissioner Jones made a motion, seconded by Commissioner Watson, to table this issue to allow the County Planner to coordinate with Hampden-Sydney College and the neighbors involved to do a test shoot at the location of the proposed shooting range at a time that is convenient to the majority of the people involved and to obtain more information; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Pregelman		
	Teresa Sandlin		
	Cannon Watson		

In Re: Public Hearing - Special Use Permit, Retail/Consignment Store

Chairman Pregelman announced this was the date and time scheduled for a Public Hearing on a request by Sherry Armstrong and Connie Armstrong for a Special Use Permit to operate a retail/consignment store with flea market on Tax Map Parcel 19A-A-27, 19A-A-28, 19A-A-29 and 19A-A-31, with an address of 301 Catalpa Lane, Prospect, Virginia. Notice of this hearing was advertised according to law in the Friday, December 4, 2020 and Wednesday, December 9, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love stated the County has received an application for a Special Use Permit from Sherry and Connie Armstrong seeking to operate a retail/consignment shop along with a flea market on tax map 19A-A-27, 19A-A-28, 19A-A-29, & 19A-A-31, with an address of 301 Catalpa Lane, Prospect, VA. This parcel is in an A-1, Agricultural Conservation zoning district and businesses are allowed in the district only after approval of a special use permit.

The purpose of the Special Use is to convert the old Catalpa store into a business office and to construct a 24' x 40' enclosed metal storage building for the purpose of materials storage. Any security lighting shall be installed and properly angled to avoid light spillage onto adjoining properties.

County staff is of the opinion the use is compatible with the zoning district and will have minimal impact on surrounding properties.

Sherry Armstrong stated the first year will be spent converting the existing building, the old Catalpa store, and in the second year will hopefully be able to expand and add additional buildings. She said at that time she will reach out to ensure it is being done correctly. She said as it progresses, they will be able to better plan any expansion.

Chairman Pregelman opened the public hearing.

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

Mr. Love said they wish to convert the old Catalpa store and there are two existing homes she would like to remove or renovate; she plans to potentially add four new buildings with square footages between 5,000 – 7,000 square feet.

Commissioner Sandlin said the property had been for sale for quite some time and it is run-down; she said what they plan to do will make the village of Prospect shine again.

Commissioner Sandlin made a motion, seconded by Commissioner Paige, to approve for recommendation to the Board of Supervisors a Special Use Permit to operate a retail/consignment store with flea market on Tax Map Parcel 19A-A-27, 19A-A-28, 19A-A-29 and 19A-A-31, with an address of 301 Catalpa Lane, Prospect, Virginia; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John “Jack” W. Peery, Jr.		
	John Pregelman		
	Teresa Sandlin		
	Cannon Watson		

In Re: Review of Supervisors Actions

Mr. Love reported the Board of Supervisors approved the Special Use Permit application for Rex and Cheryl Williams for the campgrounds with the conditions recommended by the Planning Commission.

New Business

Mr. Love stated this is Commissioner Gilliam’s last meeting as he has not elected to continue on the Planning Commission; Mr. Love thanked Commissioner Gilliam for all of his insight and stated he has been invaluable in his district.

Commissioner Gilliam said he has been on the Commission since 1988 when the Planning Commission was started, breaking away from the Town of Farmville. He said the first thing they tackled was getting the County zoned. He said it has been an experience, and he will miss it. He said he will slow down and his wife is tired of waiting on him to slow down. Commissioner Gilliam said it has been an honor to represent Prince Edward County and work with so many good people on this Commission that really care about the development of this County. He said he is sure the Commission will continue to do a wonderful job.

Mr. Love said he passed out some suggested motions for each item discussed; he said as the meetings will be live-streamed on YouTube for posterity, and it is the goal of staff to prepare the Commissioners with possible motions, with several options. He said he will prepare possible conditions to assist in formalizing the processes and documenting the records and minutes.

In Re: Old Business

(None)

Chairman Prengaman thanked Commissioner Peery for handling the Hampden-Sydney public hearing as it was a potential conflict of interest and he needed to recuse himself; he then wished everyone a Merry Christmas.

Chairman Prengaman adjourned the meeting at 8:18 p.m.

Next Meeting: January 19, 2020