



**PRINCE EDWARD COUNTY  
PLANNING COMMISSION  
July 18, 2023**

**AGENDA**

The Prince Edward County Planning Commission strongly encourages citizens to participate in public meetings through in-person participation, written comments and/or remote participation by calling: **1-844-890-7777, Access Code: 390313** (*If busy, please call again.*) Additionally, citizens may view the Planning Commission meeting live in its entirety at the County's YouTube Channel, the link to which is provided on the County's website.

Public Hearing comments for Planning Commission meetings are subject to the "Citizen Guide for Providing Input During Public Participation and Public Hearings for Prince Edward County Government Meetings" revised October 12, 2022.

- 7:00 p.m.
1. Call to Order: John Prengaman, Chairman
  2. Quorum
  3. Pledge of Allegiance
  4. Approve Minutes 3
  5. **Public Hearing** – An Ordinance to amend Appendix B of the Prince Edward County Code (Zoning) to amend Sections 3-104.1 to amend the language for signage and to Section 6-100 to add definitions for signs, flagpoles, temporary signs, and structures. 17
  6. Review of Supervisors Actions
  7. Old Business
  8. New Business
  9. Adjournment

Next Meeting: Tuesday, August 15, 2023 at 7:00 p.m.

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**Planning Commission  
Agenda Summary**

**Meeting Date:** July 18, 2023  
**Item No.:** 4  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** Approval of Minutes

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**Summary:**  
For approval.

**Attachments:**  
June 20, 2023 Draft Planning Commission meeting minutes.

Motion _____	Gilliam _____	Paige _____	Sandlin _____
Second _____	_____	Peery _____	Weiss _____
Fuller _____	Leatherwood _____	Pregaman _____	Womack _____



with provisions for mobile food establishments on Tax Map Parcels 053-A-27C2 and 053-A-27C3 at 147 Monroe Church Road, Farmville, VA. Notice of this hearing was advertised according to law in the Wednesday, June 7, 2023 and Wednesday, June 14, 2023 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 Mark Smith DBA as Sandy River Distillery for a Special Use Permit for a restaurant and brew pub along with provisions for mobile food establishments on Tax Map Parcels 053-A-27C2 and 053-A-27C3 at 147 Monroe Church Road, Farmville, VA. which is zoned A-1, Agricultural Conservation.

The purpose of the Special Use is to construct a restaurant & brew pub along with a designated area for up to five (5) mobile food establishments. County staff is of the opinion the use is compatible with the zoning district and will have minimal impact on surrounding properties.

Mr. Love stated he received two calls regarding this public hearing; Amy Alliston also sent a letter, a copy of which was placed at each Commissioner's seat. He said Terry Chadwick left a voice message requesting information regarding the public hearing, he attempted to return her call but left a very detailed voice message to her. He has received no other communication. Mr. Love then stated the prepared conditions were included in the packet.

Chairman Pregelman opened the public hearing.

Mark Smith, Applicant, stated this would provide a more viable business; he said this would not be a large restaurant but something for his patrons. Mr. Smith said there may be one to two food trucks during an event, and added things are going well at his Distillery. He stated he would like to have a "pizza truck" which would serve Neapolitan pizza.

Commissioner Peery questioned the hours of operation. Mr. Smith said currently he operates from 12:00 p.m. – 9:00 p.m., and would like to have the option to be open seven (7) days a week. He said the hours would diminish in the winter months, as business dictates.

Commissioner Fuller asked if all food prep will be done within the truck. Mr. Smith said it would, but his facility could be used and there will be picnic tables; he added that there is no indoor space to eat and in winter it may be limited but on nice days people could have the pizza. He said he would also like permission to have a restaurant.

Commissioner Weiss asked if he is also requesting a permanent restaurant at this time. Mr. Smith said he is, with the pizza truck first, then the restaurant.

Chairman Pregelman asked if the food trucks would be permanent; Mr. Smith said it would be semi-permanent, over the summer season and into the fall. He said this adds a service.

Commissioner Weiss asked about parking. Mr. Smith said there is parking for 20 vehicles at the Distillery and 40 more spaces across the street.

Commissioner Weiss then questioned traffic impacts on Monroe Church Road. Mr. Smith said traffic has dropped significantly after COVID as people are going to hotels again, and traffic will not be much different; he said if traffic becomes an issue he will move [the establishment] to his 100-acre property.

Mr. Fuller asked if Mr. Smith would have people cross Monroe Church Road at signs that indicate foot traffic. Mr. Smith said VDOT has already installed pedestrian signs, although some do not follow the signage.

Commissioner Gilliam said that one photo shows Conex boxes, and asked if that is what is intended for use. Mr. Smith said that in the future, that is likely what it would be. He said the idea is to bring spirits from all over the world to Rice, Virginia; agave spirits from Mexico, rum from the Caribbean, grapes from California. He said the idea for

Conex boxes are to show that they are mixing the old with the new. He added he said another idea is to use a grain silo to make into a restaurant, in keeping with the rustic farm aspect of the county.

Julie Maserjian, Lockett District, said she sent a letter to Supervisor Jenkins and Supervisor Gilliam who also serves on the Planning Commission. She expressed her concerns about the speed limit on Monroe Church Road. She said while she supports the proposed venture, she has reservations because of traffic concerns. She stated the road is narrow and curved, and sometimes drivers “play chicken” with pedestrians or bikers, and there is no shoulder or berm to go onto. She said VDOT has had a complaint for two years [from her] but VDOT has not yet done a speed study. Ms. Maserjian said speed limits in residential and commercial areas are normally 25 mph.

Carolyn Bowman, Farmers Daughters, expressed her support for this business expansion.

Chairman Prengaman read the letter from Amy Alliston:

*Dear Planning Commission,*

*I am a close neighbor to Mark Smith and have adjoining property which is my home. I have no problem with the current retreat but have had to get used to the frequent activity, noise and events going on which includes a lot of traffic, frequent live music, the bustle of human activity and large gatherings. Myself and other neighbors have had wandering guests come into our properties looking for the resort or exploring at night and even making camp fires. I do have concerns about expansion as the traffic will be dangerous on our small road which is very narrow and fast with no shoulder, not to mention the light and noise pollution is appreciated from inside my house since I am near the street. I am not thrilled with the idea of living next to a restaurant and bar with 5 food trucks also offering take out. The level of activity does not seem to comply with a rural lifestyle for those of us who want to enjoy the peaceful countryside of our community.*

*Sincerely,  
Amy Alliston*

Rex Williams said he owns Lost Creek Cabins on the same road and stated it is dangerous. He said he doesn't think progress should be stopped and people should be able to do what they want on their property.

Chairman Prengaman stated a speed study will be requested.

Mr. Stanley, County Administrator, said previously there was not enough traffic to justify the study, but since [traffic] has increased, the speed limit may be lowered.

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

Chairman Prengaman asked the Commissioners to review the potential conditions. He said there is an opportunity for additional business, but also road issues.

Commissioner Sandlin said the property also fronts Green Bay Road, and the entrance could change to Green Bay Road. Discussion followed.

Commissioner Leatherwood asked about attendance on the weekends. Mr. Smith stated the hours are currently Thursday, 4:30 – 8:30 p.m., Friday and Saturday, 2:30 – 8:30 p.m., and Sunday 12:00 noon – 5:00 p.m. He added that in the summer, the Distillery hours will change to 2:30 – 8:30 p.m. seven days a week, with the same Sunday hours. Mr. Smith said he would like to hold more events but they would not go beyond 5:00 p.m. on Sundays; he requested 12:00 noon – 9:00 p.m. with a 5:00 p.m. close on Sunday.

Commissioner Gilliam asked if special events would use up to five different food trailers. Mr. Smith said they have had two in the past, and would likely not increase over three [trailers], but he would like that ability.

Commissioner Gilliam then asked about the maximum number of people; Mr. Smith said that most people would arrive and then leave, but he would estimate 100 at the restaurant. He said most likely it would be fewer than 50 [patrons]. Mr. Smith then stated he has a 3,000 square foot building that was brought over to the Clearwater resort area which is where the big restaurant will be located.

Commissioner Womack questioned the number of vehicles. Mr. Smith said the most they have had is 200 cars, and 500 people at the big events. He said they like to hold three or four a year; he announced their big event for the Rice Volunteer Fire Department, which will be held on Saturday from 4:00 – 8:00 p.m., with all proceeds going to the volunteer fire department.

Commissioner Weiss made a motion, seconded by Commissioner Paige, to recommend to the Board of Supervisors approval of the Special Use Permit request by Mark Smith DBA Sandy River Distillery for a restaurant and brew pub along with provisions for mobile food establishments with the following conditions and to include hours of operation of 12:00 p.m. – 9:00 p.m. Mondays through Saturday, and 12:00 p.m. – 5:00 p.m. on Sundays; the motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Llew W. Gilliam, Jr.		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John “Jack” W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Rhett Weiss		
	Henry Womack		
Absent:	Preston Hunt		

**Special Use Permit - Mark Smith DBA Sandy River Distillery  
Tax Parcel Map #: 053-A-27C2 & 053-A-27C3  
CONDITIONS**

**SITE PLAN**

1. Development activities on the site shall be limited to those as specified in the Special Use Permit Application and Site Plan. The final locations of incidental facilities may be adjusted provided no such adjustment violates any buffers, setbacks, or other statutory requirement. The concepts reflected in the filed special use permit dated 5/16/2023 are hereby made part of these development conditions.
2. Final site plan approval for the Restaurant & Brew Pub shall be submitted to the Prince Edward County Community Development Department for final review and approval pursuant to Appendix B of the Prince Edward County Code (Zoning Ordinance).
3. Any proposed expansion of the operation, change of activities or additional facilities or activities shall be submitted to the Prince Edward County Planning and Community Development office for review prior to implementation. Any changes may be subject to Permit amendment procedures, including Public Hearings.
4. All buildings within the property shall be developed as a cohesive entity ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.

5. All landscaping shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Planning and Community Development Director. Any vegetation found to be of poor condition shall be replaced and/or improved at the reasonable direction of the Planning and Community Development Director or his designee.

ENVIRONMENTAL

6. All pollution control measures, erosion and sediment control measures, storm water control facilities, and all construction activities shall comply with the requirements of the appropriate federal, state, and local regulations and ordinances.
7. All facilities for the provision of potable water and sanitation and wastewater disposal systems and food preparation shall be approved by the appropriate local, state, or federal agency including but not limited to Virginia Department of Health, Virginia Departments of Environmental Quality, Environmental Protection Agency, etc.
8. Any development activities of a structural or land disturbing nature not specifically addressed by these Conditions shall be in conformance with applicable provisions of federal, state, and local statues and regulations.

TRANSPORTATION

9. All entrance permits must be authorized by the Virginia Department of Transportation.
10. All internal roads used for public access shall be of compacted earth or have a minimum of a four (4) inch stone base and shall be paved with concrete, asphalt, or durable pervious paving material.
11. Adequate area shall be provided on site to accommodate parking of all employees and patrons. It shall be the responsibility of the Permittee to assure that employees and patrons park only on site and not on any highway right-of-way, or on adjoining or adjacent parcels unless written consent is provided by the owner or owners thereof.

GENERAL

12. Restaurant hours of operation shall be limited to 12 p.m. until 10 p.m. Monday through Saturday and 12 p.m. until 5 p.m. on Sunday.
13. All exterior lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All lighting shall be full cut-off type fixtures.
14. Outdoor storage of trash containers shall be situated at the rear of buildings and shall be appropriately screened.
15. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site appearance.
16. This Permit is non-transferable, except and unless written notice from the Permittee regarding the transfer, and a signed document from the proposed new Permittee is received by the Planning and Community Development Office which states that the new Permittee agrees to comply with all terms and Conditions imposed with the original Permit Issuance. If the proposed new Permittee desires to amend the original Permit Conditions, amendments must be addressed by the Prince Edward County Planning Commission and Board of Supervisors through the Special Use Permit process.
17. Failure of Permittee to fully conform to all terms and conditions may result in revocation of this Special Use



Permit if said failure or failures are not corrected or addressed to the satisfaction, not to be unreasonably withheld, of the County within thirty (30) days of written notice from the County.

**In Re: Public Hearing – Special Use Permit, James Robert Napier, Truck Yard for Towing & Recovery**

Chairman Prengaman announced this was the date and time scheduled to receive citizen input prior to considering a request from James Robert Napier, for a Special Use Permit to establish a truck yard for a towing and recovery operation consisting of a 200' x 130' fenced area with an office building on Free State Road and a future 200' x 200' overflow lot on Price Gee Road on Tax Map Parcel 115-A-36 at the intersection of State Route 360 (Free State Road & Price Gee Road) with their intersection with US Route 360. Notice of this hearing was advertised according to law in the Wednesday, June 7, 2023 and Wednesday, June 14, 2023 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Love said the County has received an application for a Special Use Permit from James Robert Napier to establish a truck yard for a towing and recovery operation on Tax Map Parcel 115-A-36 at the intersection of State Route 630 (Free State Road & Price Gee Road) and US 360, which is zoned A-1, Agricultural Conservation.

The purpose of the Special Use is to construct a 200' x 130' fenced area with an office building on Free State Road and a future 200' x 200' overflow lot on Price Gee Road for the purpose of temporary vehicle storage. The vehicles will be brought and stored onsite as needed. 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.

Mr. Love said Route 460 bisects the property.

James Napier, Applicant, stated he has a smaller lot on Patrick Henry Highway, in Charlotte County, and plans to move from his current location. He said he intends to fence in the area, which will take some time to accomplish. Mr. Napier discussed the potential project and the expansion to include storage of electric vehicles. He said one reason for the expansion is the electric vehicles; they require a 50' x 50' space. He said they need to be stored safely and so the Fire Department can get to it if needed. This location is about a mile and a half from the Fire Department. He said the office will be open from 8:30 a.m. – 4:30 p.m., Monday through Friday.

Chairman Prengaman asked how long his operation has been in Charlotte County. Mr. Napier said he started there in 2016; his father ran a shop there for years. He said a lot of people don't have insurance and it takes 30-90 days to process a car through the DMV; this would allow the storage of the vehicle while waiting on the paperwork to go through.

Commissioner Gilliam stated that as a volunteer firefighter, he would set the electric vehicles as far away from everything else as possible. Mr. Napier said he wants to have the electric cars set away from everything; he said he is learning the technology. Mr. Napier stated he is also on the fire department, and there are a lot of places that won't take electric cars. He said he has a hazmat company on standby.

Discussion followed on the location of the proposed lot.

Commissioner Fuller then asked if the infrastructure would be in place prior to opening; Mr. Napier said the privacy fence would be installed prior to opening. Discussion followed. He said he intends to plant hay on the remaining land and leave the timber standing.

Chairman Prengaman opened the public hearing.

Connie Faircloth said her property is adjacent to Mr. Napier's property. She stated her main concern about the overflow lot is that the groundwater could be contaminated by the vehicles as they are stored. She said this could pose

a serious environmental and health threat due to the fluids that often leak from the vehicles. She said where the overflow lot is marked on the map, it is at the top of a hill and there is a small stream at the bottom of the hill, which runs into a larger stream that crosses both properties. She said she is concerned about the rain washing the toxins into the stream, soil and well water. She then stated the map that was used is a hunting map and not a survey map.

Sammy Faircloth stated he has a problem with the map as the lot size is inaccurate; he said Mr. Napier said the lot needs surveyed.

Chairman Pregelman asked if a survey has been done. Mr. Napier said he has not yet had a survey completed, but plans to before doing anything. Mr. Napier said he does have an entrance approval from VDOT.

Mr. Love said that the applicant will meet the required setbacks, and stated that he includes Condition 6 on any application that includes vehicles: *All pollution control measures, erosion and sediment control measures, storm water control facilities, and all construction activities shall comply with the requirements of the appropriate federal, state, and local regulations and ordinances.* Mr. Love said it would also require going through the ENS procedure as well, and would be subject to OSHA and EPA.

Mr. Napier said that most of the time, the fluids in the vehicles leak out when they are crashed. He said if there is leaking, he will make sure to use pads. Some discussion followed.

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

Chairman Pregelman asked the Commissioners to review the potential conditions.

Commissioner Sandlin made a motion, seconded by Commissioner Gilliam, to recommend to the Board of Supervisors approval of the Special Use Permit request by James Robert Napier to establish a truck yard for a towing and recovery operation with the following conditions; the motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Llew W. Gilliam, Jr.		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Pregelman		
	Teresa Sandlin		
	Rhett Weiss		
	Henry Womack		
Absent:	Preston Hunt		

**Special Use Permit - James Robert Napier  
Tax Parcel Map #: 115-A-36  
CONDITIONS**

SITE PLAN

1. Development activities on the site shall be limited to those as specified in the Special Use Permit Application and Site Plan. The final locations of incidental facilities may be adjusted provided no such adjustment violates any buffers, setbacks, or other statutory requirement. The concepts reflected in the filed special use permit dated 5/8/2023 are hereby made part of these development conditions.
2. Final site plan approval for the Truck Yard Towing and Recovery Lot shall be submitted to the Prince Edward County Community Development Department for final review and approval pursuant to Appendix B of the Prince Edward County Code (Zoning Ordinance).

3. Any proposed expansion of the operation, change of activities or additional facilities or activities shall be submitted to the Prince Edward County Planning and Community Development office for review prior to implementation. Any changes may be subject to Permit amendment procedures, including Public Hearings.
4. All buildings within the property shall be developed as a cohesive entity ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.
5. All landscaping shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Planning and Community Development Director. Any vegetation found to be of poor condition shall be replaced and/or improved at the reasonable direction of the Planning and Community Development Director or his designee.

#### ENVIRONMENTAL

6. All pollution control measures, erosion and sediment control measures, storm water control facilities, and all construction activities shall comply with the requirements of the appropriate federal, state, and local regulations and ordinances.
7. All facilities for the provision of potable water and sanitation and wastewater disposal systems shall be approved by the appropriate local, state, or federal agency including but not limited to Virginia Department of Health, Virginia Departments of Environmental Quality, Environmental Protection Agency, etc.
8. Any development activities of a structural or land disturbing nature not specifically addressed by these Conditions shall be in conformance with applicable provisions of federal, state, and local statues and regulations.

#### TRANSPORTATION

9. All entrance permits must be authorized by the Virginia Department of Transportation.
10. All internal roads used for public access shall be of compacted earth or have a minimum of a four (4) inch stone base and shall be paved with concrete, asphalt, or durable pervious paving material.
11. Adequate area shall be provided on site to accommodate parking of all employees and patrons. It shall be the responsibility of the Permittee to assure that employees and patrons park only on site and not on any highway right-of-way, or on adjoining or adjacent parcels unless written consent is provided by the owner or owners thereof.

#### GENERAL

12. Office Hours of operation shall be limited to Monday thru Friday 6 a.m. to 6 p.m. Towing operation may be conducted 24 hrs. a day/7 days a week.
13. All exterior lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road. All lighting shall be full cut-off type fixtures.
14. Storage of vehicles and trash containers shall be screened per Prince Edward Zoning Ordinance, Section 4-200.15.
15. The Permittee is responsible for the appearance of the site including litter pick-up and other orderly site

appearance.

16. This Permit is non-transferable, except and unless written notice from the Permittee regarding the transfer, and a signed document from the proposed new Permittee is received by the Planning and Community Development Office which states that the new Permittee agrees to comply with all terms and Conditions imposed with the original Permit Issuance. If the proposed new Permittee desires to amend the original Permit Conditions, amendments must be addressed by the Prince Edward County Planning Commission and Board of Supervisors through the Special Use Permit process.
17. Failure of Permittee to full conform to all terms and conditions may result in revocation of this Special Use Permit if said failure or failures are not corrected or addressed to the satisfaction, not to be unreasonably withheld, of the County within thirty (30) days of written notice from the County.

**In Re: Public Hearing – Special Use Permit, James Robert Napier, Two Illuminated Signs**

Chairman Pregarman announced this was the date and time scheduled to receive citizen input prior to considering a request from James Robert Napier, for a Special Use Permit for two illuminated signs, one on US 360 E at its intersection with State Route 630 (Free State Road) being 40 square foot pole sign with a total height of 15 feet and a 40' square foot pole sign on US 360 W at its intersection with State Route 630 (Price Gee Road) a total height of 8 feet for a towing and recovery operation. Notice of this hearing was advertised according to law in the Wednesday, June 7, 2023 and Wednesday, June 14, 2023 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

The County has received an application for a Special Use Permit from James Robert Napier for two illuminated signs, one pole sign on US 360 E at its intersection with State Route 630 (Free State Road) and one pole sign on US 360 W at its intersection with State Route 630 (Price Gee Road), on Tax Map Parcel 115-A-36, which is zoned A-1, Agricultural Conservation.

The purpose of the Special Use is to construct a 40 square foot pole sign with a total height of 15 feet on US 360 E at its intersection with State Route 630 (Free State Road) and a 40 square foot pole sign on US 360 W at its intersection with State Route 630 (Price Gee Road) a total height of 8 feet. Sign lighting shall be installed and properly angled to avoid light spillage onto adjoining properties or the roadways.

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

Commissioner Weiss asked if the heights of the two signs be the same. Mr. Love stated that they will match which will be measured from grade.

Mr. Napier said he wants to match the aesthetic of his neighbors, and will shift the signs for sight distance. Mr. Love added that no signage can be put in the right of way.

Commissioner Paige asked if both signs will be placed at the same time. Mr. Napier said he will place the first sign now and once the survey is done he would place the second; he said he will order the survey tomorrow.

Chairman Pregarman opened the public hearing.

Sharon Dotson, Lockett District, stated that she doesn't understand why a person that wants to operate a business or wants to do something on their private property would have to come to the County to get a special permit for a sign or a flag, or pay a fee, as long as he is respectful of the road and not block the view, [why] does he have to do all that. She said it doesn't make sense that you have to come in and ask permission for everything that you do, for everything

that you own in the County. It looks like you're taking rights away from everybody whether it's private, personal or business.

Chairman Prengaman said the County requires a special use permit for signage. Discussion followed.

Carol Conrad expressed her concerns about sight distance getting onto the road. Chairman Prengaman said that is one of the guidelines and assurances the County gets from VDOT, that line of sight still has to be there for traffic.

Connie Faircloth expressed her concern regarding the placement of a sign on the Price Gee side of the highway; she said she doesn't want anything distracting a driver such as a lit up sign as is proposed. She said she doesn't understand the necessity of these two large signs on both sides of the highway. She said people would look for the office at the overflow lot, and doesn't want people coming to her front door looking for his business.

Chairman Prengaman said the County will look at the signage and it must be consistent with what is done within the County; he added that VDOT does not permit any signs within the right of way or any signage that would impact or interfere with sight distance, or impede that for any drivers on the highway. That is a condition on this special use permit.

Commissioner Weiss asked the purpose of the sign on the Price Gee side of the highway. Mr. Napier said it would be for east and west traffic. He said he will indicate the location of the office on the signs.

Mr. Love said that in working with Trey Pyle, because of vehicle storage will require an address for fire and emergency reasons. He said if there is a fire, there should be a sign out to ensure the fire department goes to the correct lot.

Commissioner Weiss said the signs are not just advertising but are also directional and for safety. Discussion followed.

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

Chairman Prengaman asked the Commissioners to review the potential conditions.

Commissioner Fuller made a motion, seconded by Commissioner Peery, to recommend to the Board of Supervisors approval of the Special Use Permit request by James Robert Napier for the installation of two illuminated pole signs with the following conditions; the motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Llew W. Gilliam, Jr.		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Rhett Weiss		
	Henry Womack		
Absent:	Preston Hunt		

**Special Use Permit - James Robert Napier  
Tax Parcel Map#: 115-A-36  
CONDITIONS**

**SITE PLAN**

1. Development activities on the site shall be limited to those as specified in the Special Use Permit Application

and Site Plan. The final locations of facilities may be adjusted provided no such adjustment violates any buffers, setbacks, or other statutory requirement. The concepts reflected in the filed special use permit dated 5/8/2023 are hereby made part of these development conditions.

2. Final sign permit zoning and building permit applications for the two (2) illuminated signs shall be submitted to the Planning and Community Development office for final review and approval pursuant to Appendix B of the Prince Edward County Code (Zoning) and Chapter 18 of the Prince Edward County Code (Buildings and Building Regulations).

### **GENERAL**

3. All landscaping around signs shall be mulched and maintained to the reasonable satisfaction of the Prince Edward County Planning and Community Development Director. Any vegetation found to be of poor condition shall be replaced and/or improved at the reasonable direction of the Planning and Community Development Director or his designee.
4. No sign shall be may be located within VDOT right-of-way or impede sight distance.
5. Site signage shall be limited to Pole type, one 40 square foot sign not to exceed eight (8) feet in total height and one 40 square foot sign not to exceed fifteen (15) feet in total height.
6. Sign installation shall be in conformance with all applicable provisions of federal, state, and local statues and regulations.
7. Any sign lighting shall be designed and installed so as to minimize glare onto adjoining properties or any public access road.
8. This Permit is non-transferable, except and unless written notice from the Permittee regarding the transfer, and a signed document from the proposed new Permittee is received by the Planning and Community Development Office which states that the new Permittee agrees to comply with all terms and Conditions imposed with the original Permit Issuance. If the proposed new Permittee desires to amend the original Permit Conditions, amendments must be addressed by the Prince Edward County Planning Commission and Board of Supervisors through the Special Use Permit process.
9. Failure of Permittee to full conform to all terms and conditions may result in revocation of this Special Use Permit if said failure or failures are not corrected or addressed to the satisfaction, not to be unreasonably withheld, of the County within thirty (30) days of written notice from the County.

### **In Re: Review of Supervisors Actions**

Mr. Love reported that at the last Board meeting, the Board passed an Emergency Ordinance which would temporarily amend the sign ordinance of the County, putting in place an increase in total allotted flag size from 40 square feet individually to a site total of 120 square feet. As such, that will bring the topic back to the Planning Commission, to have a public hearing in 60 days. That will be scheduled for July 18, 2023. Mr. Love said he consistently enforced our temporary sign ordinance; there were a large number of speakers that came to the Board meeting. After a lot of deliberation and public participation, the Board passed the Emergency Ordinance with Option 4, which would limit total site signage, allowing three 40 square feet signs, two 60 square feet signs, or one 120 square feet sign, or any combination. He said this was in response to the citizens of the County.

**Old Business**

Mr. Love stated the Comprehensive Plan schedule has been put forth; the Board approved the start of the Comp Plan with the consultants, The Berkley Group, in August. The kickoff will be in October.

**New Business**

Mr. Love said he has been contacted by Mr. Hunt, who has decided to step down, effective immediately. Mr. Love said a review of previous applicants will be conducted and the position opening will be advertised.

Commissioner Peery said he will be missed; all agreed.

Chairman Prengaman stated the Planning Commission has ten members while the Board of Supervisors has eight members; he said if that is something that needs changed, could that be considered at that time.

Mr. Stanley said part of that is that there is a Board member as part of the Planning Commission. He said ideally, there would be representation from each of the eight different districts. If that is the goal, the Board can make the determination and then we could work toward that.

Chairman Prengaman said that representation is critical. Discussion followed.

Chairman Prengaman declared the meeting adjourned at 8:25 p.m.

**Next Meeting: Tuesday, July 18, 2023 at 7:00 p.m.**

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**Planning Commission  
Agenda Summary**

**Meeting Date:** July 18, 2023  
**Item No.:** 5  
**Department:** Planning and Community Development  
**Staff Contact:** Robert Love  
**Issue:** Public Hearing – Zoning Ordinance Amendment

**Summary:**

The Prince Edward County Board of Supervisors requested that staff review the existing Zoning Ordinance as it related to flags in the Spring of 2022 after numerous calls and emails to Board and Planning Commission from County residents. After researching how other localities in the region specified, an emergency ordinance was drafted. The ordinance placed a maximum limit on the size of flags at 40 square feet (5’x8’) with a total of three flags allowed per site for a total of 120 square feet of free expression for each property.

Since the adoption of the ordinance this ordinance last year, the County has written 3 notices on flag poles that were erected without a zoning permit, all of which applied for and were approved to erect a pole up to 20 feet. Three oversize flag violations and two advisory notices have been sent out to landowners with oversize flags. Of those five notices, four were for American flags.

Several speakers spoke out during public participation at the April 9, 2022 Board of Supervisors regular meeting concerning the maximum allowed size of flags and asked the Board to consider exempting the American flag. Since the County can only regulate the size of flags, but not flag content, it cannot exempt any particular flag regardless of what it may signify. To do so has been seen by the courts as a violation of constitutional rights.

The Board of Supervisors adopted an Emergency Ordinance at its June 13, 2023 Meeting. Section 15.2-1427 of the Code of Virginia outlines the procedures for adoption of an emergency ordinance. The emergency ordinance may be adopted without prior notice; however, no such ordinance shall be enforced for more than 60 days unless readopted in conformity with the provisions of the code. As a zoning ordinance amendment, it requires that the ordinance be sent to the Planning Commission for a hearing and recommendation. To comply with the time requirement, the Board of Supervisors directed staff to advertise a public hearing with the Planning Commission on July 18, 2023.

The public hearing notice was published in the July 5, 2023 and July 12, 2023 editions of the Farmville Herald, Attachment (2).

Motion \_\_\_\_\_  
Second \_\_\_\_\_  
Fuller \_\_\_\_\_

Gilliam \_\_\_\_\_  
Leatherwood \_\_\_\_\_

Paige \_\_\_\_\_  
Peery \_\_\_\_\_  
Pregaman \_\_\_\_\_

Sandlin \_\_\_\_\_  
Weiss \_\_\_\_\_  
Womack \_\_\_\_\_



**Planning Commission  
Agenda Summary**

**Attachments:**

1. Ordinance Amendment
2. Public Hearing Notice

**Recommendations:**

1. Conduct the Public Hearing and render a decision on the Ordinance Amendment.

**Recommended Motions:**

I move that the Planning Commission recommend approval of the ordinance to amend Appendix B of the Prince Edward County Code (Zoning) Sections 3-104.1 to amend the language for signage and to Section 6-100 to add definitions for signs, flagpoles, temporary signs, and structures.

**OR**

I move that the Planning Commission table the proposed ordinance to amend Appendix B of the Prince Edward County Code (Zoning) Sections 3-104.1 to amend the language for signage and to Section 6-100 to add definitions for signs, flagpoles, temporary signs, and structures for further discussion at a work session.

Motion \_\_\_\_\_  
 Second \_\_\_\_\_  
 Fuller \_\_\_\_\_

Gilliam \_\_\_\_\_  
 \_\_\_\_\_  
 Leatherwood \_\_\_\_\_

Paige \_\_\_\_\_  
 Peery \_\_\_\_\_  
 Prengaman \_\_\_\_\_

Sandlin \_\_\_\_\_  
 Weiss \_\_\_\_\_  
 Womack \_\_\_\_\_

**AN ORDINANCE TO AMEND APPENDIX B OF THE PRINCE EDWARD COUNTY CODE  
(ZONING) TO AMEND SECTIONS 3-104.1 TO AMEND THE LANGUAGE FOR SIGNAGE AND  
TO SEC. 6-100 TO ADD DEFINITIONS FOR SIGNS, FLAGPOLES, TEMPORARY SIGNS, AND  
STRUCTURES**

BE IT ORDAINED BY THE PRINCE EDWARD COUNTY BOARD OF SUPERVISORS that the Prince Edward County Code – Appendix B (Zoning) be amended as follows:

**Sec. 3-104.1. - Sign placement and general provisions.**

1. No sign may be placed within the right-of-way of a highway or street, other than duly authorized governmental signs.
2. No sign may be placed off the immediate platted lot of the business or civic use without a special use permit.
3. No sign may be placed so as to impair vision at an intersection or sharp highway curve.
4. All signs shall be maintained in good condition at all times. The pedestal of any sign may not be wood unless it is clad with vinyl or metal, painted, or stained.
5. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
6. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor interfere with the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
7. Storefront windows: no more than 25 percent of the glass area may be covered by signs. This is recommended by emergency response personnel to provide sight into building.
8. Temporary signs are permitted in all districts as follows:
  - (a) Temporary signs warning of construction, excavation, or other hazard, for as long as the hazard shall exist;
  - (b) Signs in the nature of seasonal decorations, clearly associated with a national, local, or religious holiday;
  - (c) Temporary signs must be removed within 20 days of the event or election to which the temporary signs relate.

9. Flags and Flagpoles:

- (a) The official flag of a government, governmental agency, public institution, religious body, or other similar entity, or flags flown on a temporary basis for the purpose of honoring holidays. Flags may also be used as part of a permanently maintained entrance or inner design feature of a residential or commercial development, provided that the number off flags is no more than three. The maximum area ~~for a flag is 40 square feet.~~ **for flags shall be subject to an overall maximum site allowance of 120 square feet.** Flagpoles shall have a maximum height of 20 feet except in the A1, A2, C1, I1 and CR districts in which a taller flagpole will be allowed with the issuance of a special use permit;
- (b) Flags attached to a structure shall not project beyond the façade of the building or more than 20 feet from the roofline in any direction and in no case exceed the maximum permitted height of the structure upon which it is located;
- (c) Flags or cloth or other flexible material, used to attract attention to a commercial use or activity and attached to a pole shall be included in the definition of and calculation of freestanding signage on the property;

10. Any business closing operations must remove its signs within 12 months.

**Sec. 6-100. Definitions.**

(A) For the purposes of this ordinance, the following rules of language shall apply:

FLAG, A piece of cloth or similar material, typically oblong or square, attachable by at least one edge to a pole or rope or by one side to a surface, and used as the symbol or emblem of a country or institution or as a decoration during public festivities.

FLAGPOLE, A pole used for flying or otherwise displaying a flag.

SIGN, Any display of letters, words, symbols, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof visible for the purpose of making anything known; whether such display be made on, attached to, or as a part of a structure, surface, or any other thing, including but not limited to the ground, rocks, trees, or other natural objects, which display is visible beyond the boundaries of the parcel of land on which the same is located. For the purposes of this chapter, the term "sign" shall include all portions of the sign structure.

SIGN, FREESTANDING or GROUND-MOUNTED, A sign which is supported or held directly by, or affixed to, a structure built on the ground primarily for that sign and independent of any building.

SIGN, MARQUEE, A sign attached to and made part of a marquee.

SIGN, MONUMENT, A sign which is completely affixed to a masonry, granite, limestone, marble, or similar structure built on grade and which is an integral part of the structure.

SIGN, PORTABLE, Any sign which is mounted perpendicular to a building and is supported only by the wall on which it is mounted.

SIGN, PROJECTING, Any sign which is mounted perpendicular to a building and is supported only by the wall on which it is mounted.

SIGN, ROOF, A sign painted, erected or constructed in whole or in part upon any portion of a roof of any building.

SIGN, TEMPORARY, A sign intended to be displayed for less than 30 days.

SIGN, WALL, A sign which is 100% attached to, supported by, or painted on a wall or any flat vertical surface of a structure.

Language proposed to be deleted is ~~lined through~~.

Language proposed to be added is **underlined**.

Please publish the following public hearing notice in **THE FARMVILLE HERALD** on Wednesday, July 5, 2023 and Wednesday, July 12, 2023.

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## NOTICE OF PUBLIC HEARING

The Prince Edward County Planning Commission will hold a PUBLIC HEARING on Tuesday, July 18, 2023 commencing at 7:00 p.m. in the Board of Supervisors Room, Prince Edward County Courthouse, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, Virginia, to receive citizen input prior to considering the following:

1. An ordinance amendment to amend Appendix B of the PRINCE EDWARD County Code (Zoning) to Amend Section 3-104.1 to provide for a maximum area for flags of 120 square feet.

Citizen input for Public Hearings will be received through: (1) in-person participation; (2) remote participation by calling 1-844-890-7777, Access Code # 390313; or (3) by written comments mailed to: Planning Commission, P.O. Box 382, Farmville, VA 23901. Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.; via email to [info@co.prince-edward.va.us](mailto:info@co.prince-edward.va.us); or via facsimile at 434-392-6683. Based on the number of speakers, the Chair will determine the time allotted to each. Citizens may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel by using the link on the County website under Meetings & Public Notices.

Additional information regarding the proposed ordinance amendment is available for public review on the County's web site at [www.co.prince-edward.va.us](http://www.co.prince-edward.va.us) or in the Prince Edward County Administrator's Office, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, VA. It is the County's intent to comply with the Americans with Disabilities Act. Should you have questions or require special accommodations, please contact the County Administrator's Office at 434-392-8837.

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