

MINUTES OF THE LUNENBURG COUNTY PLANNING COMMISSION
January 5th, 2023, AT 7:00 PM

The Lunenburg County Planning Commission held its meeting on January 5th, 2023, at 7:00 p.m. in the 2nd floor courtroom, Lunenburg Courts Bldg., Lunenburg, VA. Commissioners Garrett, Drummond, Jennings, Pennington, Shell, Tharpe, Thompson, and Trent were present. Also, in attendance was Clerk of the Planning Commission, Taylor N. Newton, and Assistant County Attorney, Drew DiStanislao.

The meeting was called to order at 7:02 p.m. by Clerk Newton. Clerk Newton called for nominations for Chairman of the Planning Commission. Commissioner Thompson nominated Commissioner Tharpe and Commissioner Shell seconded the motion. Commissioner Drummond made a motion to close the nominations. The nomination of Commissioner Tharpe as Chairman was unanimously approved. The gavel was turned over the Chairman Tharpe. He called for nominations for Vice-Chairman. Commissioner Shell nominated Commissioner Thompson for Vice-Chairman, which was seconded by Commissioner Jennings. Commissioner Drummond made a motion to close nominations. The nomination of Commissioner Thompson as Vice-Chairman was unanimously approved.

Clerk Newton conducted a roll call of the members. All of the members were present.

Chairman Tharpe asked if there were any additions or modifications to the agenda. Assistant County Attorney DiStanislao advised that under Item 11(a), he would be providing an update on the Wireless Telecommunications Committee meeting. There were no further additions or modifications.

Chairman Tharpe called for the Declaration of Conflict-Of-Interests. None were brought forth.

Chairman Tharpe called for a motion for approval of the November 2022 Planning Commission Minutes. Commissioner Pennington made the motion, which was seconded by Commissioner Thompson. The minutes were approved unanimously. A request for a motion of approval for the December 2022 Planning Commission Minutes was brought forth. Commissioner Pennington made the motion to approve with the modification to remove the last sentence of the first paragraph. Commissioner Drummond seconded the motion. The minutes were approved unanimously with the above noted amendment.

Chairman Tharpe advised the Director of Planning and Economic Development's monthly reports for November and December are in the packet. Clerk Newton highlighted the VATI report, CRC's Economic Development Designation letter, and the 2022 Planning Commission report.

Chairman Tharpe called for Citizen Time. No citizens came forward to speak.

Chairman Tharpe called for public hearing for CUP 7-22: Conditional Use Permit for Mayank Patel (Parham's Stop) to operate a Convenience Store on tax parcel 081-0A-0-56, 2087 South Hill Road, Kenbridge, VA 23944, consisting of 2.05 acres in an A-1 Agricultural Zone. Prior to a motion to enter into public hearing, Clerk Newton read the Public Speaking Guidelines. Following the Public Speaking Guidelines, Commissioner Pennington made a motion to enter

into public hearing, which was seconded by Commissioner Thompson and unanimously approved.

Mr. Patel came forward to present his application. He noted that he wanted to continue with business. He would be coming from Richmond, so he would not be at the store every day. He also noted that he would be employing/continue employing citizens. Chairman Tharpe expressed that he was glad to see businesses come and stay in the County. Commissioner Pennington thanked the applicant for continuing Parham's and he did not feel there would be any issues. Commissioner Thompson made a motion to exit public hearing, which was seconded by Commissioner Jennings and unanimously approved. Clerk Newton advised the Commission that they had the option to recommend approval with the noted conditions, deny with an explanation, or defer to another meeting. Commissioner Garrett questioned the name on the soil report dated 9/9/2022, which noted Parham's Grocery; however, the name has been changed to Parham's Stop as of 8/30/2022. Mr. Patel advised that Mr. Parham had the report completed for DEQ, which is why it was addressed to Parham's Grocery. Commissioner Thompson made a motion to recommend approval of the application to the Board of Supervisors with the conditions noted in the staff report. Commissioner Shell seconded the motion, which was unanimously approved.

Chairman Tharpe called CUP 5-22: Conditional Use Permit for Wesley and Cassandra Williams to operate a Banquet Hall (proposed change to Event Venue) on tax parcel 034-0A-0-70, 25 Jackson Drive, Victoria, VA 23974, consisting of 7.45 acres in an A-1 Agricultural Zone. The request is to amend CUP 3-21: Starlight Banquet Hall, which was approved on June 10th, 2021, at the Lunenburg Board of Supervisors' meeting. The amendment requests the addition of an outdoor pavilion, outdoor Porta-Johns, and allow beer and wine coolers to be consumed on the property. (The public hearing requirement was satisfied at the November Planning Commission meeting.) Chairman Tharpe asked Clerk Newton if she had any addition, she declined any additions. Assistant County Attorney DiStanislao questioned Chairman Tharpe if he had any additions. Chairman Tharpe noted that due to the history of the location, he recommends the addition of a "Three Strikes" condition, which would mean if there were three found complaints, then the Board of Supervisors' would have the ability to review and potentially revoke the Conditional Use Permit. Clerk Newton then read the conditions noted in the staff report and requested the addition of the condition to "Comply with all State, Federal, and Local Regulations." Clerk Newton asked the Commission if they had any questions for Mr. Williams. None were brought forth.

Mr. Williams raised his hand and advised that he had questions. He questioned the hours of operation and Clerk Newton advised that they were in the staff report and were read when the conditions were provided to the Commission. He questioned how can he have it open and people come to dance at 10:00 p.m. and then he has to tell them to leave at 11:00 p.m. He advised that he could not do that or run a business like that. Clerk Newton questioned if it was an "Event Venue" or a "Club" because he has referred to it as a "Club." Mr. Williams advised that it was a venue and that people come out to the "Club" to dance at 10:00 p.m. and then has to close at 11:00 p.m. He then questioned how the first time that he received his Conditional Use Permit, he had longer hours. Clerk Newton advised that the hours were adjusted because the definition of his venue had been changed from a "Banquet Hall" to "Event Venue" because it fits the definition of an "Event Venue" more than a "Banquet Hall". This definition change also coincides with the adoption of the Event Venue Ordinance in November 2022. Clerk Newton

additionally advised that staff report notes that the approval of this Conditional Use Permit would negate the conditions set forth in CUP 3-21 (the previously approved Conditional Use Permit). Mr. Williams questioned the staff report. Clerk Newton advised that he was given the report at the October meeting. Clerk Newton then advised Mr. Williams that he could request a variance from the Board of Supervisors to adjust the hours of operation.

Mr. Williams then advised that he still did not understand what was occurring. Chairman Tharpe advised him that he could request a variance from the Board of Supervisors to amend the hours of operation for his Event Venue. Mr. Williams stated that he did not agree, so Chairman Tharpe tried to explain further about the variance. Mr. Williams rebutted that he would be better off to stick with the "Banquet Hall" and not serve alcohol. Assistant County Attorney DiStanislao explained the Event Venue Ordinance in-depth, explained the variance, and advised that the Planning Commission could not approve the variance. Mr. Williams then questioned what the Planning Commission did. Chairman Tharpe advised that Planning Commission makes a recommendation to the Board of Supervisors.

Mr. Williams advised that he was trying to bring business and was thinking about a clothing store as well, but he is just trying to make money. Commissioner Trent advised that the Planning Commission could add a condition/request that the Board of Supervisors hear Mr. Williams' concern about the hours of operation for the building (not the pavilion), so that way his concern is addressed. Mr. Williams advised that this would be for individuals 35 years old and older because he does not want the younger crowd that would cause trouble. Chairman Tharpe echoed the condition/request for the Board of Supervisors to hear his concern.

Clerk Newton questioned if it would be just beer and wine. Mr. Williams stated that it was correct and he is only trying to make money and not trouble. Commissioner Shell noted that he did not feel the Commission should act if it were to hurt Mr. Williams/his business or they did not have all the information. Chairman Tharpe advised that the Commission need to decide if the following conditions would be added:

1. "Three Strikes" for found complaints, then the Conditional Use Permit could be revoked following the review by the Board of Supervisors. The owner/security may call for assistance and it may not be considered a founded complaint. Founded complaints would consist of acts of violence, noise complaints, etc. (Clerk Newton will need to work with Assistant County Attorney DiStanislao to clarify and properly word this condition.)
 - a. Motion made by Commissioner Thompson and seconded by Commissioner Pennington to add the condition. The addition of this condition was unanimously approved.
2. Request the Board of Supervisors to hear and address Mr. William's concern pertaining to the hours of operation on Friday and Saturday nights for the facility (not the pavilion).
 - a. Motion made by Commissioner Thompson and seconded by Commissioner Drummond to add the condition. The addition of this condition was unanimously approved.
3. Comply with all State, Federal, and Local Regulations.
 - a. Motion made by Commission Drummond and seconded by Commissioner Jennings to add the condition. The addition of this condition was unanimously approved.

Commissioner Trent made the motion to recommend approval to the Board of Supervisors with the addition of the above noted conditions. The motion was seconded by Commissioner Thompson and unanimously approved. Chairman Tharpe advised that the application would be before the Board of Supervisors at the February meeting. Mr. Williams concluded by advising that he is just trying to bring business and doesn't want to put up with any foolishness.

Chairman Tharpe called for Other Business—Cell Tower Ordinance (Wireless Telecommunications Ordinance). Assistant County Attorney DiStanislao provided an update on the committee meeting that was held prior to the Planning Commission meeting. He explained why the amendment/update is needed. Commissioner Garrett questioned about a means that wireless providers are claiming, so they can do as they please. Assistant County Attorney DiStanislao advised the current ordinance is from 2001, which was based on 1996 regulations. The Virginia Code changed in 2017, so the ordinance is not in compliance with the Code. The committee is doing like the solar committee and reviewing ordinances from other localities. It is being considered to scrap the old ordinance and start over. He also noted that the intention of the ordinance is to clarify the process for everyone. Chairman Tharpe added that it is the intention to encourage more cell towers to come to the County.

Chairman Tharpe moved on to Short-Term Rental Committee and Ordinance Creation under Other Business. He noted that Short-Term Rental and Transient Occupancy Tax Ordinance will be coming. Clerk Newton advised that the code explains the need for the ordinances. Chairman Tharpe explained that with the Transient Occupancy Tax Ordinance, it would allow the locality to collect the taxes that are already being collected by the company/site that is renting the properties, then the funds can then be placed into the general fund and in the tourism budget to promote the businesses. Clerk Newton requested that the committee for the Short-Term Rental and Transient Occupancy Tax Ordinance be the same as the Event Venue Ordinance committee. She advised that she needed a vote from the Commission. Commissioner Shell made the motion to approve that committee remain the same, which was seconded by Commissioner Pennington and approved unanimously.

Chairman Tharpe questioned Assistant County Attorney DiStanislao if he had an update. He advised that he did not have any updates.

Clerk Newton made the announcement that the next meeting would be February 2nd, 2023, at 7:00 p.m. unless there were no items for the agenda. If there were no items, then the Commissioners would be notified that there would not be a meeting. Chairman Tharpe provided an overview to the Commission about what transpired with the Dogwood Lane Solar project request. On a motion made by Commission Pennington and seconded by Chairman Tharpe, the meeting was adjourned at 8:00 p.m.

James "Buck" Tharpe, Chairman
Lunenburg County Planning Commission

Taylor N. Newton, Clerk
Lunenburg County Planning Commission