

Lunenburg County Planning Commission

Agenda for December 1st, 2022, at 7:00 p.m.

If anyone desires to speak during Citizen Time or a Public Hearing, please approach the lectern prior to the start of the meeting to provide your name and your address. Please place it under the appropriate section (Citizen Time or corresponding Public Hearing).

Please be advised this meeting is being recorded.

1. Call to Order
2. Roll Call of Members
3. Requests for Additions or Modifications to the Agenda*
4. Declaration of Conflict-Of-Interest Statements
5. Approval of Minutes
6. Planning and Economic Development Update
 - a. Director of Planning and Economic Development Monthly Report
7. Citizen Time*(Public Speaking Guidelines are to be followed*)
8. Recommendation for the following:
 - a. **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)
9. Other Business
 - a. Event Venue Ordinance and Amendment to Event Venue Permit—Approved
 - b. Cell Tower Ordinance revisions by CTA Consultants
 - c. Short-term rental committee and ordinance creation
 - d. Attorney Update—if needed
10. Announcement of the Next Meeting Date
 - a. **January 5th, 2023, at 7:00 p.m.**
11. Adjournment

3* *To the extent necessary to consider items requiring Commission action, the order of the agenda for a regular Commission meeting shall be as followed, unless by majority vote and the Commission shall confine discussions to matters contained on the agenda. The Chairman may allow any agenda items to be called out of sequence.*

7* *Any member(s) of the public may speak on any item not on the current agenda under the Public speaking guidelines found in item 6**. At the beginning of the comments by a citizen, additional time may be requested by the speaker. The Chairman shall decide on the amount of time to be provided.*

8* *Any member(s) of the public addressing the Planning Commission shall approach the lectern, give his or her name and address in an audible tone of voice for the record, and address the Commission as a body rather than speak to any member. Unless further time is granted by the Commission, any member of the public shall address the Commission for a maximum of five (5) minutes, regardless of the number of issues he or she desires to discuss. The proponent of any application, petition, or plan that is the subject of the public hearing shall be allowed to address the Commission for a maximum of fifteen (15) minutes.*

Declaration of Conflict- Of-Interests

Approval of Minutes

MINUTES OF THE LUNENBURG COUNTY PLANNING COMMISSION
November 3rd, 2022, AT 7:00 PM

The Lunenburg County Planning Commission held its meeting on November 3rd, 2022, at 7:00 p.m. in the 2nd floor courtroom, Lunenburg Courts Bldg., Lunenburg, VA. Commissioners Drummond, Garrett, Jennings, Pennington, Tharpe, Thompson, and Trent were present. Also, in attendance was Clerk of the Planning Commission, Taylor N. Newton, and Assistant County Attorney, Drew DiStanislao. Commissioner Shell was absent.

The meeting was called to order at 7:00 p.m. Ms. Newton conducted a roll call of Commissioners, all but Commissioner Shell were present.

Chairman Tharpe called for any additions or modifications to the agenda. None were brought forth.

Chairman Tharpe called for declarations of conflict of interest to be disclosed. None were brought forth by any member.

Chairman Tharpe called for action on the minutes of the October 6th, 2022, meeting. There being no additions or corrections to the minutes; a motion was made by Commissioner Pennington and seconded by Commissioner Thompson that they be approved as presented. Unanimously approved.

The Director of Planning and Economic Development monthly report was provided. It was advised that it was in their packet. No questions arose from the Commission.

No citizens came forward during citizen time.

Ms. Newton read the Public Speaking Guidelines prior to entering the public hearing.

Chairman Tharpe called for a recommendation on “**CUP -5-22: Conditional Use Permit** for Wesley and Cassandra Williams to operate a Banquet Hall 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.”

On a motion by Commissioner Thompson, which was seconded by Commissioner Tharpe to enter public hearing. The motion was unanimously approved.

Mr. Wesley Williams—the applicant—appeared before the Commission. He advised that he currently resides in Richmond, VA, but grew up in Lunenburg County, VA and is back here to do business. He would like to put up a pavilion, which would be to rent out. He wants to ensure that all business conducted at his business is done professionally and respectfully. He wants the pavilion to not just be for Lunenburg but for everyone. Additionally, he noted that he has had trouble renting due to the current conditions/regulations with his Conditional Use Permit (i.e., no

alcohol on the premises). Mr. Williams noted that he currently has cameras inside and outside of the facility and if the renters are caught drinking, then they will lose their deposit. Subsequently, Mr. Williams noted that he was requesting an ABC license, which was not listed in the Conditional Use Permit application. He then clarified that he is solely seeking the ability to have beer and wine only allowed on the property. Mr. Williams noted that the business only operated Friday through Sunday unless there is a funeral during the week. He disagrees with the reduction in the times of operation for the business. Lastly, he stated, “Put a restriction on it and give me a chance.”

Following Mr. Williams presentation of his application, Chairman Tharpe called for any citizens who wished to speak for or against the proposed application:

Vincent Gunter—3746 Lockerbie Court, Fayetteville, NC 28306—he notes that he is a graduate of Central High School, and he lived in Kenbridge, but then moved away when he went into the military. He reports that he went to school with Wesley. He recently had an event where former Chargers from 1965 to current gathered—approximately 200 people with an ABC license. He noted that they had to hold it at the Days Inn in South Hill because they did not have a location in Lunenburg. Mr. Gunter advised that Mr. Williams has assured him that the facility will not be like the past and the negative history that it had. Mr. Gunter went back to the Charger event and that it started at 7:00 p.m. and ended at 1:00 a.m. He also noted that he is seeking a location for a family reunion. He would rather spend money in Lunenburg versus South Hill. He wants to bring business back to Lunenburg.

Audrey Walker—4211 McIntyre Avenue, Charlotte, NC 28216—She notes that she is a Lunenburg native and previously operated a Beauty School/Salon by the Lunenburg County Public School Board Office about 40 years ago. She notes that she is here to support Wesley and his wife to start a business. Ms. Walker requests that the Commission give them a chance, so they can show what they can do. She reports that they are just requesting that wine and beer can be served. Lastly, she noted that Mr. Williams has everything in line, so he should be given a chance just as the Commission and the Board gave her a chance.

Laverne Edmonds— 168 Jackson Drive, Victoria, VA 23974— She notes that she is here to support the application. She has been living in the area for 53 years and everyone deserves a chance. She wants to see him get a chance.

Barbara Jones—201 W 4th Avenue, Kenbridge, VA 23944—She is here because she is the former owner of Starlight Arena. In 2004, her husband passed away, but she kept Starlight until COVID then had to let it go. She believes that Wesley and Cassandra would be great for Starlight. She notes that they should be able to get an ABC license and she is glad that Wesley wants to operate it as a club.

Ms. Newton then read the letters and phone calls that were provided to the Office of Planning and Economic Development on behalf of the proposed application:

- Christine Watkins—adjacent property owner—approves of the proposed application—phone call
- Charles E. Thomas—owner of Thomas Funeral Home—provided a letter of support

- Rev. Dr. Irene B. Allen—240 W 2nd Avenue, Kenbridge, VA 23944—provided a letter of support

Commissioner Thompson made a motion to exit public hearing, which was seconded by Commissioner Tharpe. The motion was unanimously approved.

Commissioner Pennington questioned Mr. Williams about Porta-Johns. Mr. Williams advised that he purchase permanent Porta-Johns, or he would build bathrooms. He noted that if he had permanent Porta-Johns then he would have a company come in to clean them, but ultimately, he wanted to put in permanent bathrooms.

Assistant County Attorney, Drew DiStanislao, advised of the Event Venue ordinance going before the Board of Supervisors next week. Chairman Tharpe advised we didn't have a close definition, so we had to make one fit when the initially applied. Chairman Tharpe recommends that it be tabled for one month to allow the Board of Supervisors to decided on the ordinance and then come back for modifications and a recommendation.

Commissioner Pennington noted that Lunenburg is pro-business. Mr. Williams advised that he understood. Commissioner Drummond and Garrett questioned the difference in the time from the initial conditions to the current in the staff report. Ms. Newton advised them that the times in the current staff report are in line with the Event Venue ordinance.

Commissioner Pennington made the motion to table the recommendation for the application for one month, which would be after the Board of Supervisors decided on the Event Venue Ordinance. Commissioner Trent seconded the motion. The motion was unanimously approved.

On a motion to re-enter into public hearing by Commissioner Pennington, which was seconded by Commissioner Jennings was unanimously approved.

Chairman Tharpe called for a recommendation on “**CUP 4-22: Conditional Use Permit** for SBA Communications to recertify and alter the existing 250-foot Wireless Telecommunication facility on tax parcel 085-0A-0-5, 871 Long View Drive, Brodnax, VA 23920, consisting of 0.23 acres in an A-1 Agricultural zone.”

Luke Vinciguerra with SBA was there to speak on behalf of the application. He noted that the company he is employed by is the owner of the tower and they are requesting the recertification and approval of the placement of upgraded T-Mobile equipment on the tower. He provided the history of the tower and advised that they understand the ordinance and the requirements. He reiterated that he is requesting recertification and the ability to upgrade equipment. Lastly, he noted that it may be beneficial for the County to revisit the requirement of recertification every five years.

Ms. Newton provided the staff report, which was completed by CTA Consultants.

On a motion by Commissioner Pennington to exit public hearing, which was seconded by Commissioner Thompson and was unanimously approved.

Chairman Tharpe noted that he did not see any issue with it, and it is needed.

On a motion by Commissioner Trent to recommend to the Board of Supervisors the approval of the recertification and upgrade of the equipment. The motion was seconded by Commissioner Thompson. The motion was unanimously approved.

Chairman Tharpe called for New Business—The deferral of CUP 7-22: Parham's Grocery was brought up. Ms. Newton advised that the applicant previously had an overseas trip scheduled for his brother's wedding, which would have him leaving prior to the November 2022 Planning Commission meeting and arriving back home after the December 2022 Planning Commission meeting. He has requested his public hearing be scheduled for the January 2023 Planning Commission meeting since he was unable to attend the November or December Planning Commission meeting. On a motion by Commissioner Thompson, which was seconded by Commissioner Jennings, the request for deferral was unanimously approved by the Commission.

The next item under new business was the 2023 Planning Commission schedule. Ms. Newton advised that since the previous item was discussed, it was best to go ahead and set the 2023 meeting schedule. On a motion by Commissioner Thompson, which was seconded by Commissioner Pennington, the 2023 Planning Commission meeting schedule was unanimously approved.

The announcement of the next Planning Commission meeting on December 1st, 2022, at 7:00 p.m. was made. On a motion by Commissioner Thompson and seconded by Commissioner Pennington, the meeting was adjourned at 7:37 p.m.

James Tharpe, Chairman
Lunenburg County Planning Commission

Taylor N. Newton, Clerk
Lunenburg County Planning Commission

Planning and Economic Development Monthly Report

Planning Commission Meeting—December 1st, 2022

Director of Planning and Economic Development's Monthly Report

Events in November:

November 1st: *Team Meeting*
November 2nd: *Virtual Mtg w/CRC*
November 3rd: *VGA Board Meeting—South Hill, VA*
November 3rd: *CHNA Team Retreat—Farmville, VA*
November 3rd: *Planning Commission Mtg*
November 7th: *Virtual Mtg w/CRC to discuss VATI Requirements*
November 7th: *Virtual mtg w/ D. DiStanislao and B. Tharpe and the Wheelhouse Solar Team*
November 8th: *Office Closed—Election Day*
November 9th: *Airport Commission Mtg—Lunenburg Regional Airport*
November 10th: *VDOT Locality Training—Project Delivery—Colonial Heights, VA*
November 10th: *VATI Project Management Virtual Mtg*
November 10th: *Board of Supervisors Mtg*
November 11th: *Office Closed—Veteran's Day*
November 16th: *CRC Mtg—Farmville, VA*
November 16th: *Global Entrepreneur Week Celebration—South Boston, VA*
November 18th: *Work from Home—sick*
November 18th: *VX Mtg—attended virtually*
November 18th: *Workforce Solutions Webinar Series*
November 21st: *Lunenburg IDA Mtg*
November 22nd: *Lunenburg County Spending Plan for ARPA Tourism Funds Virtual Mtg*
November 23rd: *Office Closed at 12:00 p.m.—Thanksgiving Holiday*
November 24th and 25th: *Office Closed—Thanksgiving Holiday*
November 28th: *Contact Team Mtg—Victoria Town Office*
November 28th: *Town of Kenbridge Planning Commission Mtg—Kenbridge Town Hall*
November 29th: *Voice of Community Mtg—Chase City, VA*
November 30th: *LZA Virtual Training*

Planning Commission

- Public Hearings on:
 - o Starlight Banquet Hall
 - o Recertification and equipment upgrade to the cell tower located at Longview Drive/Dix Drive
- The recertification and equipment upgrade for the cell tower located at Longview Drive/Dix Drive was recommended to the Board of Supervisors for approval.
- The application for Starlight Banquet Hall was tabled for one (1) month to allow the Board of Supervisors to decide on the Event Venue Ordinance
 - o The application will come up for recommendation at the December Planning Commission meeting.
- There is a Planning Commission meeting scheduled for the month of December
- The 2023 Planning Commission schedule was set at the November Planning Commission meeting (see attached).

Broadband

- 911 Fiber Buildout
 - o Continue to respond to Miss Utility tickets to mark the fiber
- Kinex Last Mile Broadband Project—Tobacco Commission Grant

- Amendment had to be made to the reimbursement request, which has been done and resubmitted. Awaiting a response to determine if the reimbursement request has been approved.
- VATI/RDOF
 - Attended monthly project management meeting
 - November monthly report from Kinex (see attached)
 - After consultation with DHCD, the localities will be conducting monthly/quarterly site visits when the crews are working in their locality
 - Pictures will be obtained
 - A report will be completed by the locality representative during the site visit
 - The report will then be provided to the CRC, who will compile the reports into one (1) single report to submit to DHCD.
 - There are currently three (3) reimbursement requests awaiting to be approved by DHCD, so Kinex can receive the first (1st) reimbursement from the VATI funds.

Solar

- Dogwood Lane Solar
 - Received the request for the sale of the project. This request will go before the Board of Supervisors at the December 2022 meeting.
- Laurel Branch Solar
 - Responded to citizens' questions pertaining to the project.
 - Scheduled a meeting with the Town of Kenbridge Planning Commission to discuss the project.
- Red Brick Solar
 - Received approved VDOT traffic management plan.
- Laurel Branch Switchyard
- Wheelhouse Solar
 - Incomplete application notice sent via certified mail and email.
 - Awaiting the revisions to the application to proceed with the completeness review.

Other Activities

- Aided the local business owner to locate funding sources for an economic development venture
- Attended VGA Board Meeting
- Attended the CHNA Team Retreat in Farmville
- Received word that the grant for Garrett's Lawn Maintenance (old dry cleaners/small engine repair shop/barber shop building) was awarded
 - Completed the primary and secondary contact form and submitted
 - Completed the ACH form and submitted
 - Awaiting the Performance Agreement to be provided, so it can be executed
- Worked on the ARPA Tourism Fund Spending Plan
- Provided the Planning Commission with the information for the Dominion Transmission Line Application to the SCC for review and provide any questions and/or comments, if needed
- Gave L. Way to go ahead to work with Timmons to get the PER work done at the airport for the T-hangars
- Attended the Annual Virginia Ecosystem Builders & Community Organizers Meetup
- Attended Rural Solar Development Coalition call
- Attended Chamber of Commerce Membership meeting—Marinos
- Sent letters to the Event Venues in Lunenburg County to advise them of the ordinance, which has been enacted and what is required of them to be compliant.
- Met with local surveyor on family subdivisions
- Worked with L. Way to possibly plan a tourism event at Lunenburg Regional Airport

UPCOMING dates of interest:

December 1st: *Planning Commission Mtg*

December 2nd: Lunenburg Christmas Parade

December 3rd: Kenbridge Holiday Extravaganza—Kenbridge Rec Center

December 6th and 7th: *Tourism Base Camp Virtual Conference*

December 8th: *Board of Supervisors Mtg*

December 10th: Opening Day for Whitehead Beauty Salon

December 13th: *Town of Victoria Town Council Mtg*

December 15th and 16th: *Serve as an accessor for Danville City's search for a new Assistant Director of Economic Development*

December 20th: *Town of Kenbridge Town Council Meeting*

December 21st: *CRC Mtg—Farmville, VA*

December 23rd and 26th: *Office Closed—Christmas Holiday*

December 30th: *VTC ARPA Spending Plan Due*

“A little progress each day adds up to big results!”

- *Author Unknown*

CBG	Miles	Addresses - Total	Addresses - Kinex RDOF	RDOF Passings		Addresses - Unserved, No RDOF
510499301005	80	798	745			53
510499302002	39	326	321			5
510499302003	7	97	97			0
510499302001	57	309	158			151
510499301004	56	416	277			139
511119303001	95	459	370			89
511119302003	66	441	400			41
511119301002	38	363	248			115
511119302004	88	87	86			1
511119303002	59	859	0			0
511119301003	35	839	408			431
511119302001	15	0	0			0
511119302002	92	518	425			93
511119301001	66	425	176			249
511479303004	61	933	870			63
511479302022	38	483	0			0
511479302011	4	376	346			30
511479302012	0	583	144			439
511479302023	37	550	502			48
511479303001	44	399	380			19
511479303003	66	43	20			23
511479301002	48	361	312			49
511479303002	14	510	483			27
511479303005	92	155	152			3
511479302021	47	893	635			258
511479301003	81	853	422			431
Total	1325	12076	7977			2757

RDOF Update Information

As of 11/10/2022				
	Required RDOF Passings	Current RDOF Passings		Current RDOF Installs
Cumberland	1598	0		
Lunenburg	2113	488		337
Prince Edward	4266	124		2
Total	7977	612		339

VATI Update Information

As of 11/10/2022				
	Required VATI Passings - Underserved	Current VATI Passings		Current VATI Installs
Cumberland	348	15		
Lunenburg	1019	477		
Prince Edward	1390	9		
Total	2757	501		0

RDOF Total Passings are 7595 and Address listings are 7977

1st Year RDOF Passing Requirement:	1519
2nd Year RDOF Passing Requirement:	2279
3rd Year RDOF Passing Requirement:	3038
4th Year RDOF Passing Requirement:	4557
5th Year RDOF Passing Requirement:	6076
6th Year RDOF Passing Requirement:	7595

1. Six crews working as of today.
2. Will provide feet/mileage in the future.
3. Passings will jump substantially in the next 6 to 8 weeks when all segments are joined.

[illegible]

OID	STATEFP	COUNTYFP	TRACT	CEN	BLOCK	CEN	BLOCK	ID10	PART	FLG	HOUSING	Address	Sit
2314	51	147	930201	2054	511479302012054				N		0		0

POP10	RDOF	Served_No	BLOCKGROUP
0		51147930	2012

2023 Lunenburg Planning Commission Meeting Schedule

The meetings will be held on the 1st Thursday of each month at 7:00 p.m. in the 2nd floor courtroom of the Lunenburg Courts Building.

January 5, 2023
February 2, 2023
March 2, 2023
April 6, 2023
May 4, 2023
June 1, 2023
July 6, 2023
August 3, 2023
September 7, 2023
October 5, 2023
November 2, 2023
December 7, 2023

Citizen Time

Statement on Public Speaking for Planning Commission Meetings

Any member of the public addressing the Planning Commission shall approach the lectern, give his or her name and address in an audible tone of voice for the record, and address the Commission as a body rather than speak to any member. Unless further time is granted by the Commission, any member of the public shall address the Commission for a maximum of five (5) minutes, regardless of the number of issues he or she desires to discuss. The proponent of any application, petition, or plan that is the subject of a public hearing shall be allowed to address the Commission for a maximum of fifteen (15) minutes.

Citizen time

Any member of the public may speak on any item not on the current agenda under the above guidelines

Request for additional time to speak

At the beginning of the comments by a citizen additional time may be requested by the speaker. The Chairman shall decide on the amount of time to be provided.

Written comments

Written comments are most helpful in reviewing issues under consideration. Citizen input is valuable and appreciated. The Commission encourages citizens to submit their comments in writing or any information pertaining to the issues at hand. There is not a limit on written comments; clarity and succinctness is encouraged.

Citizen Time

Any member(s) of the public may speak on any item(s) not on the current agenda under the Public Speaking Guidelines read previously. At the beginning of the comments by a citizen, additional time may be requested by the speaker. The Chairman shall decide on the amount of time to be provided.

Public Hearing

CUP 5-22: Starlight
Banquet Hall

Lunenburg Planning Office
Application for Conditional Use Permit for Non-Solar Facilities
Case Number: 5-22 (Office Use Only)

Section 1

Applicant Name: SAME AS OWNERS NAMES
Owner Name: WESLEY A. + CASSANDRA G. WILLIAMS
Owner Signature: Wesley A. Williams Cassandra G. Williams
Contact Name for Application: Wesley A. Williams
Physical and Mailing Address: 4543 WELFORD AVENUE
RICH., VA 23234
Phone Number: (804) 231-3810 - HOME (804) 938-3504 - (CELL)
Email Address: PCOH1025@MSN.COM
Fax Number (if applicable): (804) 231-9154
Power of Attorney Name: _____
Power of Attorney Signature: _____

As owner or authorized agent of this property, I certify that this application is complete and accurate to the best of my knowledge, and I authorize the Lunenburg County representative(s) entry on the property for purposes of reviewing this application.

Section 2

Property Information

Parcel Number(s): 034-0A-0-70

Area (ac./sq. ft.): 7.45 ACRES
Magisterial District: BROWNS STORE
Address: 25 JACKSON DRIVE
VICTORIA, VA 23974
Existing Zoning: A1
Requested Use: BUILD AN OUTDOOR PAVILION & allow the
use/consumption of alcohol on the property
Does this property have a historical designation? If yes, describe: NO

Parcel number(s), acreage, magisterial district and existing zoning can be located at:
<https://lunenburggis.timmons.com/#/mw1>. The address can be typed into the "By Parcel Address" search bar followed by selecting search. This will pull up the information pertaining to the parcel.

The application deadline is the 1st of the month proceeding the month in which the public hearing by the Planning Commission is to be held. The Planning Commission meeting is held on the 1st Thursday of the month at 7:00 p.m. Applications must be submitted in completed form prior to scheduling for public hearing by the Planning Commission. Notice of incomplete applications will be sent to the applicant at the listed address in Section 1.

The site plan must be submitted as described in the site plan requirements at the time of the application.

Application fee is \$400.00, which must be paid at the time of application submission.

****Incomplete applications will be returned to the applicant and not docketed for a public hearing****

Section 3

Certification of Adjoining Property Owners, Board of Supervisors, and Planning Commissioners

Applicants Certification:

I certify that I have notified all adjacent property owners, to the property which is the subject of this application request, that this application is being filed. Notifications were sent via first class mail.

Adjacent property includes all property touching the project parcel, across roadways, watercourses, railroads, and/or municipal boundaries.

I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the Commissioner of Revenue of Lunenburg County.

Applicant's Signature: _____

State of: _____

County of: _____

Before me, _____, on this _____ day of _____

Name of Notary Public

_____, 20____, _____, personally appeared, and

Applicant(s) Name

provided verification to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public's Signature

Location of Commission

Registration #: _____

Commission Expiration: _____

(Seal)

Verification of Identity

☐ Driver's License or Govt./State Identification Card:

State: _____

Number: _____

☐ U. S. Passport:

Number: _____

☐ U. S. Military ID Card

☐ Social Security Card

☐ Birth Certificate

☐ Other: _____

[illegible]

*If there are additional adjacent property owners, please include them on a separate sheet. Also, the letter that follows can be completed and mailed to adjacent property owners.

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) _____

From: _____

Date: _____

The following application will be submitted for review to the Lunenburg County Planning Office:

☐ Rezoning

☒ Conditional Use Permit

☐ Special Exception

Requested Use or Exception:

The application will be available for viewing at the Lunenburg County Planning Office. The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.net.

Section 4
Applicant's Report
Section 8.3(b) of Lunenburg Zoning Ordinance

Every application for a Conditional Use Permit shall be accompanied by a report from the applicant describing the proposed Conditional Use and explaining the manner which it complies with the requirements and standards of this article.

The following questions address the basic issues. The Planning Commission and/or Board of Supervisors may request additional information.

- 1.) What type of use is being requested?

A CONDITIONAL USE PERMIT IS BEING REQUESTED. WE WANT TO BUILD AN OUTDOOR PAVILION TO HAVE OUTDOOR EVENTS AND ACTIVITIES FOR THE PUBLIC.

- 2.) Describe how you plan to develop the property for the proposed use and any associated uses.

A. HAVE ADEQUATE PARKING

B. HAVE ADEQUATE LIGHTING

C. SECURITY AT ALL EVENTS + ACTIVITIES

D. WILL ADHERE TO NOISE ORDINANCE

E. OUTSIDE RESTROOMS - WOMEN + MEN

F. WILL CUT DOWN TREES AND PLANT GRASS AROUND PAVILION

- 3.) Describe why the proposed use is desirable and appropriate for the area. What measures will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity?

THE PROPOSED USE WILL BE A BENEFIT TO THE COMMUNITY AND SURROUNDING VICINITY. THE PAVILION WILL BE USED AS A RENTAL PLACE TO THE PUBLIC FOR DIFFERENT EVENTS SUCH AS COOKOUTS, PARTIES, AND WEDDINGS. IT WILL BE A SAFE + CLEAN PLACE TO HAVE EVENTS. THE HOURS OF OPERATION MAY VARY ACCORDING TO THE TYPE OF EVENT BEING HELD, BUT ALL EVENTS MUST END AT 7:00PM ON SUN. THRU THURS. AND 8:00PM ON FRI. AND SAT. THERE WILL BE PARKING ATTENDANTS TO MAKE SURE ALL PARKING IS ON THE PREMISES AND NOT ON SIDE OF THE ROAD. THERE WILL BE SECURITY AT ALL EVENTS, AND THERE WON'T BE LOUD MUSIC

Also, address the following:

- a. Details of Operations:

PLAYED AFTER DARK. THE ENTRANCE IS PAVED, THERE IS ADEQUATE LIGHTING, THE TREES WILL BE TRIMMED AS NEEDED AND THE

- b. Hours of Operation:

GRASS WILL BE KEPT CUT. THERE WON'T BE A PROBLEM WITH

- c. Traffic:

RUNOFF.

- d. Noise:

- e. Dust/Smoke:

- f. Runoff:

- g. Intensity of Use:

- h. Hazardous Materials:

- i. Outside Storage:

- 4.) Is the use location on a floodplain, wetland area, or dam break inundation zone? NO

- 5.) Are there any deed restrictions concerning the type of use proposed? If so, provide the date the said restrictions expire. NO

- 6.) Has a survey of the parcel(s) been conducted to include project parcel, property boundaries, existing roadways and structures, and adjoining parcels, as well as, the parcel owner? If so, is it included in the application packet? YES
- 7.) Has a site plan been included to note the information required on the survey, but also any new construction, parking, clearing, planting, etc.? YES
- 8.) Has a business plan been established? If so, please provide it with application submittal. NO
- 9.) Describe how the proposed project complies or refutes the goals and objectives noted in the Kenbridge-Victoria-Lunenburg Comprehensive Plan. This can be located the Lunenburg County, Virginia website.

Requirements for telecom site plans can be found in Section 22 Article III, items 22-81 thru 22-112 of the Lunenburg County Code.

**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

July 28, 2022

**Mr. James Jackson
171 Jackson Dr.
Victoria, VA 23974**

Dear Mr. Jackson:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

July 28, 2022

**Mr. & Mrs. George Edmonds
186 Jackson Dr.
Victoria, VA 23974**

Dear Mr. & Mrs. Edmonds:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

July 28, 2022

**Mr. James Taylor
P. O. Box 553
Victoria, VA 23974**

Dear Mr. Taylor:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

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4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

July 28, 2022

**Mr. David Harris
P. O. Box 638
Kenbridge, VA 23944**

Dear Mr. Harris:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

July 28, 2022

**Mr. Jimmy Sweizer
P. O. Box 814
Victoria, VA 23974**

Dear Mr. Sweizer:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion.

Thanks For Your Cooperation,

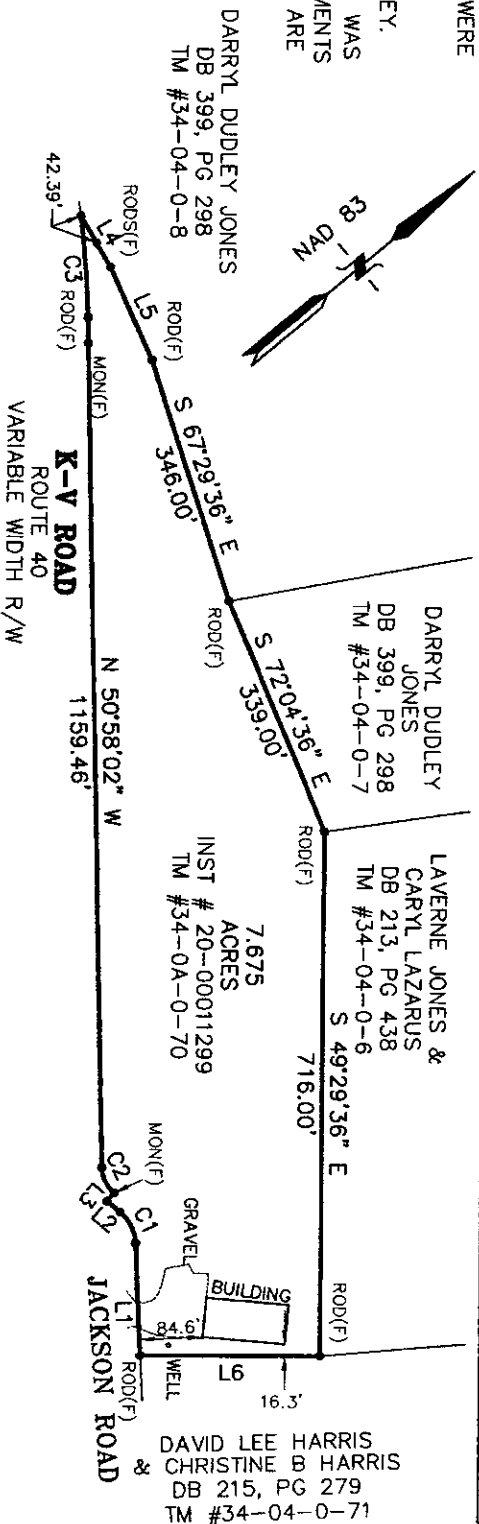
Wesley & Cassandra Williams

1) THIS PLAT REPRESENTS
A CURRENT FIELD SURVEY

2) NO CEMETERIES WERE OBSERVED WHILE PERFORMING A PERIMETER SURVEY.

3) NO TITLE BINDER WAS PROVIDED, EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	49.09'	59.23'	47°29'18"	26.05'	N 76°11'33" W	47.70'
C2	39.13'	45.79'	48°58'10"	20.85'	N 75°27'07" W	37.95'
C3	138.99'	1317.46'	6°02'41"	69.56'	N 53°59'23" W	138.93'



PLAT SHOWING 7.675 ACRES OF
LAND STNADING IN THE NAME OF
WESLEY A WILLIAMS &
CASSANDRA G WILLIAMS
AND LYING NORTH OF
K-V ROAD ROUTE 40

BROWN STORE DISTRICT * LUNENBURG COUNTY, VIRGINIA
DATE: APRIL 22, 2021 SCALE: 1"= 200'

SCALE: 1" = 200'



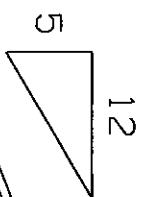
LINE	BEARING	DISTANCE
L1	N 52°26'54" W	153.65'
L2	S 80°03'48" W	23.28'
L3	N 09°56'12" W	15.00'
L4	S 80°19'36" E	80.85'
L5	S 73°49'36" E	139.00'
L6	S 40°30'24" W	240.74'

JL SURVEYING, LLC.

365 DEEP CREEK ROAD
CREWE, VIRGINIA 23930
(434) 645-7960 (888) 504-5252 Fax
jeff@jsurveyingllc.com

JN: 21107

FILE#: 21107BND



225# F.G. SHINGLES ON
15# FELT ON 1/2" CDX P/W

1/2" LAG SCREWS TYP.

TRUSSES 24" O.C

1/2" LAG SCREWS TYP.

2 X 12 PT

2 X 12 PT

1'-0"

9FT-0IN

10FT-0IN

4"X4" DIAGONAL SWAY BRACING
WITH 1/2" LAG SCREWS TYPICAL

6 X 6 PT POST TYP.

FIN GRADE

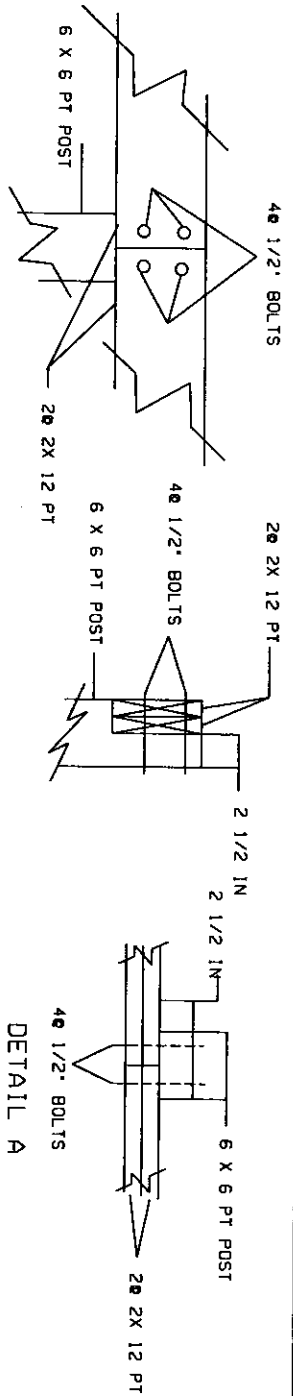
12FT-6IN

12FT-6IN

50FT-0IN

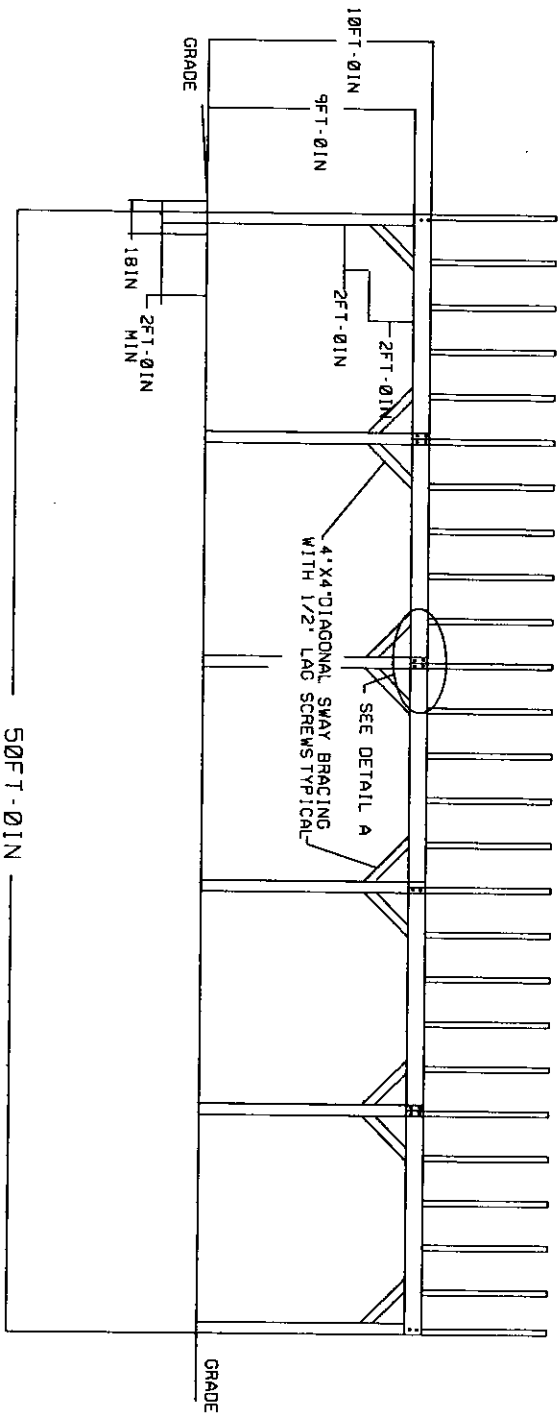
25'

DRAWN BY	TONY	REV	PAGE
50' X 25' SHELTER			
SCALE	NO SCALE		
VCC	2018		
SHEET	1 OF 3		1



TRUSSES 24" O.C

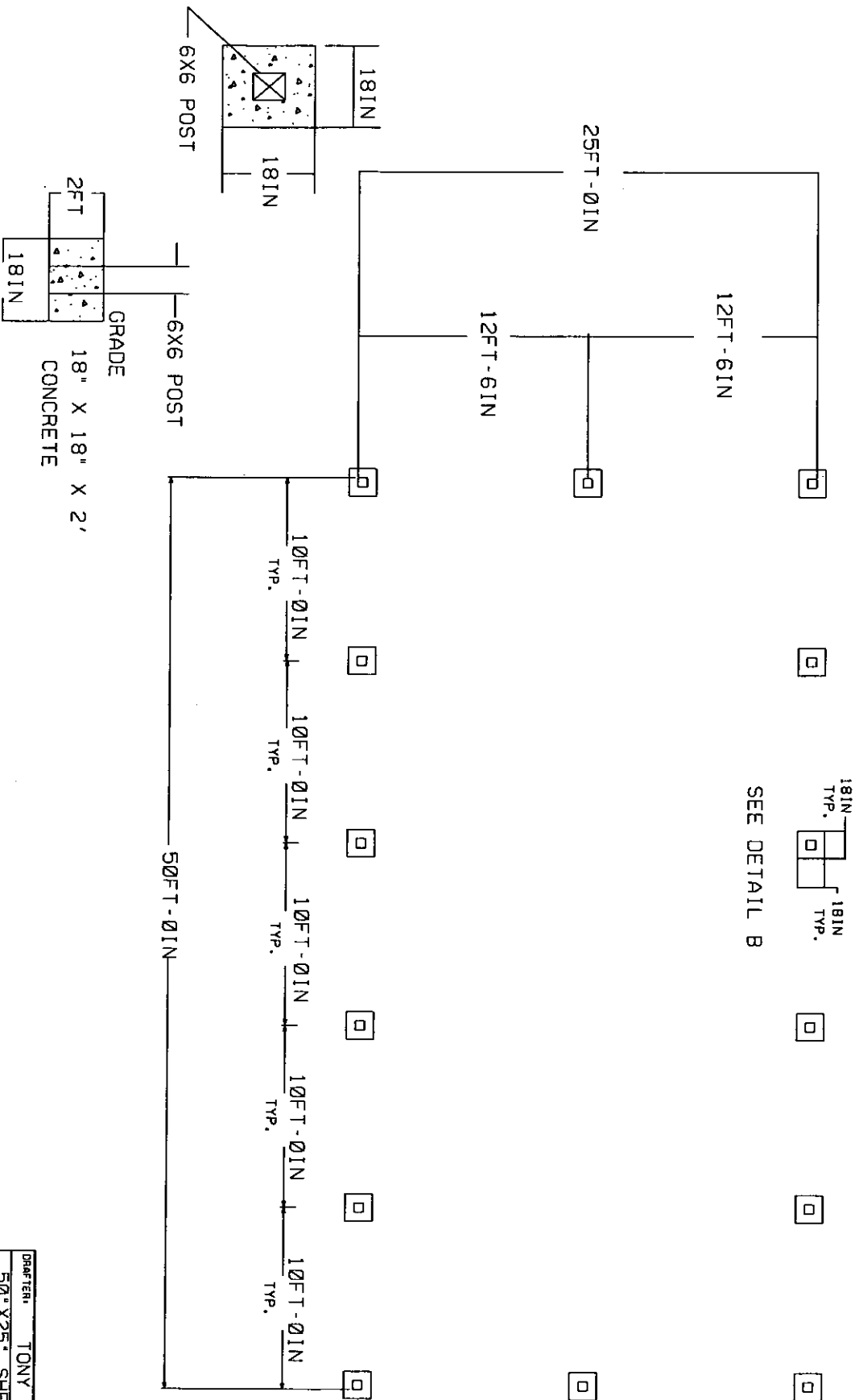
1/2" BOLTS ARE USED TO ATTACH THE 2x2x12 BOARDS ON THE 50' SIDES
 3/8" LAG SCREWS ATTACHES 2x12 BOARDS ON THE 25' SIDES
 ALL DIAGONAL SWAY BRACES ARE ATTACHED WITH 1/2" LAG SCREWS



DRAWN BY	TONY	REV	PAGE
50'X25' SHELTER			
SCALE: 1" = 10'			
VCC 2018			
2 OF 3			
SHEET			

VCC 2018

SHEET 2 OF 3



DETAIL B

DRAWN BY	TONY	REV	PAGE
50" X 25" SHELTER			3
SCALE:	NO SCALE		
VCC 2018	VCC 2018		
SHEET	OF		

Honor of God Security

CHESTERFIELD SECURITY TRAINING ACADEMY

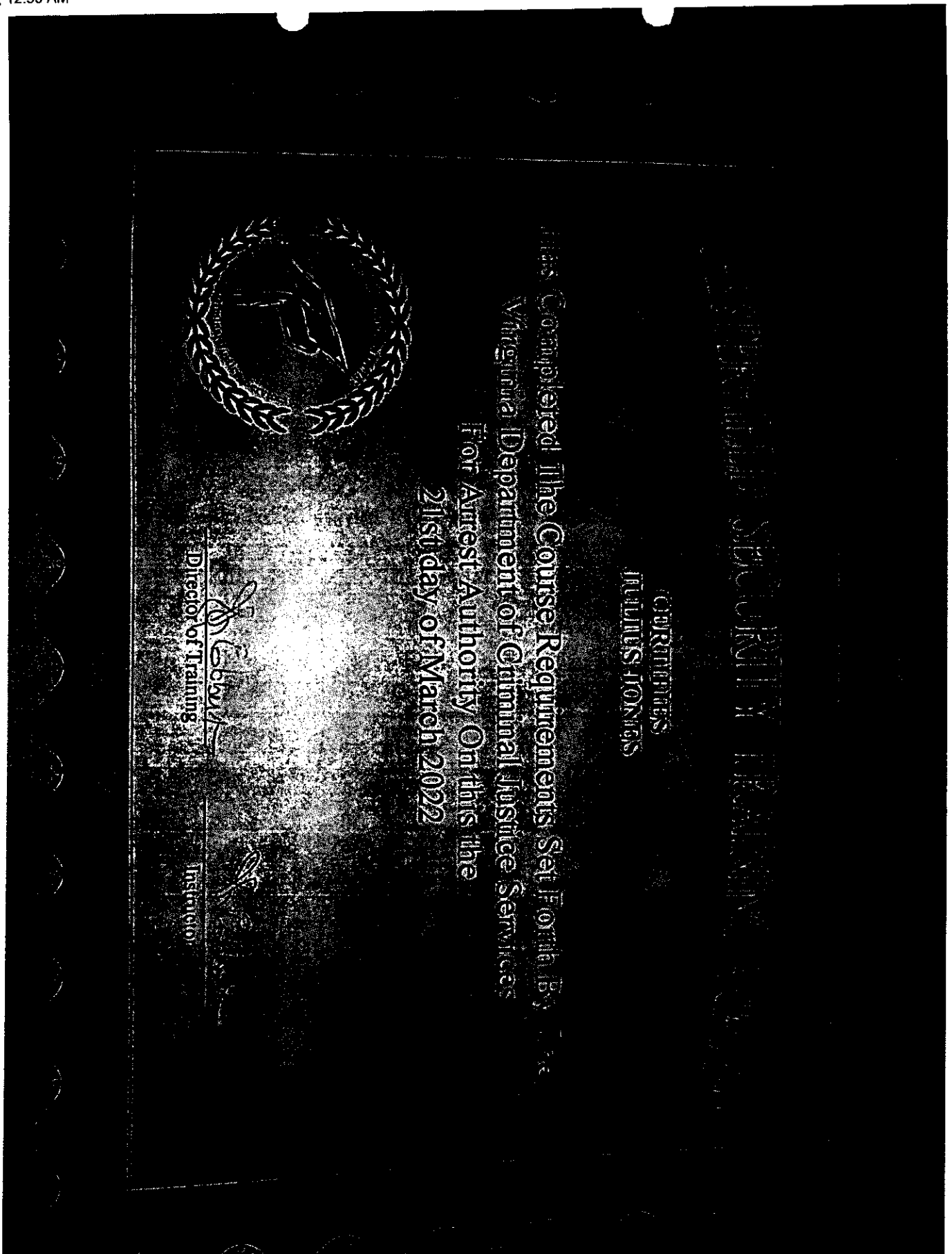
CERTIFIES
JULIES JONES

Has Completed The Course Requirements set forth by the
Virginia Department of Criminal Justice Services for
Registration as Armed Security Officer
on this the 20th day of March 2022



[Signature]
Director of Training

[Signature]
Instructor





COMMONWEALTH OF VIRGINIA
Department of Criminal Justice Services
P.O. Box 1300 • Richmond, VA 23218
Phone: (804) 786-4700 • Fax: (804) 786-6344

Charles Hollins
(804) 786-1132
1-877-661-1132

TRAINING COMPLETION RECORD

IMPORTANT INFORMATION Student phone #

- * This document is for the student's personal record - Do not submit to DCS.
- * The Private Security Services Training School will report completion of training to DCS.
- * Only one course of training may be recorded on an individual training completion record form.

Training School DCS ID Number:

Private Security Services Training School:

Phone:

Student Name:

1195

Chastarfield Security Training Acad

Phone: (804) 778-1720

Student Contact:

Enter Section

Partial Session

Session Dates:

Start: March 18/20/2022

Student Completion:

Enter Section

Partial Session

Session Dates:

Start: March 18/20/2022

01E Security Officer Core Subjects

02E Private Investigator

03E Armed Car Personnel

41B Security Canine Handler

41D Detainer Canine Handler

03E Armed Security Officer Arrest Authority

03E Special Conservator of the Peace Core Subjects

23E Locksmith

30E Electronic Security Core Subjects

32E Personal Protection Specialist

33E Electronic Security Technician

33E Central Dispatch

33E Electronic Security Sales Representative

40E Dual Bondsmen

41E Dual Enforcement Agent

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33E Electronic Security Sales Representative

40E Dual Bondsmen

41E Dual Enforcement Agent



COMMONWEALTH OF VIRGINIA Student Progress
 Department of Criminal Justice Services
 P.O. Box 1300 - Richmond, VA 23218
 Phone: (804) 786-4700 • Fax: (804) 786-6344 www.dcls.virginia.gov/dcs

State Office
 (804) 786-1132
 1-877-687-ATLUS

TRAINING COMPLETION RECORD

IMPORTANT INFORMATION Student Phone: 252-364-7185

- > This document is for the student's personal record - Do not submit to DCS.
- > The Private Security Services Training School will report completion of training to DCS.
- > Only one course of training may be recorded on an individual training completion record form.

Training School DCS ID Number: Private Security Services Training School: Phone: 1195

Student Name: Last First Middle SSN or DCS ID Number: 252-84-9087

Student Complete: ☒ Entire Session ☐ Partial Session (DCJS Form 6-2007)

Session Dates: Start 05/21/12 End 05/21/12

- | | |
|---|---|
| <input type="checkbox"/> 01E Security Officer Core Subjects | <input type="checkbox"/> 30E Electronic Security Core Subjects |
| <input type="checkbox"/> 02E Private Investigator | <input type="checkbox"/> 32E Personal Protection Specialist |
| <input type="checkbox"/> 03E Armed Car Personnel | <input type="checkbox"/> 33E Electronic Security Technician |
| <input type="checkbox"/> 42E Security Canine Handler | <input type="checkbox"/> 35E Central Dispatcher |
| <input type="checkbox"/> 43E Detector Canine Handler | <input type="checkbox"/> 36E Electronic Security Sales Representative |
| <input type="checkbox"/> 45E Armed Security Officer Arrest Authority | <input type="checkbox"/> 40E Ball Barricade |
| <input type="checkbox"/> 46E Special Contributor of the Peace Core Subjects | <input type="checkbox"/> 44E Ball Enforcement Agent |
| <input type="checkbox"/> 25E Locksmith | |

- | | |
|---|--|
| <input type="checkbox"/> 01E Security Officer Core Subjects | <input type="checkbox"/> 25E Locksmith |
| <input type="checkbox"/> 02E Private Investigator | <input type="checkbox"/> 30E Electronic Security Core Subjects |
| <input type="checkbox"/> 03E Armed Car Personnel | <input type="checkbox"/> 32E Personal Protection Specialist |
| <input type="checkbox"/> 42E Security Canine Handler | <input type="checkbox"/> 40E Ball Barricade |
| <input type="checkbox"/> 43E Detector Canine Handler | <input type="checkbox"/> 44E Ball Enforcement Agent |
| <input type="checkbox"/> 45E Armed Security Officer Arrest Authority | |
| <input type="checkbox"/> 46E Special Contributor of the Peace Core Subjects | |

- | | |
|---|---|
| <input type="checkbox"/> 04E Canine Re-Training | <input type="checkbox"/> 10E Patrol Rifle Re-Training |
| <input type="checkbox"/> 05E Canine Re-Training | <input type="checkbox"/> 09E Advanced Handgun Re-Training |
| <input type="checkbox"/> 06E Canine Re-Training | <input type="checkbox"/> 08E Advanced Handgun Re-Training |

Type: _____ Score: _____

BOARD OF SUPERVISORS

Charles R. Slayton, CHAIRMAN
Election District 4

Frank W. Bacon, VICE-CHAIRMAN
Election District 3

T. Wayne Hoover
Election District 1

Mike Hankins
Election District 2

Edward Pennington
Election District 5

Alvester L. Edmonds
Election District 6

Robert G. Zava
Election District 7



Lunenburg County Administration
11413 Courthouse Road
Lunenburg, VA 23952

Tracy M. Gee
County Administrator

Telephone: (434) 696-2142
Facsimile: (434) 696-1798

August 31, 2022

Wesley and Cassandra Williams
4543 Welford Avenue
Richmond, VA 23234

Dear Mr. and Mrs. Williams,

A review of your application, CUP 5-22: Banquet Hall has been conducted internally. The review has concluded that the application has been deemed incomplete. The following provides the list of deficiencies and/or questions that are required to be remedied prior to proceeding with the Conditional Use Permit public hearing at the Planning Commission level:

1. Section 2:
 - a. Requested Use:
 - i. I have added that the requested use is to build an outdoor pavilion and allow the use/consumption of alcohol on the property (this was previously discussed and must be included otherwise the opportunity to allow alcohol will not even be considered).
2. Section 3
 - a. The notification to adjacent property owners form is not completed, nor notarized.
 - b. Parcel numbers are not provided for adjacent property owners
 - i. All properties touching, across a roadway, across a waterway, or could be impacted by the business need to be notified and listed.
 - c. Template letter to the adjoining property owners is not completed, nor do the letters sent to the property owners note the request to permit alcohol on the premises.
3. Section 4
 - a. #1—Need to provide specifics as to whether the request for alcohol to be permitted on the premises will be included.
 - b. #2—Are restrooms being built or will there be porta-johns?
 - i. If there intends to be bathrooms built, that will need to be included in the requested use and in the notice to the property owners.
 - c. #3—Will the pavilion solely have the hours listed or will this be for the overall existing building and pavilion?
 - d. #3a-i—The topics related to the sub-header need to be addressed on the line associated with the topic being discussed and not solely in the blank for question #3.

- e. Explain in detail how the proposal is or is not in compliance with the 2019-2024 Joint Comprehensive Plan for Kenbridge, Victoria, and Lunenburg.
 - i. Accessible through:
https://lunenburgva.net/local_government/board_of_supervisors/joint_comprehensive_plan.php
- 4. Business Plan
 - a. Have you established a business plan?
 - i. If so, can you provide it?
- 5. General Questions
 - a. Will the Banquet Hall be operating as described with the original Conditional Use Permit?
 - i. If so, please specifically note what operations will be the same and what requirements are being requested to be amended.
 - b. The survey of the property was completed; however, has a sketch of the anticipated location of the pavilion, bathrooms, etc. been completed?
 - i. This needs to be submitted with the application.
 - c. Will any additional employees be hired? If so, how many?
 - d. Are you going to provide any food and/or beverages? If so, will you be complying with the conditions of the Virginia Health Department?
 - e. Will all Uniform Building Codes be followed?
 - f. Will there be adequate parking available that does not involve encroaching on an adjoining property?
 - g. Will there be handicap accessible entrances, bathrooms, etc.?

In order to proceed with the Conditional Use Permit process, the noted deficiencies will be remedied and received a minimum of 30 days prior to the next Planning Commission meeting. The Planning Commission meetings are scheduled for the 1st Thursday of each month, so in order to be placed on the November agenda, the revisions would be required to be submitted no later **than noon on October 3rd, 2022.**

If you have any questions or concerns, please do not hesitate to contact.

Respectfully,

Taylor N. Newton
Director of Planning and Economic Development
County of Lunenburg
11413 Courthouse Road
Lunenburg, VA 23952
434.696.2142 (phone)
434.696.1798 (fax)
taylor@lunenburgva.gov

Lunenburg Planning Office
Application for Conditional Use Permit for Non-Solar Facilities
Case Number: _____ (Office Use Only)

Section 1

Applicant Name: SAME AS OWNERS
Owner Name: WESLEY A. WILLIAMS, CASSANDRA G. WILLIAMS
Owner Signature: Wesley A. Williams, Cassandra G. Williams
Contact Name for Application: WESLEY A. WILLIAMS
Physical and Mailing Address: 4543 WELFORD AVENUE
RICH., VA 23234
Phone Number: (804) 231-3810 HOME (804) 938-3506 CELL
Email Address: POOH1025@MSN.COM
Fax Number (if applicable): (804) 231-9154
Power of Attorney Name: _____
Power of Attorney Signature: _____

As owner or authorized agent of this property, I certify that this application is complete and accurate to the best of my knowledge, and I authorize the Lunenburg County representative(s) entry on the property for purposes of reviewing this application.

Section 2
Property Information

Parcel Number(s): 034-0A-0-70

Area (ac./sq. ft.): 7.45 ACRES
Magisterial District: BROWNS STORE
Address: 25 JACKSON DRIVE
VICTORIA, VA 23974
Existing Zoning: A-1
Requested Use: TO BUILD AN OUTDOOR PAVILION AND ALLOW THE USE/
CONSUMPTION OF ONLY BEER AND WINE COOLERS ON THE PROPERTY. REGULAR AND
Does this property have a historical designation? If yes, describe: NO HANDICAP PORTA-JOHN'S WILL BE PROVIDED.

Parcel number(s), acreage, magisterial district and existing zoning can be located at:
<https://lunenburggis.timmons.com/#/mwl>. The address can be typed into the "By Parcel Address" search bar followed by selecting search. This will pull up the information pertaining to the parcel.

The application deadline is the 1st of the month proceeding the month in which the public hearing by the Planning Commission is to be held. The Planning Commission meeting is held on the 1st Thursday of the month at 7:00 p.m. Applications must be submitted in completed form prior to scheduling for public hearing by the Planning Commission. Notice of incomplete applications will be sent to the applicant at the listed address in Section 1.

The site plan must be submitted as described in the site plan requirements at the time of the application.

Application fee is \$400.00, which must be paid at the time of application submission.

****Incomplete applications will be returned to the applicant and not docketed for a public hearing****

Section 3

Certification of Adjoining Property Owners, Board of Supervisors, and Planning Commissioners

Applicants Certification:

I certify that I have notified all adjacent property owners, to the property which is the subject of this application request, that this application is being filed. Notifications were sent via first class mail.

Adjacent property includes all property touching the project parcel, across roadways, watercourses, railroads, and/or municipal boundaries.

I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the Commissioner of Revenue of Lunenburg County.

Applicant's Signature: Wesley Williams, Cassandra Williams

State of: VIRGINIA

County of: Chesterfield

Before me, Valerie Mackenzie, on this 27 day of

September, 2022, Wesley Williams, Cassandra Williams personally appeared, and

provided verification to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

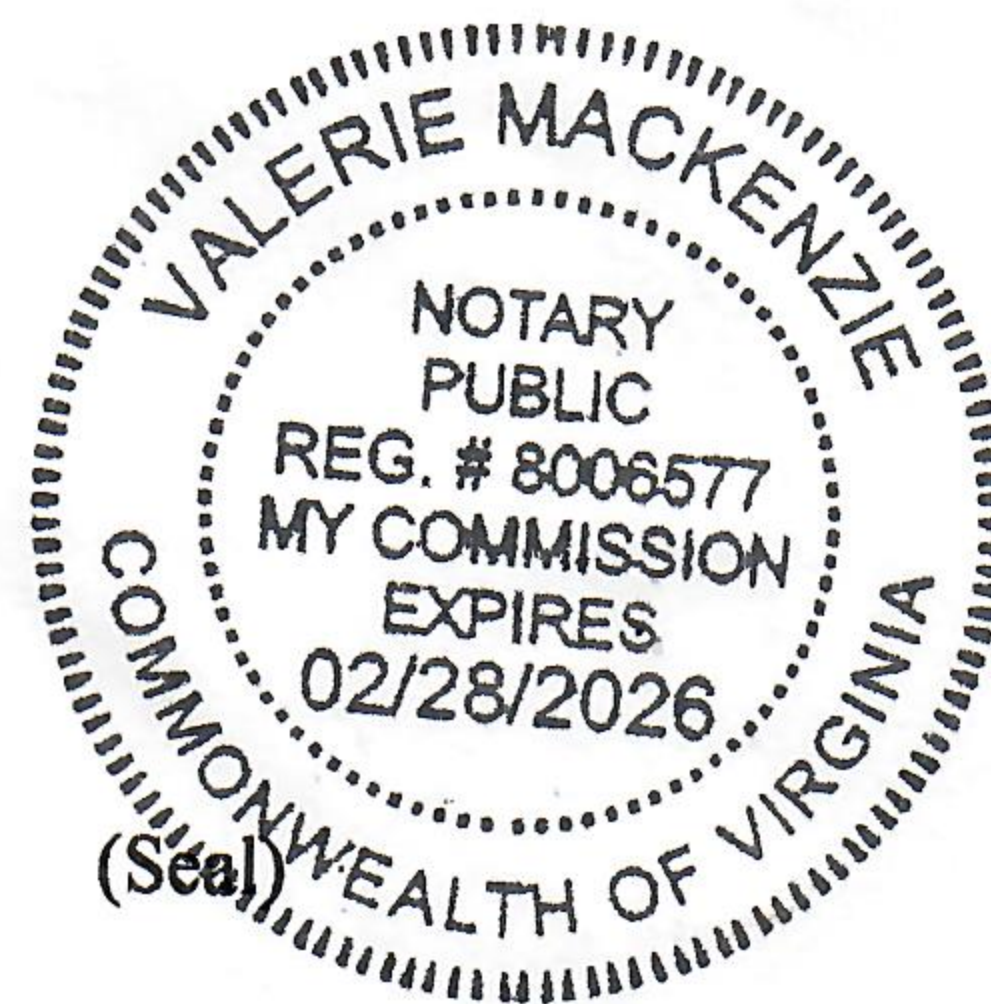
Given under my hand and seal of office this 27 day of September, 2022

Valerie Mackenzie
Notary Public's Signature

Chesterfield, Virginia
Location of Commission

Registration #: 8006577

Commission Expiration: 2/28/2026



Verification of Identity

☒ Driver's License or Govt./State Identification Card:

State: VA

Number: T6541-4035

☐ U. S. Passport:

Number: T23817624

☐ U. S. Military ID Card

☐ Social Security Card

☐ Birth Certificate

☐ Other: _____

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) Mr. JAMES JACKSON
034-04-0-5A

From: WESLEY A. + CASSANDRA G. WILLIAMS

Date: SEPT. 26, 2023

The following application will be submitted for review to the Lunenburg County Planning Office:

- ☐ Rezoning
- ☒ Conditional Use Permit
- ☐ Special Exception

Requested Use or Exception:

TO BUILD AN OUTDOOR PAVILION AND ALLOW THE USE/CONSUMPTION
OF ONLY BEER AND WINE COOLERS ON THE PROPERTY. REGULAR AND
HANICAP PORTA-TOHNS WILL BE PROVIDED. THE HOURS OF OPERATION MAY
VARY DEPENDING ON THE TYPE OF EVENT BEING HELD, BUT ALL EVENTS
MUST END AT 7:00PM ON SUN. - THUR AND 8:00 PM ON FRI AND SAT.

The application will be available for viewing at the Lunenburg County Planning Office. The Planning Office shall notify all adjacent property owner(s) of the time, day, and location of the public hearing(s) to be held on this application. Should you have questions and/or comments, please contact the Planning Office at 434.696.2142 or taylor@lunenburgva.net.

Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) MR. + MRS. GEORGE EDMONDS
034-0A-0-72C

From: WESLEY A. + CASSANDRA G. WILLIAMS

Date: SEPT. 26, 2022

The following application will be submitted for review to the Lunenburg County Planning Office:

- ☐ Rezoning
- ☒ Conditional Use Permit
- ☐ Special Exception

Requested Use or Exception:

TO BUILD AN OUTDOOR PAVILION AND ALLOW THE USE/CONSUMPTION
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Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) MR. JAMES TAYLOR
034-0A-0-72B

From: WESLEY A. + CASSANDRA G. WILLIAMS

Date: SEPT. 26, 2022

The following application will be submitted for review to the Lunenburg County Planning Office:

- ☐ Rezoning
- ☒ Conditional Use Permit
- ☐ Special Exception

Requested Use or Exception:

TO BUILD AN OUTDOOR PAVILION AND ALLOW THE USE/CONSUMPTION
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Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) MR. DAVID HARRIS
034-0A-0-71

From: WESLEY A. + CASSANDRA G. WILLIAMS

Date: SEPT. 26, 2023

The following application will be submitted for review to the Lunenburg County Planning Office:

- ☐ Rezoning
- ☒ Conditional Use Permit
- ☐ Special Exception

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Notification of Application Submittal to Adjacent Property Owners

To: Adjacent Property Owner of Parcel(s) Mr. JAMES SWEITZER
034-0A-0-69

From: WESLEY A. + CASSANDRA G. WILLIAMS

Date: SEPT. 26, 2022

The following application will be submitted for review to the Lunenburg County Planning Office:

- ☐ Rezoning
- ☒ Conditional Use Permit
- ☐ Special Exception

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**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

Sept. 16, 2022

**Mr. James Jackson
171 Jackson Dr.
Victoria, VA 23974**

Dear Mr. Jackson:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion. Porta-Johns will be provided for use. We will also request to be able to allow the use/consumption of beer and wine coolers on the property.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

Sept. 16, 2022

**Mr. & Mrs. George Edmonds
168 Jackson Dr.
Victoria, VA 23974**

Dear Mr. & Mrs. Edmonds:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion. Porta-Johns will be provided for use. We will also request to be able to allow the use/consumption of beer and wine coolers on the property.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

Sept. 16, 2022

**Mr. James Taylor
P. O. Box 553
Victoria, VA 23974**

Dear Mr. Taylor:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion. Porta-Johns will be provided for use. We will also request to be able to allow the use/consumption of beer and wine coolers on the property.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

Sept. 16, 2022

**Mr. David Harris
P. O. Box 638
Kenbridge, VA 23944**

Dear Mr. Harris:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion. Porta-Johns will be provided for use. We will also request to be able to allow the use/consumption of beer and wine coolers on the property.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

**WESLEY & CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

Sept. 16, 2022

**Mr. James Sweitzer
P. O. Box 814
Victoria, VA 23974**

Dear Mr. Sweitzer:

We, Wesley and Cassandra Williams, are the new owners of the Starlight Banquet Hall. We would like to inform the neighborhood that we are in the process of applying for a Conditional Use Permit to build an outdoor pavilion. Porta-Johns will be provided for use. We will also request to be able to allow the use/consumption of beer and wine coolers on the property.

Thanks For Your Cooperation,

Wesley & Cassandra Williams

Section 4
Applicant's Report
Section 8.3(b) of Lunenburg Zoning Ordinance

Every application for a Conditional Use Permit shall be accompanied by a report from the applicant describing the proposed Conditional Use and explaining the manner which it complies with the requirements and standards of this article.

The following questions address the basic issues. The Planning Commission and/or Board of Supervisors may request additional information.

- 1.) What type of use is being requested?

A CONDITIONAL USE PERMIT IS BEING REQUESTED. WE WANT TO BUILD AN OUTDOOR PAVILION TO HAVE OUTDOOR EVENTS AND ACTIVITIES FOR THE PUBLIC. WE ALSO WANT TO BE ABLE TO ALLOW THE USE/CONSUMPTION OF ONLY BEER AND WINE COOLERS ON THE PROPERTY.

- 2.) Describe how you plan to develop the property for the proposed use and any associated uses.

A. HAVE ADEQUATE PARKING

B. HAVE ADEQUATE LIGHTING

C. SECURITY AT ALL EVENTS + ACTIVITIES

D. WILL ADHERE TO NOISE ORDINANCE

E. PORTA-JOHN'S WILL BE PROVIDED - REGULAR AND HANDICAP ACCESSIBLE

F. WILL CUT DOWN TREES AND PLANT GRASS AROUND PAVILION

- 3.) Describe why the proposed use is desirable and appropriate for the area. What measures will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity?

SEE ATTACHED

Also, address the following:

- a. Details of Operations: THE PAVILION WILL BE USED BY THE OWNERS FOR EVENTS AND ACTIVITIES AS WELL AS A RENTAL PLACE FOR THE COMMUNITY AND SURROUNDING COUNTIES TO HAVE DIFFERENT EVENTS SUCH AS COOKOUTS AND WEDDINGS.
- b. Hours of Operation: SUN-THURS - 11:00am - 7:00pm FRI-SAT - 11:00am - 8:00pm
- c. Traffic: THERE WILL BE ADEQUATE PARKING FOR ALL EVENTS. THERE WILL ALSO BE PARKING ATTENDANTS AVAILABLE FOR ALL EVENTS.
- d. Noise: ALL OUTDOOR EVENTS MUST ADHERE TO THE NOISE ORDINANCE
- e. Dust/Smoke: THERE SHOULDN'T BE ANY DUST BECAUSE THE PARKING LOT IS PAVED AND PARKING WILL BE IN THE PARKING LOT AND GRASS. SMOKE MAY COME FROM THE GRILLS.
- f. Runoff: THERE WILL BE NO PROBLEM WITH RUNOFF.
- g. Intensity of Use: SEE ATTACHED
- h. Hazardous Materials: NO HAZARDOUS MATERIALS WILL BE ALLOWED ON PROPERTY
- i. Outside Storage: A STORAGE UNIT WILL BE RENTED TO STORE THE GRILLS AND TRASH CANS WHEN NOT IN USE
- 4.) Is the use location on a floodplain, wetland area, or dam break inundation zone? NO
- 5.) Are there any deed restrictions concerning the type of use proposed? If so, provide the date the said restrictions expire. NO

- 6.) Has a survey of the parcel(s) been conducted to include project parcel, property boundaries, existing roadways and structures, and adjoining parcels, as well as, the parcel owner? If so, is it included in the application packet? YES
- 7.) Has a site plan been included to note the information required on the survey, but also any new construction, parking, clearing, planting, etc.? YES
- 8.) Has a business plan been established? If so, please provide it with application submittal. NO
- 9.) Describe how the proposed project complies or refutes the goals and objectives noted in the Kenbridge-Victoria-Lunenburg Comprehensive Plan. This can be located the Lunenburg County, Virginia website.

SEE ATTACHED

Requirements for telecom site plans can be found in Section 22 Article III, items 22-81 thru 22-112 of the Lunenburg County Code.

**WESLEY AND CASSANDRA WILLIAMS
4543 WELFORD AVENUE
RICH., VA 23234
OFFICE (804) 231-3810
FAX (804) 231-9154**

SECTION 4

- 3. Describe why the proposed use is desirable and appropriate for the area. What measures will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity?**

The proposed use will be a benefit to the community and surrounding vicinity. The pavilion will be used as a rental place for the public to have different events such as cookouts, receptions, and weddings. It will be a safe and clean place to have events. The hours of operation for the pavilion will be different from the hours of operation for the Banquet Hall. The hours of operation for the pavilion will be 11:00am – 7:00pm on Sun. thru Thurs. and 11:00am – 8:00pm on Fri. and Sat. The hours of operation for the Banquet Hall will remain the same. Events occurring on Sun. thru Thurs. will end promptly at 10:00pm and events will end promptly at 1:00am on Fri. and Sat. There will be parking attendants at every event to make sure all vehicles are parked on the premises and not on the side of the road or on no one else's property. There will also be security at all events. No loud music will be played outside after dark. The entrance is paved, there is adequate lighting, the trees will be trimmed as needed and the grass will be kept cut. There won't be a problem with runoff. Porta-Johns will be provided for use. Handicap accessible porta-johns will also be provided.

- 3. g. Intensity of Use: The intensity of use of the pavilion will vary because we don't know how often the pavilion will be rented or how many people will be attending the events, but we the owners will be at every rented event to ensure everything is being run accordingly.**
- 9. Explain in detail how the proposal is or is not in compliance with the 2019-2024 Joint Comprehensive Plan for Kenbridge, Victoria, and Lunenburg.**

This proposal will be in compliance with the 2019-2024 Joint Comprehensive Plan.

The use of the pavilion should have an economic impact on the community. The business will be creating revenue by paying taxes. It will be a safe and clean place to have events. Everyone is welcome. The community and surrounding vicinity will be encouraged to rent the Banquet Hall or the pavilion for different events such as parties, weddings and receptions, funerals and repasses. Security will be at every event. There will be adequate parking and lighting. We would also like to have a community cookout at least twice a year where the community and surrounding vicinity can have a day of fun free of charge. It would be a way of saying "thank you" for supporting our business.

SECTION 5 GENERAL QUESTIONS

- A. Will the Banquet Hall be operating as described with the original Conditional Use Permit? If so, please specifically note what operations will be the same and what requirements are being requested to be amended.

The Banquet Hall will continue to be operating with the original Conditional Use Permit. It will be used for dances and as a rental to the public for different events such as parties, weddings and receptions, funerals and repasses. It will continue to be a safe and clean place to have events. The hours of operation may vary according to the type of event being held, but all events must end at 10 o'clock on Sun. thru Thurs. and on Fri. and Sat. events must end at 1 o'clock. There will continue to be parking attendants outside to make sure all parking is kept on the premises. Security will be at all events inside and outside of the building.

The only requirement that we're asking to be amended is the alcohol. We are asking to be able to allow the use/consumption of only beer and wine coolers on the property. If we are granted the beer and wine license, anyone that rents the facility will have to acquire their own license. No one would ever be allowed to use our license.

- B. Will any additional employees be hired? No
- C. Are you going to provide any food and/or beverages? If so, will you be complying with the conditions of the Virginia Health Department?

If we, the owners are having an event, we will be providing the food and beverages. Yes, we will always comply with the conditions of the VA Health Dept.
If someone else is renting one of the facilities, depending on the event that's being

held, they will provide their own food and beverages. No alcohol of anykind will be on the property as long as we don't have a license. We will also make sure who ever rents the facilities will comply with the conditions of the VA Health Dept.

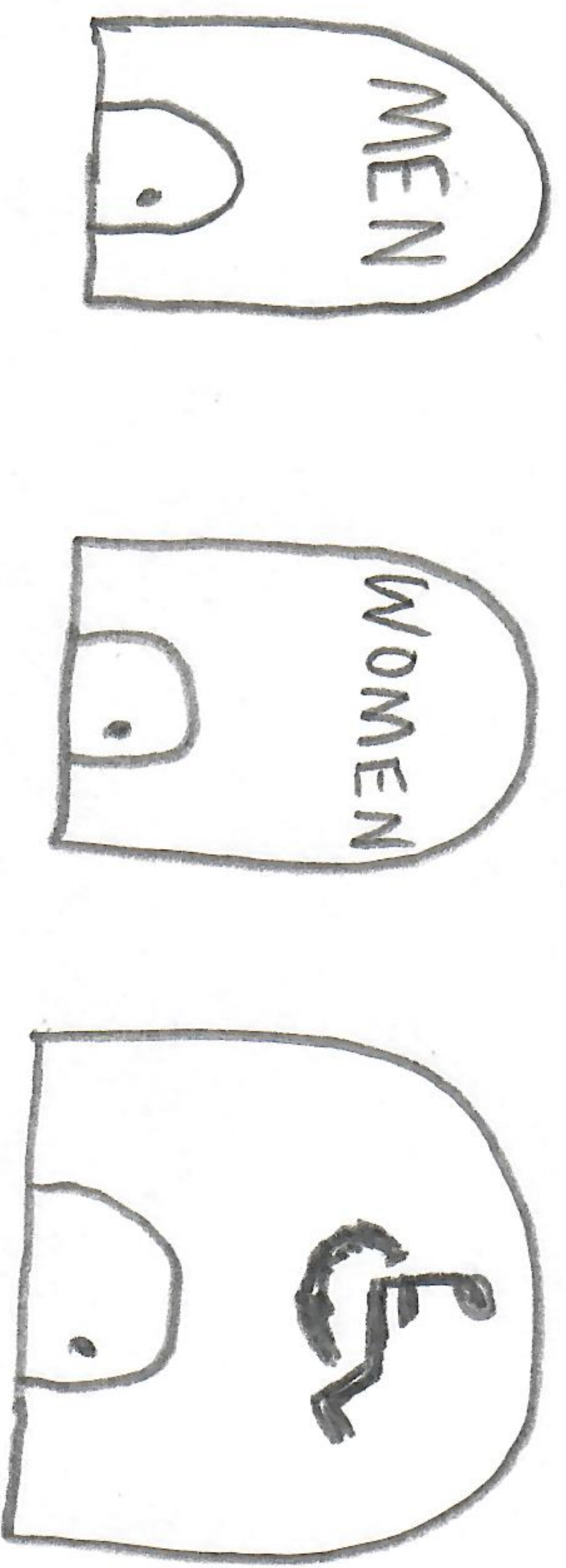
D. Will all Uniform Building Codes be followed? Yes

E. Will there be adequate parking available that does not involve encroaching on an adjoining property?

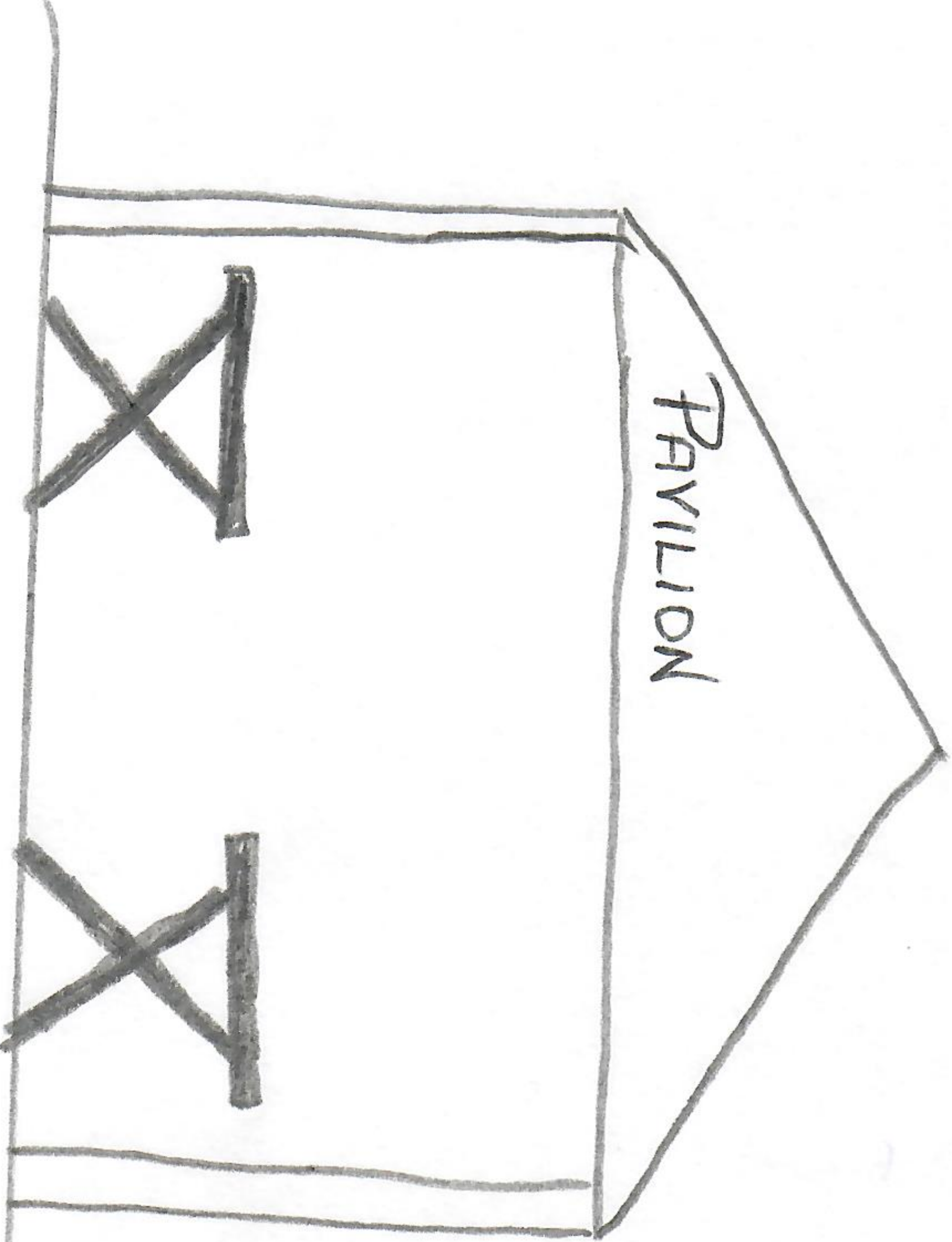
Yes, there's plenty of room for parking. There's a paved parking lot and if needed there's plenty of space to park on the grass. Attendants will be at every event to make sure that cars and other vehicles park on the premises and not on side of the road or on anyone else's property.

F. Will there be handicap accessible entrances, bathrooms, etc.?

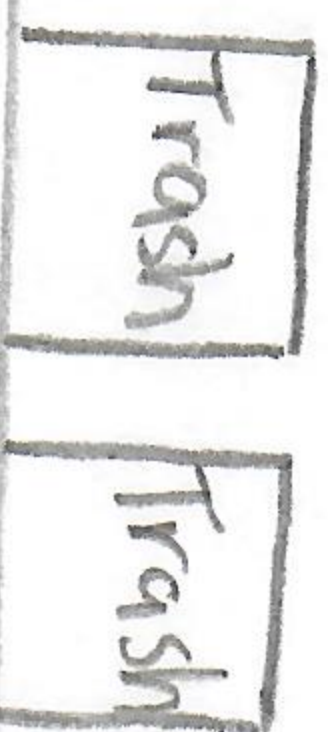
Yes, there are handicap parking spaces, handicap men and women stalls in the Banquet Hall, and handicap porta-johns will be available if we are approved for the pavilion. The pavilion will have ramps available for wheel chairs.



PORTA-JOHN 25 FT BEHIND PAVILION



TRASH CANS 10 FT FROM PAVILION



PAVILION 50 FT FROM STARLIGHT BANQUET HALL



CUP 4-21: Starlight
Banquet Hall Staff
Report, Conditions,
Approval Letter, and
Resolution approved
CUP by the Board of
Supervisors in June
2021

Planning Report

Case Number: CUP- 3-21

Applicants: Wesley and Cassandra Williams

Parcel Number: 034-0A-0-70

Owner of Record: Wesley and Cassandra Williams

Proposed Use: Renovating and reopening former 'Starlight Arena' to be utilized as an event hall available for rental, dances, parties, weddings, receptions, funerals, and/or repasses.

Location: 25 Jackson Drive, Victoria, VA 23974

Tax Information

Assessment and Status

Area: 7.45 acres

Current Land: \$36,200

Current Building: \$49,800

Current Improvements: N/A

Current Total: \$86,000

Property Description: A 7.45-acre parcel with building on the premises that was previously operated as 'Starlight Arena'. The building has a gravel lot to the front for entrance in the parking lot and access to the building. Entrance into the property is off of Route 40 onto Jackson Drive and then onto the premises of the property. There are 4 adjacent properties to the parcel in this proposal. Route 40 is to the South of the property, which provides access to the property. Sewer and water are present on the property with a well for water supply.

History of Property or Operation: The property has been previously utilized as the 'Starlight Arena', which was utilized in the same capacity, in which the applicants are requesting to utilize it for through this application. The CUP request for an event hall to serve as a dance hall and a rental for the following: parties, weddings, receptions, funerals and repasses.

Potential Impact of Proposed Use:

- Community Impact:
 - Adjacent Property: YES
 - Proximate Community: YES
- Infrastructure:
 - Schools: NO
 - Fire and EMS: POSSIBLE
 - Transportation: POSSIBLE
 - Community and Social Services: POSSIBLE
 - Criminal Justice: POSSIBLE

[Type here]

- Economic:
 - Community Enhancement: YES
 - Proving updates to the building and providing a location to be utilized by the community. Applicant, also, proposes a cookout at least twice a year as a community engagement event and to thank the community for supporting their business. The applicant reports that these cookouts would be free of charge.
 - Employment: YES
 - If the event hall is approved, the applicant advised that they will have part-time positions available for cooks, cashiers, security, maintenance, parking attendants and hostesses.
 - Other revenue: YES
 - Payment of taxes
- Environmental:
 - Soil Quality: N/A
 - Ground Water: N/A
 - Sewer: N/A
 - Solid Waste: N/A
 - HazMat: N/A
 - Air Quality: N/A
- The applicants were asked to address their proposition to ensure there is not a negative impact on the community through explanation of details of operation, hours of operation, traffic, noise, dust/smoke, runoff and intensity of use. The applicants report the details of operation is to function as a dance hall and rental facility. The reported hours of operation were noted as variant by the applicant by type of event being held. The applicant notes that events held Sunday through Thursday will end at 10:00 p.m. and events held on Saturday and Sunday ending at 2:00 a.m. Applicant proposes that through the utilization of parking attendants, it will be ensured that attendees are parking in the parking lot of the facility and the property of the applicant and not on the side of the road and adjacent property owner's parcels. Applicants propose the use of security inside and outside the facility. The applicants' proposal denies that loud music will be played outside at any time. In an effort to reduce dust from the vehicle entrance/exit, the applicant proposes the pavement of the entrance. In an effort to maintain the physical appearance of the building and premises, the applicant proposes the painting of the building, adequate lighting on the exterior, and trees and grass to be trimmed and maintained.
- The applicants have agreed to allow the Building Inspector conduct a walk-through of the facility to determine what modifications or renovations that need to be conducted to bring the structure to Building Code regulations.

Suggested Conditions of Approval:

Adhere to the fire code maximum occupancy of the building

[Type here]

Provide adequate room for fire and EMS to make entrance to the parking area, building and surrounding areas on the parcel and are able to exit the location. Also, allowing access to any adjacent properties.

Security on scene of the facility at all times of any function to control the crowd and physical and verbal violence inside and outside of the facility. If security is not present, then the event cannot occur.

Bring the building up to code within 45 days of the issuance of the conditional use permit.

Obtain event permits through the Lunenburg County Administration Office.

Comply with VDH rules and regulations and pass their inspection for the preparation and service of food from the facility.

Events on Fridays and Saturdays shall end promptly at 1:00 a.m.

Traffic plan be provided to Lunenburg County Sheriff's Department.

A limit of 12 events per month.

No overnight accommodations.

Must adhere to the noise ordinance.

Staff Recommendation:

Approval with the following conditions.

Planning Commission Recommendation:

BOARD OF SUPERVISORS

Charles R. Slayton, CHAIRMAN
Election District 4

Frank W. Bacon, VICE-CHAIRMAN
Election District 3

T. Wayne Hoover
Election District 1

Mike Hankins
Election District 2

Edward Pennington
Election District 5

Alvester L. Edmonds
Election District 6

Robert G. Zava
Election District 7



Lunenburg County Administration
11413 Courthouse Road
Lunenburg, VA 23952

Tracy M. Gee
County Administrator

Telephone: (434) 696-2142
Facsimile: (434) 696-1798

June 11, 2021

Mr. and Mrs. Wesley Williams
4543 Welford Avenue
Richmond, VA 23234

Re: CUP 3-21

Dear Mr. and Mrs. Williams,

At the Lunenburg County Board of Supervisors meeting on June 10, 2021, they approved your application, CUP 3-21, to operate, for the use defined as dance hall, 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 conditions for the approval of CUP 3-21 are as followed:

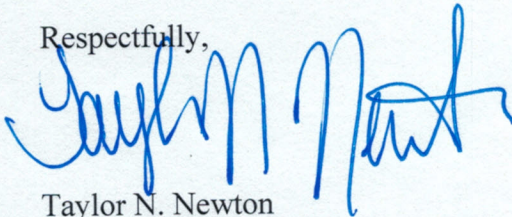
1. Adhere to the fire code maximum occupancy for the existing structure present on the parcel.
2. Provide adequate room for fire, EMS, and law enforcement (first responders) to enter and exit the facility, parking area, and/or remainder of the parcel. Also, ensuring adequate access to surrounding parcels/properties.
3. Security present at all times an event to control crowd, noise, and physical and/or verbal violence. Lack of security present should result in the ability to host the event.
4. The existing structure is required to meet Building Code and pass inspection prior to operation. All required building permits must be obtained.
5. Events with greater than one-hundred (100) people require an Event Permit to be obtained through the County Administration Office. Events with one-hundred (100) or less people do not require an Event Permit.
 - a. Failure to obtain permits, when required, will result in the suspension or revocation of the Conditional Use Permit.
6. Comply with Virginia Department of Health's (VDH) rules and regulations for Food Service Operations, including, but not limited to, passing any and all inspections, obtaining necessary permits, and comply with any other terms or conditions of the Virginia Department of Health (VDH).

- a. Provide verification of compliance to the Office of Planning and Economic Development.
7. Events occurring on Friday and Saturday nights are required to end promptly at 1:00 a.m. and those Sunday through Thursday are required to end promptly at 10:00 p.m.
8. Ingress, egress, and regress plans are required to be provided to the Lunenburg County Sheriff's Department within thirty (30) days prior to operation of the facility. The plans should be in accordance to the Virginia Department of Transportation rules and regulations.
 - a. Proof of compliance to be submitted to the Office of Planning and Economic Development.
9. A limit of twelve (12) events per month.
 - a. Provide a schedule of events, if requested from the Office of Planning and Economic Development.
10. No overnight accommodations.
11. Adhere to the Lunenburg County noise ordinance. (*Chapter 58, Article III, Sections 76 through 84 of the Lunenburg County Code.*)
12. No alcohol is permitted on the premises of tax parcel 034-0A-0-70.
13. The conditional use permit is limited to the applicants (Mr. Wesley and Mrs. Cassandra Williams) and does not run with the property.

Please retain a copy of this letter for your records.

If you have any questions or concerns, please do not hesitate to contact me at 434-696-2142 or taylor@lunenburgva.net.

Respectfully,



Taylor N. Newton
Director of Planning and Economic Development
County of Lunenburg
11413 Courthouse Road
Lunenburg, VA 23952
434-696-2142 (phone)
434-696-1798 (fax)
taylor@lunenburgva.net

CUP 5-22: Starlight
Banquet Hall Staff
Report

Planning Report

Case Number: CUP- 5-22

Applicants: Wesley and Cassandra Williams

Parcel Number: 034-0A-0-70

Owner of Record: Wesley and Cassandra Williams

Proposed Use: Amend CUP 3-21, which was approved in June of 2021 to build an outside pavilion, add Porta-Johns, and allow alcohol to be utilized on the premises.

Location: 25 Jackson Drive, Victoria, VA 23974

Tax Information

Assessment and Status

Area: 7.45 acres

Current Land: \$36,200

Current Building: \$49,800

Current Improvements: N/A

Current Total: \$86,000

Property Description: A 7.45-acre parcel with building on the premises that was previously operated as ‘Starlight Arena’. The building has a gravel lot to the front for entrance in the parking lot and access to the building. Entrance into the property is off of Route 40 onto Jackson Drive and then onto the premises of the property. There are 4 adjacent properties to the parcel in this proposal. Route 40 is to the South of the property, which provides access to the property. Sewer and water are present on the property with a well for water supply.

History of Property or Operation: The property has been previously utilized as the ‘Starlight Arena’, which was utilized in the same capacity, in which the applicants are requesting to utilize it for through this application. The CUP amendment requests the building a pavilion, adding Porta-Johns, and allowing alcohol to be consumed on the premises.

Potential Impact of Proposed Use:

- Community Impact:
 - Adjacent Property: YES
 - Proximate Community: YES
- Infrastructure:
 - Schools: NO
 - Fire and EMS: YES
 - Transportation: POSSIBLE
 - Community and Social Services: POSSIBLE
 - Criminal Justice: YES

- Economic:
 - Community Enhancement: YES
 - Providing updates to the building and providing a location to be utilized by the community. Applicant, also, proposes a cookout at least twice a year as a community engagement event and to thank the community for supporting their business. The applicant reports that these cookouts would be free of charge.
 - Employment: YES
 - If the event hall is approved, the applicant advised that they would have part-time positions available for cooks, cashiers, security, maintenance, parking attendants and hostesses.
 - Other revenue: YES
 - Payment of taxes
- Environmental:
 - Soil Quality: N/A
 - Ground Water: N/A
 - Sewer: N/A
 - Solid Waste: N/A
 - HazMat: N/A
 - Air Quality: N/A

Additional Information

- The applicants have returned following the approval of the initial application in June of 2021 to request an amendment to the CUP to build a pavilion, add Porta-Johns, and allow the consumption of alcohol on the premises. The applicants were asked to address their proposition to ensure there is not a negative impact on the community through explanation of details of operation, hours of operation, traffic, noise, dust/smoke, runoff, and intensity of use. The applicants report the details of operation is to function as a banquet hall and an outdoor rental facility.
 - The reported hours of operation for the existing structure were noted as varied by the applicant by type of event being held. The applicant notes that events held Sunday through Thursday will end at 10:00 p.m. and events held on Friday and Saturday ending at 1:00 a.m. The applicant proposes that through the utilization of parking attendants, it will ensure that attendees are parking in the parking lot of the facility and the property of the applicant and not on the side of the road and adjacent property owner's parcels. The applicants note that they use security inside and outside the facility as well as cameras. The applicants' proposal denies that loud music from the existing building will be played outside at any time. To reduce dust from the vehicle entrance/exit, the applicant has paved the entrance. To maintain the physical appearance of the building and premises, the applicant has the painted the outside of building, provided adequate lighting on the exterior, and the trees and grass have been trimmed and maintained.

- The report has previously noted that the applicant wishes to pursue the building of a pavilion, add Porta-Johns, and allow the consumption of alcohol on the premises.
 - The pavilion is requesting to be added to allow outdoor events and activities to be hosted and/or be rented for the previously noted use. The activities and events that are being requested in the outside pavilion are not limited to those who rent it, but also for the owners to host community events and/or events open to the public. The applicant denies that there will be any dust as the parking lot has been paved. They also note that the only smoke coming from the premises would be from the grills located under the pavilion. The applicant denies that there will be any hazardous materials on the premises. Additionally, the applicant notes that a storage unit will be rented to store the grills and trash cans when not in use. The applicant notes that the hours of operation for the pavilion will differ from the hours of operation of the banquet hall. The pavilion's hours of operation are proposed as followed: Sunday through Thursday 11:00 a.m. to 7:00 p.m. and Friday through Saturday 11:00 a.m. to 8:00 p.m. The proposal notes no loud music being played outside after dark. The events that could be held at the pavilion include, but are not limited to:
 - Weddings
 - Cookouts
 - Outdoor Events
 - Etc.
 - The applicant requests the addition of Porta-Johns. They will be to serve the attendees that are utilizing the outdoor pavilion and not the indoor banquet hall. The Porta-Johns will be handicap accessible.
 - The last amendment from CUP 3-21 is that the proposal allows for the use/consumption of only beer and wine coolers on the premises. The applicant notes that if they are permitted to allow the use/consumption of alcohol on the premises, any renter will be required to obtain their own ABC license. The property owners deny that the renters would be able to use the owner's license.
 - The applicant has expressed in previous phone conversations that the banquet hall has been difficult to rent out due to the use/consumption of alcohol being prohibited on the property.
- Additionally, the applicant denies that there will not be food prepared on site in a commercial kitchen; however, if the applicant opts to host their own event, they will be providing the food and beverages, but not in a manner that requires a commercial kitchen. The applicant notes that if the renter, depending on the type of event being hosted, will provide their own food and beverages. All food and beverages served on the premises will be required to follow the VA Health Department's requirements.
- The applicant accepts that all uniform building codes will be followed.
- The applicant requests all the same conditions for the banquet hall, aside from the prohibition of the use/consumption of alcohol on the premises.
- The applicant has provided documentation of the security firm being utilized for events.

Information Pertaining to Previously Approved CUP 3-21

Conditions of approval of the amendment negate CUP 3-21 conditions, which were approved in June of 2021. If approved, the conditions set-forth in this application will govern the requirements of the banquet hall and pavilion.

Suggested Conditions of Approval:

Adhere to the fire code maximum occupancy of the building

Provide adequate room for fire and EMS to make entrance to the parking area, building, pavilion, and surrounding areas on the parcel and can exit the location. Also, allowing access to any adjacent properties.

Security on scene of the facility at all times of any function to control the crowd and physical and verbal violence inside and outside of the facility. If security is not present, then the event cannot occur.

Obtain Event Permits/Event Venue License through the Lunenburg County Administration Office.

Comply with VDH rules and regulations and pass their inspection for the preparation and service of food from the facility.

Hours of operation for the **banquet hall** should be as followed: Monday through Thursday from 9:00 a.m. to 10:00 p.m., Friday through Saturday from 9:00 a.m. to 11:00 p.m., and Sunday from 11:00 a.m. to 10:00 p.m. An hour following the end of an event will be permitted for clean-up.

Hours of operation for the **pavilion** should be as followed: Sunday through Thursday from 11:00 a.m. to 7:00 p.m. and Friday through Saturday from 11:00 a.m. to 8:00 p.m. An hour following the end of an event will be permitted for clean-up.

No event shall last longer than two (2) days, not including set-up and take-down.

An annual traffic plan be provided to the Department of Planning and Economic Development.

No overnight accommodations.

Must adhere to the Lunenburg County Noise Ordinance (Section 58-79).

Adhere to the County's Event Permit/Event Venue Ordinance, if and/or when enacted.

Notification to the County Department of Planning and Economic Development no less than thirty (30) days prior when events of one hundred (100) or more people will be occurring, so the County can ensure that law enforcement, fire and EMS are notified and have adequate staffing.

Receive approval from neighbors to host events, which allow for the consumption of alcohol—approval must be written and notarized.

Report all tangible property to the Commissioner of Revenue no later than the 31st of January of each year.

To allow the use/consumption of alcohol to include only beer and wine coolers.

Options of the Commission

1. I move that CUP 5-22: Starlight Banquet Hall, as described in the Conditional Use Permit application, **be approved** with conditions listed above and/or any added or removed by the Commission. Failure to comply with the conditions noted and required will result in the revocation of the Conditional Use Permit.
2. I move that CUP 5-22: Starlight Banquet Hall, as described in the Conditional Use Permit application, **be denied** because: (explanation)

3. I move that the Planning Commission **defer a decision** on CUP 5-22: Starlight Banquet Hall, as described in the Conditional Use Permit application, until the Planning Commission meeting scheduled to begin at 7:00 p.m. on _____, in the 2nd Floor Courtroom of the Lunenburg Courts Building.

Planning Report

Case Number: CUP- 5-22

Applicants: Wesley and Cassandra Williams

Parcel Number: 034-0A-0-70

Owner of Record: Wesley and Cassandra Williams

Proposed Use: Amend CUP 3-21, which was approved in June of 2021, to build an outside pavilion, add Porta-Johns, allow alcohol to be utilized on the premises, and to operate as an Event Venue.

Location: 25 Jackson Drive, Victoria, VA 23974

Tax Information

Assessment and Status

Area: 7.45 acres

Current Land: \$36,200

Current Building: \$49,800

Current Improvements: N/A

Current Total: \$86,000

Property Description: A 7.45-acre parcel with building on the premises that was previously operated as 'Starlight Arena'. The building has a gravel lot to the front for entrance to the parking lot and access to the building. Entrance into the property is off Route 40 onto Jackson Drive and then onto the premises of the property. There are 4 adjacent properties to the parcel in this proposal. Route 40 is to the South of the property, which provides access to the property. Sewer and water are present on the property with a well for water supply.

History of Property or Operation: The property has been previously utilized as the 'Starlight Arena', which was utilized in a similar capacity in which the applicants are requesting to utilize it for through this application. However, the former owner operated the property as a club or bar, and not solely for event space rental. The CUP amendment requests to build an outside pavilion, add Porta-Johns, allow alcohol to be utilized on the premises, and to operate as an Event Venue.

Potential Impact of Proposed Use:

- Community Impact:
 - Adjacent Property: YES
 - Proximate Community: YES
- Infrastructure:
 - Schools: NO
 - Fire and EMS: YES
 - Transportation: POSSIBLE
 - Community and Social Services: POSSIBLE

- Criminal Justice: YES
- Economic:
 - Community Enhancement: YES
 - Providing updates to the building and providing a location to be utilized by the community. Applicant also proposes a cookout at least twice a year as a community engagement event and to thank the community for supporting their business. The applicant reports that these cookouts would be free of charge.
 - Employment: YES
 - If the event hall is approved, the applicant advised that they would have part-time positions available for cooks, cashiers, security, maintenance, parking attendants and hostesses.
 - Other revenue: YES
 - Payment of taxes
- Environmental:
 - Soil Quality: N/A
 - Ground Water: N/A
 - Sewer: N/A
 - Solid Waste: N/A
 - HazMat: N/A
 - Air Quality: N/A

Additional Information

- The applicants have returned following the approval of the initial application in June of 2021 to request an amendment to the CUP to build a pavilion, add Porta-Johns, and allow the consumption of alcohol on the premises. The applicants were asked to address their proposition to ensure there is not a negative impact on the community through explanation of details of operation, hours of operation, traffic, noise, dust/smoke, runoff, and intensity of use. The applicants report the details of operation is to function as a banquet hall and an outdoor rental facility.
 - The reported hours of operation for the existing structure were noted as varied by the applicant by type of event being held. The applicant notes that events held Sunday through Thursday will end at 10:00 p.m. and events held on Friday and Saturday ending at 1:00 a.m. The applicant proposes that through the utilization of parking attendants, it will ensure that attendees are parking in the parking lot of the facility and the property of the applicant and not on the side of the road and adjacent property owner's parcels. The applicants note that they use security inside and outside the facility as well as cameras. The applicants' proposal denies that loud music from the existing building will be played outside at any time. To reduce dust from the vehicle entrance/exit, the applicant has paved the entrance. To maintain the physical appearance of the building and premises, the applicant

has painted the outside of the building, provided adequate lighting on the exterior, and the trees and grass have been trimmed and maintained.

- The report has previously noted that the applicant wishes to pursue the building of a pavilion, add Porta-Johns, and allow the consumption of alcohol on the premises.
 - The pavilion is requesting to be added to allow outdoor events and activities to be hosted and/or be rented for the previously noted use. The activities and events that are requested in the outside pavilion are not limited to those who rent it, but also for the owners to host community events and/or events open to the public. The applicant denies that there will be any dust as the parking lot has been paved. They also note that the only smoke coming from the premises would be from the grills located under the pavilion. The applicant denies that there will be any hazardous materials on the premises. Additionally, the applicant notes that a storage unit will be rented to store the grills and trash cans when not in use. The applicant notes that the hours of operation for the pavilion will differ from the hours of operation of the banquet hall. The pavilion's hours of operation are proposed as follows: Sunday through Thursday 11:00 a.m. to 7:00 p.m. and Friday through Saturday 11:00 a.m. to 8:00 p.m. The proposal notes no loud music being played outside after dark. The events that could be held at the pavilion include, but are not limited to:
 - Weddings
 - Cookouts
 - Outdoor Events
 - Etc.
 - The applicant requests the addition of Porta-Johns. They will be serving the attendees that are utilizing the outdoor pavilion and not the indoor banquet hall. The Porta-Johns will be handicap accessible.
 - The last amendment from CUP 3-21 is that the proposal allows for the use/consumption of only beer and wine coolers on the premises. The applicant notes that if they are permitted to allow the use/consumption of alcohol on the premises, any renter will be required to obtain their own ABC license. The property owners deny that the renters would be able to use the owner's license.
 - The applicant has expressed in previous phone conversations that the banquet hall has been difficult to rent out due to the use/consumption of alcohol being prohibited on the property.
- Additionally, the applicant denies that there will be food prepared on site in a commercial kitchen; however, if the applicant opts to host their own event, they will be providing the food and beverages, but not in a manner that requires a commercial kitchen. The applicant notes that if the renter, depending on the type of event being hosted, will provide their own food and beverages. All food and beverages served on the premises will be required to follow the VA Health Department's requirements.
- The applicant accepts that all uniform building codes will be followed.
- The applicant requests all the same conditions for the banquet hall, aside from the prohibition of the use/consumption of alcohol on the premises.

- The applicant has provided documentation of the security firm being utilized for events.

Information Pertaining to Previously Approved CUP 3-21

Conditions of approval of the amendment negate CUP 3-21 conditions, which were approved in June of 2021. If approved, the conditions set forth in this application will govern the requirements of the banquet hall and pavilion.

Suggested Conditions of Approval:

Adhere to the fire code maximum occupancy of the building

Provide adequate room for fire and EMS to make entrance to the parking area, building, pavilion, and surrounding areas on the parcel and can exit the location. Also, allowing access to any adjacent properties.

Security on scene of the facility at all times of any function to control the crowd and physical and verbal violence inside and outside of the facility. If security is not present, then the event cannot occur.

Comply with VDH rules and regulations and pass their inspection for the preparation and service of food from the facility, if the applicant pursues a commercial kitchen.

The hours of operation for the **banquet hall** should be as follows: Monday through Thursday from 9:00 a.m. to 10:00 p.m., Friday through Saturday from 9:00 a.m. to 11:00 p.m., and Sunday from 11:00 a.m. to 10:00 p.m. An hour following the end of an event will be permitted for clean-up.

The hours of operation for the **pavilion** should be as follows: Sunday through Thursday from 11:00 a.m. to 7:00 p.m. and Friday through Saturday from 11:00 a.m. to 8:00 p.m. An hour following the end of an event will be permitted for clean-up.

No overnight accommodation.

Must adhere to the Lunenburg County Noise Ordinance (Section 58-79).

Adhere to Lunenburg County's Event Permit/Event Venue Ordinance.

Notification to the County Department of Planning and Economic Development no less than thirty (30) days prior when events of one hundred (100) or more people will be occurring, so the County can ensure that law enforcement, fire and EMS are notified and have adequate staffing.

Receive approval from neighbors to host events, which allow for the consumption of alcohol—approval must be written and notarized.

To allow the use/consumption of alcohol to include only beer and wine coolers.

Options of the Commission

1. I move that CUP 5-22: Starlight Banquet Hall (amended to Event Venue), as described in the Conditional Use Permit application, **be approved** with conditions listed above and/or any added or removed by the Commission. Failure to comply with the conditions noted and required will result in the revocation of the Conditional Use Permit.

2. I move that CUP 5-22: Starlight Banquet Hall (amended to Event Venue), as described in the Conditional Use Permit application, **be denied** because: (explanation)

3. I move that the Planning Commission **defer a decision** on CUP 5-22: Starlight Banquet Hall (amended to Event Venue), as described in the Conditional Use Permit application, until the Planning Commission meeting scheduled to begin at 7:00 p.m. on

_____, in the 2nd Floor Courtroom of the Lunenburg Courts Building.

Public Comments
Received

FOR Payton **Urgent** ☐
DATE 10-19-22 TIME 10:36

While You Were Out

M Christine Watkins

OF 676-9850

PHONE Palmer

CELL Starlight

FAX Area

Message

It's all fine -
- with her

she won't be attending
a meeting but please
let the PC know that
she approves

A471
T-3002
SIGNED [Signature]

THOMAS FUNERAL HOME

P.O. Box 650/Highway 40 West

Kenbridge, VA. 23944

Tel: 434-676-1256

"Your interest is the heart of our business"

10/24/2022

ms, Taylor Newton

Director of Planning and Economic Development

Lunenburg Courthouse

11413 Courthouse Road

Lunenburg, VA 23952

Reference# CUP 5-22

Dear Taylor Newton,

It is my pleasure to recommend Wesley Williams as a candidate worthy of obtaining his ABC license in the county of Lunenburg, VA. I am a local Funeral Director, and I came to know Wesley more than 30 years ago when I contracted him to do work for me.

While Wesley has been very successful with his paving, snow removal, and gravel business, he wants to diversify his portfolio by offering more options to his customers. At a personal level, Wesley is a well-disciplined, industrious, entrepreneur. He has a very successful business and is a well-respected member of his community.

Wesley is unquestionably an exceptional candidate for obtaining his ABC license, and he has my highest recommendation. If I can be of any further assistance, or provide you with any further information, please do not hesitate to contact me.

Yours sincerely,

Charles E. Thomas

Charles E. Thomas, Funeral Director

Rev. Dr. Irene B. Allen
240 West Second Avenue
Kenbridge, Va. 23944

November 2, 2022

To the Planning Commission of Lunenburg County, VA.

I had planned on being present tonight to speak on behalf of Mr. Wesley Williams regarding his application to acquire an ABC license for his establishment identified as the Starlight Arena located at 33 Jackson Dr. Victoria, Va. 23974. Unfortunately, a pressing obligation has arisen, and I cannot be present. However, I am asking that the Planning Commission will read my opinion on this matter.

I am a Baptist Pastor in Nottoway County VA. Mr. Wesley Williams is one of my congregants. He has informed me that he is seeking to obtain a liquor and beer license for his public establishment heretofore identified as the Starlight Arena in Victoria. He has asked me to speak on his behalf concerning this matter.

Firstly, I am neither pro nor con regarding alcohol beverages being sold or served at a public establishment. However, for my own personal reasons, I choose not to engage in alcohol consumption nor the selling of alcoholic beverages. But this meeting is not about my personal choices. After talking with Mr. Williams I gathered that the hearing is to determine whether or not the Planning Commission thinks that he is capable of maintaining the safe sale and serving of alcoholic beverages on his premises.

Secondly, I believe Mr. Williams is trustworthy enough to sell alcoholic beverages on his premises. As someone who has known Mr. Williams most of his life and now serves as his pastor, I conclude that he is capable of maintaining a safe, proper and legal environment for the selling and/or serving of alcoholic beverages. I do not know exactly what type of values are expected from a business owner who is seeking a liquor and beer license. However, I would like to offer one insight on the character of Mr. Williams. He is and always has been an honest and law-abiding citizen. And I truly believe he will diligently conduct his business in respect to all State Regulations regarding the selling and serving of alcoholic beverages as owner of the Starlight Arena.

Respectfully Yours,
Rev. Dr. Irene B. Allen
240 West Second Avenue
Kenbridge, Virginia 23944
434-676-1270

Other Business

Event Venue
Ordinance and
Amendments to
the Event Permit
Ordinance

- At the November 10th, 2022, Board of Supervisors meeting, the Board approved and adopted the Event Venue Ordinance and the Amendments to the Event Permit Ordinance.

Letters have been sent to those business that would be classified under the Event Venue definition.

Cell Tower Ordinance

ARTICLE III. - SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES

FOOTNOTE(S):

⁽¹³⁾ **Editor's note**— An ordinance adopted Dec. 13, 2001, enacted new provisions which in effect superseded provisions formerly set out as art. III of this chapter. Former art. III, §§ 22-81—22-96, pertained to telecommunications towers and antennas and derived from Ord. No. 01-98, adopted March 12, 1998. The provisions of §§ 1—34 of the ordinance adopted Dec. 13, 2001, have been included herein as a new art. III, §§ 22-81—22-114, at the editor's discretion.

⁽¹³⁾ **Cross reference**— Cable communications, ch. 30; zoning, app. A.

Sec. 22-81. - Purpose and legislative intent.

The Telecommunications Act of 1996 affirmed the county's authority concerning the placement, construction, and modification of wireless telecommunications facilities. The board of supervisors of the county finds that wireless telecommunications facilities may cause a unique impact to the health, safety, public welfare and environment of the county and its inhabitants. The county also recognizes that facilitating the development of wireless service technology can be an economic development asset to the county and of significant benefit to the county and its residents. In order to ensure that the placement, construction or modification of wireless telecommunications facilities is consistent with the county's land use policies, the county is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this article is to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the county.

(Ord. of 12-13-01, § 1)

Sec. 22-82. - Title.

This article may be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance for Lunenburg County."

(Ord. of 12-13-01, § 2)

Sec. 22-83. - Severability.

- (a) If any word, phrase, sentence, part, section, subsection, or other portion of this article or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this article, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- (b) Any special use permit issued under this article shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent

authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the county board.

(Ord. of 12-13-01, § 3)


Sec. 22-84. - Definitions.

For purposes of this article, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

Accessory facility or structure means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Applicant means any person submitting an application to the county for a special use permit for wireless telecommunications facilities.

Application means the form approved by the board, together with all necessary and appropriate documentation that an applicant submits in order to receive a special use permit for wireless telecommunications facilities.

Antenna means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS),  microwave telecommunications.

Board means the board of supervisors of the county.

Collocation means the use of the same telecommunications tower or structure to carry two or more antennae for the provision of wireless services by two or more persons or entities.

Commercial impracticability or *commercially impracticable* means the inability to perform an act on terms that are reasonable in commerce. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not be considered "commercial impracticability" and shall not render an act or the terms of an agreement "commercially impracticable".

Commonwealth means the Commonwealth of Virginia.

Completed application means an application that contains all information and/or data necessary to enable the board to evaluate the merits of the application, and to make an informed decision with respect to the effect and impact of wireless telecommunications facilities on the county in the context of the permitted land use for the particular location requested.

County means Lunenburg County, Virginia.

Direct-to home satellite services or *direct broadcast service* or *DBS* means only programming transmitted or broadcast by satellite directly to subscribers' premises without the use of ground receiving equipment, except at the subscribers' premises or in the uplink process to the satellite.

EPA means the state and/or Federal Environmental Protection Agency or its duly assigned successor agency.

FAA means the Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC means the Federal Communications Commission, or its duly designated and authorized successor agency.

Free standing tower means a tower that is not supported by guy wires and ground anchors or other means of attached or external support.

Height means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna.

NIER means non-ionizing electromagnetic radiation.

Person means any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons having a joint common interest, or any other entity.

Personal wireless facility. See definition for wireless telecommunications facilities.

Personal wireless services or *PWS* or *personal telecommunications service* or *PCS* shall have the same meaning as defined and used in the 1996 Telecommunications Act.

Telecommunication site. See definition for "wireless telecommunications facilities."

Special use permit means the official document or permit by which an applicant is allowed to construct and use wireless telecommunications facilities as granted or issued by the county.

Telecommunications means the transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications structure means a structure used in the provision of services described in the definition of wireless telecommunications facilities.

Temporary means in relation to all aspects and components of this article, something intended to, or that does, exist for fewer than 90 days.

Wireless telecommunications facilities or *telecommunications tower* or *telecommunications site* or *personal wireless facility* means a structure, facility or location designed, or intended to be used as, or used to support, antennas. It includes without limit, free standing towers, guyed towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multistory building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave telecommunications, but excluding those used exclusively for the county's fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.

(Ord. of 12-13-01, § 4)

Sec. 22-85. - Overall policy and desired goals for special use permits for wireless telecommunications facilities.


In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protects the county's health, safety, public welfare, environmental features and other aspects of the quality of life specifically listed elsewhere in this article, the county board hereby adopts an overall policy with respect to a special use permit for wireless telecommunications facilities for the express purpose of achieving the following goals:


- (1) Implementing an application process for person(s) seeking a special use permit for wireless telecommunications facilities;
- (2) Establishing a policy for examining an application for and issuing a special use permit for wireless telecommunications facilities that is both fair and consistent.
- (3) Establishing reasonable time frames for granting or not granting a special use permit for wireless telecommunications facilities, or recertifying or not recertifying, or revoking the special use permit granted under this article.
- (4) Promoting and encouraging, wherever possible, the sharing and/or collocation of wireless telecommunications facilities among service providers;
- (5) Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner as to minimize adverse aesthetic impacts to the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities.

(Ord. of 12-13-01, § 5)

Sec. 22-86. - Special use permit application and other requirements.

- (a) All applicants for a special use permit for wireless telecommunications facilities or any modification of such facility shall comply with the requirements set forth in this section. The board is the officially designated agency or body of the community to whom applications for a special use permit for wireless telecommunications facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special use permits for wireless telecommunications facilities. The board may at its discretion delegate or designate other official agencies of the county to accept, review, analyze, evaluate and make recommendations to the board with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for wireless telecommunications facilities.
- (b) An application for a special use permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the board, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.
- (c) Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the board.
- (d) The applicant shall include a statement in writing:

- (1) That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the board in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable county, commonwealth and federal laws, rules, and regulations;
 - (2) That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the commonwealth.
- (e) No wireless telecommunications facilities shall be installed or constructed until the site plan is reviewed and approved by the board, and the special use permit has been issued.
- (f) All applications for the construction or installation of new wireless telecommunications facilities shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the commonwealth. Where this section calls for certification, such certification shall be by a qualified professional engineer acceptable to the county, licensed in the commonwealth. The application shall include, in addition to the other requirements for the special use permit, the following information: 
- (1) Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily within the county;
 - (2) Name, address and phone number of the person preparing the report;
 - (3) Name, address, and phone number of the property owner, operator, and Applicant, to include the legal form of the applicant;
 - (4) Postal address and tax map parcel number of the property;
 - (5) Zoning district or designation in which the property is situated;
 - (6) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
 - (7) Location of nearest residential structure;
 - (8) Location of nearest habitable structure;
 - (9) Location, size and height of all structures on the property which is the subject of the application;
 - (10) Location, size and height of all proposed and existing antennae and all appurtenant structures;
 - (11) Type, locations and dimensions of all proposed and existing landscaping, and fencing;
 - (12) The number, type and design of the telecommunications tower(s) antenna(s) proposed and the basis for the calculations of the telecommunications tower's capacity to accommodate multiple users;
 - (13) The make, model and manufacturer of the tower and antenna(s);
 - (14) A description of the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - (15) The frequency, modulation and class of service of radio or other transmitting equipment;
 - (16) Transmission and maximum effective radiated power of the antenna(s);

- (17) Direction of maximum lobes and associated radiation of the antenna(s);
 - (18) Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC;
 - (19) Certification that the proposed antenna(s) will not cause interference with existing telecommunications devices, though the certifying engineer need not be approved by the county;
 - (20) A copy of the FCC  nse applicable for the use of wireless telecommunications facilities;
 - (21) Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed wireless telecommunications facilities on the proposed site, though the certifying engineer need not be approved by the county;
 - (22) Propagation studies of the proposed site and all adjoining planned, proposed, inservice or existing sites;
 - (23) Applicant shall disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new telecommunication tower that it constructs.
- (g) In the case of a new telecommunication tower, the applicant shall be required to submit a written report demonstrating its efforts to secure shared use of existing telecommunications tower(s) or use of existing buildings or other structures within the county. Copies of written requests and responses for shared use shall be provided to the board.
- (h) The applicant shall furnish written certification that the telecommunication facility, foundation and attachments are designed and will be constructed to meet all local, county, commonwealth and federal structural requirements for loads, including wind and ice loads.
- (i) The applicant shall furnish written certification that the wireless telecommunications facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- (j) The applicant shall furnish a visual impact assessment which shall include:
- (1) A "zone of visibility map" which shall be provided in order to determine locations where the tower may be seen.
 - (2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the county, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.
 - (3) An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.
- (k) Any and all representations made by the applicant to the board, on the record, during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the board.
- (l) The applicant shall, in a manner approved by the board, demonstrate and provide in writing and/or by

drawing how it shall effectively screen from view its proposed wireless telecommunications facilities base and all related facilities and structures.

- (m) All utilities at a wireless telecommunications facilities site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the county, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The board may waive or vary the requirements of underground installation of utilities whenever, in the opinion of the board, such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.
- (n) All wireless telecommunications facilities shall contain a demonstration that the facility be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the wireless telecommunications facilities sites.
- (o) Both the wireless telecommunications facility and any and all accessory or associated facilities shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as required by the county.
- (p) At a telecommunications site, an access road, turn around space, and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- (q) A person who holds a special use permit for wireless telecommunications facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless telecommunications facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the county, commonwealth, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- (r) A holder of a special use permit granted under this article shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the county or other governmental entity or agency having jurisdiction over the applicant.
- (s) An applicant shall submit to the county the number of completed applications determined to be needed at the pre-application meeting. Written notification of the application shall be provided to the legislative body of all adjacent municipalities and to the county planning department.
- (t) The applicant shall examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for at least ~~five~~ ^{two} additional commercial applications, for example, future collocations. The scope of this examination shall be determined by the board. The telecommunications

tower shall be structurally designed to accommodate at least ~~five~~ **two** additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. **The telecommunications tower shall be structurally designed to accommodate the county emergency services antenna requirements. (At or shortly after the pre-application meeting, the county will provide the required antenna configuration to the applicant. There will be no cost to the county for placing its emergency services antennas on the tower.)** These requirements may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the telecommunications tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:

- (1) The foreseeable number of FCC licenses available for the area;
 - (2) The kind of wireless telecommunications facilities site and structure proposed;
 - (3) The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;
 - (4) Available space on existing and approved telecommunications towers.
- (u) The applicant shall submit to the board a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers in the future. This letter shall be filed with the board. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the special use permit. The letter shall commit the new tower owner and their successors in interest to:
- (1) Respond within 60 days to a request for information from potential shared-use applicant;
 - (2) Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;
 - (3) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (v) Unless waived by the board, there shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. A pre-application meeting may also include a site visit if required. Costs of the county's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.
- (w) The holder of a special use permit shall notify the county of any intended modification of a wireless telecommunication facility and shall apply to the county to modify, relocate or rebuild a wireless telecommunications facility.
- (x) In order to better inform the public, in the case of a new telecommunication tower, the applicant shall prior to the public hearing on the application, hold a "balloon test" as follows: Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot diameter brightly colored balloon at the maximum height of the proposed new tower. The dates, (including a second date, in case of poor visibility

on the initial date) times and location of this balloon test shall be advertised, by the applicant, at seven and 14 days in advance of the first test date in a newspaper with a general circulation in county and agreed to by the board. The applicant shall inform the board, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least eight consecutive hours sometime between 7:00 am and 4:00 pm of the dates chosen. The primary date shall be on a week-end, but the second date, in case of poor visibility on the initial date, may be on a week day.

- (y) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the telecommunications tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines, that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

(Ord. of 12-13-01, § 6)

Sec. 22-87. - Location of wireless telecommunications facilities.

- (a) Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, one being the highest priority and four being the lowest priority.
 - (1) On existing telecommunications towers or other tall structures;
 - (2) Collection on a site with existing wireless telecommunications facilities or structures;
 - (3) On county-owned properties;
 - (4) On other property in the county.
- (b) If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- (c) An applicant may not by-pass sites of higher priority by stating the site presented is the only site leased or selected. An application shall address collocation as an option and if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of commercial impracticability or hardship.
- (d) Notwithstanding the above, the board may approve any site located within an area in the above list of priorities, provided that the board finds that the proposed site is in the best interest of the health, safety and welfare of the county and its inhabitants.
- (e) The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If the site selected is not

the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.

- (f) The applicant shall, in writing, identify and disclose the number and locations of any additional sites that the applicant has been, is, or will be considering, reviewing or planning for wireless telecommunications facilities in the county, and all municipalities adjoining the county, for a two-year period following the date of the application.
- (g) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the board may disapprove an application for any of the following reasons:
 - (1) Conflict with safety and safety-related codes and requirements;
 - (2) Conflict with traffic needs or traffic laws, or definitive plans for changes in traffic flow or traffic laws;
 - (3) Conflict with the historic nature of a neighborhood or historical district;
 - (4) The use or construction of wireless telecommunications facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 - (5) The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the county, or employees of the service provider or other service providers;
 - (6) Conflicts with the provisions of this article.

(Ord. of 12-13-01, § 7)

Sec. 22-88. - Shared use of wireless telecommunications facilities and other structures.

- (a) Shared use of existing wireless telecommunications facilities shall be preferred by the county, as opposed to the proposed construction of a new telecommunications tower. Where such shared use is unavailable, location of antennas on other pre-existing structures shall be considered and preferred. The applicant shall submit a comprehensive report inventorying existing towers and other appropriate structures within four miles of any proposed new tower site, unless the applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.
- (b) An applicant intending to share use of an existing telecommunications tower or other structure shall be required to document the intent of the existing owner to share use. In the event of an application to share the use of an existing telecommunications tower does not increase the height of the telecommunications tower, the board shall waive such requirements of the application required by this article as may be for good cause shown.
- (c) Such shared use shall consist only of the minimum antenna array technologically required to provide service within the county, to the extent practicable, unless good cause is shown.

(Ord. of 12-13-01, § 8)

Sec. 22-89. - Height of telecommunications tower(s).

- (a) The applicant shall submit documentation justifying to the board the total height of any

telecommunications tower, facility and/or antenna and the basis therefor. Such justification shall be to provide service within the county, to the extent practicable, unless good cause is shown.

- (b) Telecommunications towers shall be no higher than the minimum height necessary. Unless waived by the board upon good cause shown, the maximum height shall be 140 feet, based on ~~six~~ ^{three} collocated antenna arrays and an ambient tree height of 80 feet.
- (c) The maximum height of any telecommunications tower and attached antennas constructed after the effective date of this article shall not exceed that which shall permit operation without artificial lighting of any kind, in accordance with municipal, county, state, and/or any federal statute, law, local law, ordinance, code, rule or regulation.

(Ord. of 12-13-01, § 9)

Sec. 22-90. - Visibility of wireless telecommunications facilities.

- (a) Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by federal regulation or this article.
- (b) Telecommunications towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the board, ~~or as required by federal regulation~~, and shall be maintained in accordance with the requirements of this article.
- (c) If lighting is required, applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the wireless telecommunications facilities are located.

(Ord. of 12-13-01, § 10)

Sec. 22-91. - Security of wireless telecommunications facilities.

All wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically, as follows:

- (1) All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and
- (2) Transmitters and telecommunications control points must be installed such that they are readily accessible only to persons authorized to operate or service them.

(Ord. of 12-13-01, § 11)

Sec. 22-92. - Signage.

Wireless telecommunications facilities shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone

number(s). The sign shall be on the equipment shelter or shed of the applicant and be visible from the access point of the site and must identify the equipment shelter of the applicant. The sign shall not be lighted unless the board shall have allowed such lighting or unless such lighting is required by applicable provisions of ordinance. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by ordinance.

(Ord. of 12-13-01, § 12)

Sec. 22-93. - Lot size and setbacks.

All proposed wireless telecommunications facilities shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the wireless telecommunications facility or the existing setback requirements of the underlying zoning district, whichever are greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

(Ord. of 12-13-01, § 13)

Sec. 22-94. - Retention of expert assistance and reimbursement by applicant.

- (a) The board may hire any consultant and/or expert necessary to assist the board in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
- (b) An applicant shall deposit with the county funds sufficient to reimburse the county for all reasonable costs of consultant and expert evaluation and consultation to the board in connection with the review of any application. The initial deposit shall be \$8,500.00 these funds shall precede the pre-application meeting and the county will maintain a separate escrow account for all such funds. The county's consultants/experts shall bill or invoice the county no more frequently than monthly for its services in reviewing the application and performing its duties. If at any time during the review process this escrow account has a balance less than \$2,500.00, applicant shall immediately, upon notification by the county, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the county before any further action or consideration is taken on the application. In the event that the amount held in escrow by the county is more than the amount of the actual billing or invoicing at the conclusion of the project, the difference shall be promptly refunded to the applicant.
- (c) The total amount of the funds set forth in subsection (b) of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the board or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the county, shall be paid by the applicant.

(Ord. of 12-13-01, § 15)

Sec. 22-95. - Exceptions from a special use permit for wireless telecommunications facilities.

- (a) No person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of, wireless telecommunications facilities as of the effective date of this article without

having first obtained a special use permit for wireless telecommunications facilities. Notwithstanding anything to the contrary in this section, no special use permit shall be required for those exceptions noted in the definition of wireless telecommunications facilities.

- (b) New construction on existing wireless telecommunications facilities shall comply with the requirements of this article.
- (c) All wireless telecommunications facilities existing on or before the effective date of this article shall be allowed to continue as they presently exist, provided however, that any modification to existing wireless telecommunications facilities must comply with this article.

(Ord. of 12-13-01, § 15)

Sec. 22-96. - Public hearing and notification requirements.

- (a) Prior to the approval of any application for a special use permit for wireless telecommunications facilities, a public hearing shall be held by the board, notice of which shall be published in a newspaper of record in accordance with the requirements for such public hearings as prescribed in Code of Virginia, tit. 15.2. In order that the county may officially notify nearby landowners, the applicant, at the time of submission of the application, shall be required to provide names and address of all landowners whose property is located within 1,500 feet of any property line of the lot on which the new wireless telecommunications facilities are proposed to be located.
- (b) The board shall schedule the public hearing referred to in subsection (a) of this section once it finds the application is complete. The board, at any stage prior to issuing a special use permit, may require such additional information as it deems necessary.
- (c) The above provisions notwithstanding, if the application is for a special use permit for collocating on an existing telecommunications or high structure, where no increase in height of the tower or structure is required, no public hearing will be required prior to the approval of the application.

(Ord. of 12-13-01, § 16)

Sec. 22-97. - Action on an application for a special use permit for wireless telecommunications facilities.

- (a) The board will undertake a review of an application pursuant to this article in a timely fashion, and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution.
- (b) The board may refer any application or part thereof to any advisory or other committee for a non-binding recommendation.
- (c) After the public hearing, if required, and after formally considering the application, the board may approve, approve with conditions, or deny a special use permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the permit shall always be upon the applicant.
- (d) If the board approves the special use permit for wireless telecommunications facilities, then the applicant

shall be notified of such approval in writing within ten calendar days of the board's action, and the special use permit shall be issued within 30 days after such approval. Except for necessary building permits, and subsequent certificates of compliance, once a special use permit has been granted hereunder, no additional permits or approvals from the county or board, such as site plan or zoning approvals, shall be required by the county or board for the wireless telecommunications facilities covered by the special use permit.

- (e) If the board denies the special use permit for wireless telecommunications facilities, then the applicant shall be notified of such denial in writing within ten calendar days of the board's action.

(Ord. of 12-13-01, § 17)

Sec. 22-98. - Recertification of a special use permit for wireless telecommunications facilities.

- (a) At any time between 12 months and six months prior to the five-year anniversary date after the effect date of the special use permit and all subsequent fifth anniversaries of the effective date of the original special use permit for wireless telecommunications facilities, the holder of a special use permit for such wireless telecommunication facilities shall submit a signed written request to the board for recertification. In the written request for recertification, the holder of such special use permit shall note the following:
- (1) The name of the holder of the special use permit for the wireless telecommunications facilities;
 - (2) If applicable, the number or title of the special use permit;
 - (3) The date of the original granting of the special use permit;
 - (4) Whether the wireless telecommunications facilities have been moved, re-located, rebuilt, or otherwise modified since the issuance of the special use permit and if so, in what manner;
 - (5) If the wireless telecommunications facilities have been moved, re-located, rebuilt, or otherwise modified, then whether the board approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;
 - (6) Any requests for waivers or relief of any kind whatsoever from the requirements of this article and any requirements for a special use permit;
 - (7) That the wireless telecommunications facilities are in compliance with the special use permit and compliance with all applicable codes, ordinances, rules and regulations and laws;
 - (8) Recertification that the telecommunication tower and attachments both are designed and constructed ("as built") and continue to meet all local, county, commonwealth, and federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a qualified Virginia licensed professional engineer, the cost of which shall be borne by the applicant.
- (b) If, after such review, the board determines that the permitted wireless telecommunications facilities are in compliance with the special use permit and all applicable statutes, laws, local ordinances, codes, rules and regulations, then the board shall issue a recertification special use permit for the wireless telecommunications facilities, which may include any new provisions or conditions that are mutually agreed upon, or required by applicable statutes, laws, local ordinances, codes, rules and regulations. If,

after such review, the board determines that the permitted wireless telecommunications facilities are not in compliance with the special use permit and all applicable statutes, laws, ordinances, codes, rules and regulations, then the board may refuse to issue a recertification special use permit for the wireless telecommunications facilities, and in such event, such wireless telecommunications facilities shall not be used after the date that the applicant receives written notice of such decision by the board. Any such decision shall be in writing and supported by substantial evidence contained in a written record.

- (c) If the applicant has submitted all of the information requested by the board and required by this article, and if the board does not complete its review, as noted in subsection (b) of this section, prior to the five-year anniversary date of the special use permit, or subsequent fifth anniversaries, then the applicant for the permitted wireless telecommunications facilities shall receive an extension of the special use permit for up to six months, in order for the board to complete its review.
- (d) If the holder of a special use permit for wireless telecommunications facilities does not submit a request for recertification of such special use permit within the timeframe noted in subsection (a) of this section, then such special use permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the special use permit, or subsequent fifth anniversaries, unless the holder of the special use permit adequately demonstrates to the board that extenuating circumstances prevented a timely recertification request. If the board agrees that there were legitimately extenuating circumstances, then the holder of the special use permit may submit a late recertification request or application for a new special use permit.

(Ord. of 12-13-01, § 18)

Sec. 22-99. - Extent and parameters of special use permit for wireless telecommunications facilities.

The extent and parameters of a special use permit for wireless telecommunications facilities shall be as follows:

- (1) Such special use permit shall be non-exclusive;
- (2) Such special use permit shall not be assigned, transferred or conveyed without the express prior written notification of the board.
- (3) Such special use permit may, following a hearing upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the special use permit for wireless telecommunications facilities, or for a material violation of this article after prior written notice to the applicant and the holder of the special use permit.

(Ord. of 12-13-01, § 19)

Sec. 22-100. - Application fee.

- (a) At the time that a person submits an application for a special use permit for a new telecommunications tower, such person shall pay a non-refundable application fee of \$5,000.00 to the county. If the application is for a special use permit for collocating on an existing telecommunications tower or high structure, where no increase in height of the tower or structure is required, the non-refundable fee shall be \$2,000.00.

- (b) No application fee is required in order to recertify a special use permit for wireless telecommunications facilities unless there has been a modification of the wireless telecommunications facilities since the date of the issuance of the existing special use permit for which the conditions of the special use permit have not previously been modified. In the case of any modification, the fees provided in subsection (a) of this section shall apply.

(Ord. of 12-13-01, § 20)

Sec. 22-101. - Performance security.

The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall at its cost and expense, be jointly required to execute and file with the county a bond, or other form of security acceptable to the county as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 and with such sureties as are deemed sufficient by the board to assure the faithful performance of the terms and conditions of this article and conditions of any special use permit issued pursuant to this article. The full amount of the bond or security shall remain in full force and effect throughout the term of the special use permit and/or until the removal of the wireless telecommunications facilities, and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the special use permit and shall entitle the board to revoke the special use permit after prior written notice to the applicant and holder of the permit and after a hearing upon due prior notice to the applicant and holder of the special use permit.

(Ord. of 12-13-01, § 21)

Sec. 22-102. - Reservation of authority to inspect wireless telecommunications facilities.

In order to verify that the holder of a special use permit for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances, regulations and other applicable requirements, the county may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

(Ord. of 12-13-01, § 22)

Sec. 22-103. - Annual NIER certification.

The holder of the special use permit shall, annually, certify in writing to the county that NIER levels at the site are within the threshold levels adopted by the FCC. The certifying engineer must be licensed to practice engineering in the commonwealth.

(Ord. of 12-13-01, § 23)

Sec. 22-104. - Liability insurance.

- (a) A holder of a special use permit for wireless telecommunications facilities shall secure and at all times

maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the special use permit in amounts as set forth below:

- (1) Commercial general liability covering personal injuries, death and property damage: \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate;
 - (2) Automobile coverage: \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate;
 - (3) Workers compensation and disability: Statutory amounts.
- (b) The commercial general liability insurance policy shall specifically include the county and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.
- (c) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the commonwealth and with a Best's rating of at least A.
- (d) The insurance policies shall contain an endorsement obligating the insurance company to furnish the county with at least 30 days prior written notice in advance of the cancellation of the insurance.
- (e) Renewal or replacement policies or certificates shall be delivered to the county at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- (f) Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than 15 days after the grant of the special use permit, the holder of the special use permit shall deliver to the county a copy of each of the policies or certificates representing the insurance in the required amounts.

(Ord. of 12-13-01, § 24)

Sec. 22-105. - Indemnification.

- (a) Any application for wireless telecommunication facilities that is proposed for county property, pursuant to this article, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by this article, to at all times defend, indemnify, protect, save, hold harmless, and exempt the county, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at ordinance or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the county, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the county.
- (b) Notwithstanding the requirements noted in subsection (a) of this section, an indemnification provision will not be required in those instances where the county itself applies for and secures a special use permit for wireless telecommunications facilities.

(Ord. of 12-13-01, § 25)

Sec. 22-106. - Fines.

- (a) In the event of a violation of this article or any special use permit issued pursuant to this article, the board may impose and collect, and the holder of the special use permit for wireless telecommunications facilities shall pay to the county, fines or penalties as set forth below.
- (b) A violation of this article is hereby declared to be an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of ordinance relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- (c) Notwithstanding anything in this article, the holder of the special use permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this article or any section of this article. An attempt to do so shall subject the holder of the special use permit to termination and revocation of the special use permit. The county may also seek injunctive relief to prevent the continued violation of this article, without limiting other remedies available to the county.

(Ord. of 12-13-01, § 26)

Sec. 22-107. - Default and/or revocation.

- (a) If wireless telecommunications facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this article or of the special use permit, then the board shall notify the holder of the special use permit in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this article, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the board may, at its sole discretion, order the violation remedied within 24 hours.
- (b) If within the period set forth in subsection (a) of this section the wireless telecommunications facilities are not brought into compliance with the provisions of this article, or of the special use permit, or substantial steps are not taken in order to bring the affected wireless telecommunications facilities into compliance, then the board may revoke such special use permit for wireless telecommunications facilities, and shall notify the holder of the special use permit within 48 hours of such action.

Sec. 22-108. - Removal of wireless telecommunications facilities.

- (a) Under the following circumstances, the board may determine that the health, safety, and welfare interests of the county warrant and require the removal of wireless telecommunications facilities.
 - (1) Wireless telecommunications facilities with a permit have been abandoned (i.e. not used as wireless telecommunications facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365-day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within 90 days;
 - (2) Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard;
 - (3) Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required special use permit, or any other necessary authorization.
- (b) If the board makes such a determination as noted in subsection (a) of this section, then the board shall notify the holder of the special use permit for the wireless telecommunications facilities within 48 hours that said wireless telecommunications facilities are to be removed, the board may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facilities.
- (c) The holder of the special use permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the board. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the board.
- (d) If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within 90 days after the permit holder has received notice, then the board may order officials or representatives of the county to remove the wireless telecommunications facilities at the sole expense of the owner or special use permit holder.
- (e) If, the county removes, or causes to be removed, wireless telecommunications facilities, and the owner of the wireless telecommunications facilities does not claim and remove it from the site to a lawful location within ten days, then the county may take steps to declare the wireless telecommunications facilities abandoned, and sell them and their components.
- (f) Notwithstanding anything in this section to the contrary, the board may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more [than] 90 days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the special use permit, subject to the approval of the board, and an agreement to such plan shall be executed by the holder of the special use

permit and the county. If such a plan is not developed, approved and executed within the 90-day time period, then the county may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this section.

(Ord. of 12-13-01, § 28)

Sec. 22-109. - Relief.

Any applicant desiring relief or exemption from any aspect or requirement of this article may request such from the board at a pre-application meeting, provided that the relief or exemption is contained in the original application for either a special use permit, or in the case of an existing or previously granted special use permit a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the board. However, the burden of providing the need for the requested relief or exemption, is solely on the applicant to prove to the satisfaction of the board. The applicant shall bear all costs of the board or the county in considering the request and the relief shall not be transferable to a new or different holder of the permit or owner of the tower or facilities without the specific written permission of the board. Such permission shall not be unreasonably withheld or delayed. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted the relief or exemption will have no significant affect on the health, safety and welfare of the county, its residents and other service providers.

(Ord. of 12-13-01, § 29)

Sec. 22-110. - Periodic regulatory review by the board.

- (a) The board may at any time conduct a review and examination of this entire article.
- (b) If after such a periodic review and examination of this article, the board determines that one or more provisions of this article should be amended, repealed, revised, clarified, or deleted, then the board may take whatever measures are necessary in accordance with applicable ordinance in order to accomplish the same. It is noted that where warranted, and in the best interests of the county, the board may repeal this entire article at any time.
- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, the board may at any time, and in any manner (to the extent permitted by federal, commonwealth, or local ordinance), amend, add, repeal, and/or delete one or more provisions of this article.

(Ord. of 12-13-01, § 30)

Sec. 22-111. - Adherence to state and/or federal rules and regulations.

- (a) To the extent that the holder of a special use permit for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a special use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- (b) To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency,

including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a special use permit for wireless telecommunications facilities, then the holder of such a special use permit shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

(Ord. of 12-13-01, § 31)

Sec. 22-112. - Conflict with other ordinances.

Where this article differs or conflicts with other laws, ordinances, rules and regulations, unless the right to do so is preempted or prohibited by the county, commonwealth, or federal government, the more restrictive or protective of the county and the public shall apply.

(Ord. of 12-13-01, § 32)

Sec. 22-113. - Effective date.

This article shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

(Ord. of 12-13-01, § 33)

Sec. 22-114. - Authority.

This article is adopted pursuant to the authority granted by Code of Virginia, tit. 15.2.

(Ord. of 12-13-01, § 34)

Short-Term Rental Committee and Ordinance

Short-Term Rental Committee and Ordinance

Committee:

- James “Buck” Tharpe
- Anthony Ehman
- Sarah Brown
- Liz Hamlett
- Drew DiStanislao
- Taylor Newton

Ordinance:

Anticipated to start the creation of the ordinance in the 1st to 2nd quarter of 2023.

Attorney Update

Next Meeting

- The next Planning Commission meeting is January 5th, 2023, at 7:00 p.m. in the 2nd floor courtroom of the Lunenburg Courts Building.

● *This will also be the organizational meeting for the Planning Commission.