

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

August 11, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, August 11, 2014 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Jesse Clark
Darnell Clayton
Martha Hall
Cassandra Jackson
Clifton Jenkins
John Lewis
Joyce Pemberton
Patrick Weakland

The following members were absent:

Glenn Bowen
Rick Cox

Also present:

R. Morgan Quicke, County Administrator
Joseph Quesenberry, Planner
Mercedes Pierce, Planning Commission Secretary
Delores Flessner
James Russell
Harry Smith

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Chairperson Martha Hall called the meeting to order at 7:00p.m. Jesse Clark gave the invocation and Chairperson Hall led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM JULY 7, 2014 MEETING

Jesse Clark made a motion to approve the minutes as presented. Cassandra Jackson seconded the motion and they were approved unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION AMENDMENT REQUEST

Joseph Quesenberry read the basis of the public notice for this hearing, which stated:

James A. Russell, 11 Hales Point Road, Farnham, Virginia 22460, has requested to amend his existing special exception approval, Zoning Ordinance section 2-2-2A-13, in order to expand the days of operation of his antique/consignment shop, located at 11 Hales Point Road. The parcel in question is zoned A-1 (Agricultural) and is further identified as tax map 38-20.

Mr. Quesenberry presented his [Staff Report](#) and informed the Commission that State codes have been satisfied, the notice was advertised in the Northern Neck News for two weeks and adjacent property owners were notified of the public hearing.

Chairperson Hall opened the floor to comments from the public.

James Russell, Farnham, thanked the Planning Commission for approving his initial request two years ago and informed the Commission that since then his business has flourished. Mr. Russell shared that the Planning Commission's decision during this meeting would affect his opportunity to continue doing what he loves.

Cassandra Jackson asked Mr. Russell who gave him permission to use the new parking lot at Mount Zion Church. Mr. Russell stated that it has always been "a given" and he has talked with Stuart. Ms. Jackson stated she has a concern and suggests Mr. Russell approach the Executive Committee for the church and get the permission to use the parking lot in writing because as of this day the church has not approved Mr. Russell's use of the parking lot.

Chairperson Hall asked Mr. Russell where the proposed parking lot is located. Mr. Russell replied stating the parking lot is located directly across the street from his store and next to another store.

Chairperson Hall stated that since Mr. Russell's request for additional hours comes along with concerns regarding parking and that there is no legal binding contract between Mr. Russell and the church, then the Planning Commission members need to take the proposed parking space "off the table" at the moment.

Chairperson Hall, Joyce Pemberton, and Mr. Russell discussed a second building/store Mr. Russell owns that is located across the street from his current operating business. Mr. Russell has no plans of tearing this building down.

Pat Weakland pointed out three letters the Planning Commission received. One letter is addressed from Ms. Flessner who shares her concerns regarding dogs and traffic and the other two are letters of support from Walter and Maxine Ball and Keith Whelan. Mr. Weakland questioned if the residents who wrote the letters live in the vicinity of Mr. Russell's store.

Chairperson Hall stated that Mr. Russell owns a business at the corner of Hales Point Road.

Mr. Quesenberry informed the Planning Commission that he received those letters after the meeting packets were mailed and therefore could not be included and had to be passed out to members tonight. Mr. Quesenberry also stated that a condition of parking had to be met as a part of Mr. Russell's original special exception and feels it should be included in this request as well.

Mrs. Pemberton and Ms. Jackson discussed the exact location of the parking lot Mr. Russell proposes to utilize. Ms. Jackson clarified that it is not the existing parking lot, rather a new parking lot that is located across from Mount Zion before the grave site if you are driving from Route 3.

Chairperson Hall asked Mr. Russell if his current parking space is on the grounds of his store and some in front of the cinderblock building. Mr. Russell confirmed this to be true.

Dolores Flessner, Farnham, stated that she was informed a County employee could read her letter for her. Mr. Quicke read [letters](#) from Ms. Flessner, Cynthia Justis, John Yerkie, Keith Whelan, and Walter and Maxine Ball.

Mr. Weakland asked Ms. Flessner if she would be more receptive to Mr. Russell's proposal if the speed limit were reduced on both Hales Point Road and Farnham Creek Road and if Mr. Russell promised to keep his dogs off the road. Ms. Flessner stated that she has seen a track record and is not too confident.

Mr. Weakland asked Mr. Russell how many cars would fit into the parking lot he has designated for his current business, which shows to be 1.9 acres. Mr. Russell replied stating about fifty to sixty cars, but it varies. Mr. Weakland asked if the current parking space ever overflows with cars and Mr. Russell stated this never occurs.

Mr. Russell informed the Commission that he is currently working with VDOT on lowering the speed limit in this area to 25 mph.

John Lewis and Mr. Russell further discussed the parking at Mr. Russell's business. Mr. Russell stated that there is confusion because many drivers stop by his store to check their brakes.

Chairperson Hall reminded everyone that tonight's discussion was regarding the expansion of Mr. Russell's business hours and not his sale of foods.

Jesse Clark stated that on June 14, 2012, the Board of Supervisors approved Mr. Russell's original special exception with conditions related to parking and asked Mr. Russell what he has done to improve or correct any problems with parking since then. Mr. Russell stated he does have a sign that shows customers where to park and he goes outside to direct customers to better parking when they have pulled into bad spots. There is also a small paved area that goes up to Mr. Russell's building that is used for loading and unloading. Mr. Russell also shared that

initially parking was allowed on the Hales Point Road side, but he was misunderstood and thought it was also allowed on the Farnham Creek Road side as well. Mr. Russell received a letter from Mr. Quicke and now has a clear understanding that parking is prohibited on the Farnham Creek Road side.

Mr. Clark, Mr. Quicke, Clifton Jenkins, and Mrs. Pemberton discussed the possibility of posting “No Parking” signs to help alleviate parking in undesignated areas.

Mr. Weakland asked if the County heard from all adjacent property owners. Mr. Quesenberry stated he received all the certified mail receipts from all adjacent property owners.

Darnell Clayton asked Mr. Russell if he has space for parking near the open-door garage. Mr. Russell replied stating he has improved parking and parking is acceptable there as long as it is on the Hales Point Road side.

Mrs. Pemberton stated that the County has a business that is thriving, which is evident in Mr. Russell’s request to extend his business hours.

Ms. Jackson asked Mr. Russell if there is a possibility that he can redirect his parking to the other building he has close to his business. Mr. Russell stated that is a possibility

Chairperson Hall closed the public hearing.

Mr. Lewis stated he is all for more business and wishes Mr. Russell well, but shared his concern of a full-time business in an agricultural zoning district. Mr. Lewis would like to see the property rezoned rather than a special exception being applied for if the business will be open at least six days a week.

Mr. Quicke addressed Mr. Lewis’ concern by stating it would be very odd to see one parcel zoned business in this specific area. It is Mr. Quicke’s opinion that a special exception with a conditional use would be most suitable for this property.

Jesse Clark made a motion to approve the request with the condition that Mr. Russell receive a letter from the church that clarifies the parking agreement.

Mr. Weakland suggested approving Mr. Russell’s hours and then waiting to find out if parking is a problem to make the additional condition.

Mr. Russell stated the church has not begun surveying the property yet.

Chairperson Hall suggested Mr. Clark amend his motion to provide Mr. Russell with the additional hours with a condition in some way reflecting the need for adequate parking.

Jesse Clark amended his motion and moved to approve Mr. Russell's request with a condition that Mr. Russell have a plan addressing the parking concerns. Joyce Pemberton seconded this motion.

Mr. Weakland and Chairperson Hall discussed whether or not there is an actual issue with parking. It was clarified that there was an issue present even at the time of the original request.

Chairperson Hall stated she does not want to limit business, but it needs to be understood that parking is a problem.

Mr. Quicke made a recommendation to the Planning Commission to add a six-month trial on this special exception to give Mr. Russell a chance to figure out the parking situation and then bring Mr. Russell back to review his progress and move forward from there.

Jesse Clark amended his motion again and moved to approve Mr. Russell's request with a condition that it be revisited in six months to see how the parking has been addressed. Pat Weakland seconded this motion.

The motion carried with a vote of 8-0 (*Jesse Clark – yay; Darnell Clayton – yay; Chairperson Martha Hall – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

ORDINANCE AMENDMENT – FOOD SERVICE AND SALES

Joseph Quesenberry informed the Planning Commission that he was able to find language currently included in Richmond County's Zoning Ordinance that set the precedence for this. Mr. Quesenberry updated Section 2-2-2A Special Exception Uses with Line 22, which states "Limited food service and sales as a secondary use (permitted to accompany the residential uses and provisions of this section and not intended for the creation of areas primarily devoted to food service and sales)." Mr. Quesenberry also shared that "food service and sales is precluded from being a primary use in A-1 Zones and must only be utilized as a Secondary Use by Special Exception approval."

R. Morgan Quicke informed the Planning Commission that this item was added to the agenda just for discussion.

Pat Weakland asked if there was anything in the code describing or defining limited food service and sales. Mr. Quesenberry stated that the Zoning Ordinance currently does not include this information, but it would be on a case by case basis as a special exception where supporting documentation would have to be provided.

Joyce Pemberton asked if this ordinance amendment is stemming from James Russell's interest in selling food at his current business. Mr. Quesenberry replied that it is. Chairperson Hall stated

that when the Planning Commission discusses amendments like this, members need to consider not just one scenario, rather the entire County and all of the areas of the County that have this kind of zoning.

John Lewis asked if the secondary use would be second to a primary business or a residence. Mr. Quicke stated that currently in the Zoning Ordinance in the A-1 zoning district, home professional offices, which includes catering, is a permitted use. Mr. Quicke does not believe it would be a good idea for a resident to apply for a special exception for their primary residence to have limited food service on site.

Chairperson Hall stated that if the amendment is approved, the Planning Commission still has control because applications will be approved on a case by case basis.

Mr. Lewis asked if this amendment would allow one or two secondary uses. Chairperson Hall stated this is only food service and sales as secondary and if some other type of business were to be requested then that would fall elsewhere. Mr. Quicke stated it would depend upon the type of business since some are already by-right.

Jesse Clark questioned what would result if the secondary use overshadowed the primary use in the years to come. Mr. Lewis asked how the County would monitor this type of scenario. Mr. Quicke suggested looking at the owner's W-2's and tax returns. Mr. Quesenberry stated that it would be difficult to monitor, but the County could include a provision that supporting documents must continue to be provided on a yearly basis. Chairperson Hall stated that a condition could be made to have the applicant return each year to have it reviewed. Mr. Lewis suggested making the applicant notify the Planning Commission if the secondary use becomes the primary use.

Chairperson Hall suggested carrying this item over to the next Planning Commission meeting.

BY-LAW TERM AMENDMENT

R. Morgan Quicke stated that this agenda item was just for informational purposes since the amendment has already been adopted by the Board of Supervisors, but thought it would be a good idea for the Planning Commission to make a motion to officially add it to the Planning Commission's By-laws.

Cassandra Jackson made a motion to add to the Richmond County Planning Commission By-laws the language that allows Commissioners to be eligible for a third term on the condition that they have taken the Certified Planning Commissioner course. John Lewis seconded this motion.

The motion carried with a vote of 8-0 (*Jesse Clark – yay; Darnell Clayton – yay; Chairperson Martha Hall – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

OTHER BUSINESS

Initially, there was no other business to be discussed, but before adjournment, Jesse Clark stated that the wording of the language for the By-law amendment needed to be edited from “set” to “sit.”

All members voted to approve this change.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting at 8:08p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary