

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

September 8, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, September 8, 2014 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen
Rick Cox
Jesse Clark
Darnell Clayton
Cassandra Jackson
Clifton Jenkins
John Lewis
Joyce Pemberton
Patrick Weakland

The following members were absent:

Martha Hall

Also present:

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

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Vice Chairman Darnell Clayton called the meeting to order at 7:00p.m. Jesse Clark gave the invocation and Vice Chairman Clayton led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM AUGUST 11, 2014 MEETING

Cassandra Jackson requested the capitalization of the “c” in “church” on page 2 of the minutes. Joyce Pemberton made a motion to approve the minutes with the correction. Rick Cox seconded the motion and they were approved unanimously.

ORDINANCE AMENDMENT – LIMITED FOOD SERVICE AND SALES

Joseph Quesenberry read the proposed Item #22 under Section 2-2-2A of the Richmond County Zoning Ordinance. It read as follows:

22. Limited food service and sales as a conditional secondary use (permitted as a secondary use to the special exception uses of the following: Antique Shops, Bed and Breakfasts', Campgrounds for tents, campers, travel trailers or other recreational vehicles, Livestock Auction Markets, Commercial Marinas, Clubs or Lodges, and Assembly/Retreat Facilities. Requires a surety bond and annual review by the Land Use Administrator to ensure food service and sales remains a secondary use).

Rick Cox pointed out that there are requirements for food service. One requirement is safe water supply and the other is permitting, whether it is from the Health Department or the Virginia Department of Agriculture and Consumer Services (VDACS). Mr. Cox stated he would like to see the Planning Commission and the Board of Supervisors being assured that whoever is approved for the special exception is complying with those regulations. He would like to see language added to this item to reflect the need for assurance of compliance from the permitting authority.

Patrick Weakland suggested adding another small paragraph after Item #22 stating that there is also a requirement for the applicant to receive Health Department or VDACS approval.

Vice Chairman Clayton questioned whether or not obtaining a business license to sell food required the Health Department's approval.

R. Morgan Quicke stated that the language could be added, but it is also something that can be reinforced internally when the applicant initially applies for the special exception.

Mr. Weakland questioned the solidity of the definition of "limited food service." Mr. Quesenberry stated that by using this wording, the County is getting away from franchises and stated the food service cannot be the main primary use of the facility.

Mr. Quicke added that the food service business would need Health Department approval, so adding that language would be beneficial. He also stated the Health Department will need to look at the facility's septic and water supply. It was shared that Mr. Russell had received approval from the Health Department for his food selling business.

John Lewis suggested adding “pending Health Department approval.” Mr. Cox stated the permitting authority could also be the VDACS.

Clifton Jenkins and Mr. Cox discussed the sale of prepackaged food not needing Health Department approval.

Mr. Lewis questioned what would happen if the secondary service becomes the primary service. Mr. Weakland stated that the last sentence of the proposed Item #22 should take care of this. Mr. Quesenberry stated that language could be added to be used as some type of basis for when he does conduct the site reviews.

Mr. Lewis asked if the County should require the business owner to come to the Planning Commission when/if the secondary use does become the primary use. Mr. Quicke stated he feels the last sentence of proposed Item #22 covers it.

Mr. Quicke stated he does not believe many applications will come through the office for this since an individual has to be approved for a special exception already to get this special exception. He also stated that the Planning Commission has control over any special exception and can revoke any conditional use permit when the conditions are not being followed. Mr. Weakland stated the Planning Commission is not the regulatory board of the County and the Board of Supervisors would revoke the permits. Mr. Quicke agreed and added so long as the conditional use permit is violated.

Cassandra Jackson shared that sales tax could determine whether or not the secondary use becomes the primary use.

Patrick Weakland made a motion to change the last sentence of proposed Item #22 to read, “Requires a surety bond, Health Department approval and annual review by the Land Use Administrator to ensure food service and sales remains a secondary use.” Rick Cox seconded this motion.

Mr. Cox read his suggested language at Mr. Weakland’s request. He suggested adding a separate sentence and stating, “Assurance must be provided that other regulatory authorities involved have been consulted and permits issued.”

Mr. Weakland withdrew his original motion.

Glenn Bowen suggested changing “other” to “appropriate” in this sentence.

Patrick Weakland made a motion to accept Mr. Cox's language, which would add the following as a new sentence at the end of the proposed Item #22: "Assurance must be provided that appropriate regulatory authorities have been consulted and permits issued." John Lewis seconded this motion.

Jesse Clark provided new language with hopes of using less wording, which read "Requires compliance with Health Department and/or VDACS regulations." Mr. Cox stated he simply used "regulatory authorities" in his language because he is not sure if any other agencies would need to issue permits.

Vice Chairman Clayton shared his opinion that Mr. Cox's language would suffice.

The Planning Commission voted on Mr. Weakland's motion. The motion carried with a vote of 9-0 (*Glenn Bowen – yay; Jesse Clark – yay; Vice Chairman Darnell Clayton – yay; Rick Cox – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

Mr. Cox asked about caterers in the Zoning Ordinance. Mr. Quicke stated caterers are acknowledged in the Zoning Ordinance.

Mr. Cox also asked if "secondary" was defined in the Zoning Ordinance. Mr. Cox suggested adding a definition for "secondary" in the ordinance.

Mr. Quicke stated that the motion that was just voted on was to advertise for Public Hearing for that specific language and now the Planning Commission wishes to define "secondary" to also include this in the Zoning Ordinance.

Mr. Quesenberry stated he got the definition for "secondary use" from page 21 of the Zoning Ordinance. Mr. Quicke stated this is actually just discussion in the text in the R-3 section and is not listed in the back of the ordinance in the "Definitions" section.

Mr. Quesenberry stated "primary use" is not defined either in the "Definitions" section. Mr. Quesenberry read the definition for "accessory use."

Mr. Cox suggested advertising both ordinance amendments for Item #22 and the "secondary use" definition for the same Public Hearing. He also suggested giving Mr. Quesenberry some time to look at the definitions and bring it back to the Planning Commission at next month's meeting.

Mr. Weakland agreed with Mr. Cox and also suggested defining "secondary" and "primary."

Mr. Clark added that part of the criteria for a secondary use could be the measure of money, traffic or square footage devoted to each use. Mr. Quesenberry stated he could target monetary and square footage differences.

John Lewis made a motion to table the definition discussion to next month's meeting. Patrick Weakland seconded this motion and all were in favor.

FY 2016-2020 CAPITAL IMPROVEMENT PLAN – STAFF UPDATE

Joseph Quesenberry provided a staff update concerning the FY 2016-2020 Capital Improvement Plan (CIP). He stated this is the County's third year working on the CIP. At the end of August, he sent letters to departments requesting any additions or deletions. Responses are due back by the end of September and so far Mr. Quesenberry has only received one back.

Mr. Quesenberry stated he would like to create the "ad hoc" committee for the CIP during this meeting or next month's meeting. The committee is to be comprised of three members.

Rick Cox and Mr. Quesenberry discussed the actual deadline to receive feedback from department supervisors. It was determined that September 29th is the deadline.

R. Morgan Quicke stated it is his hope to move forward off last year's schedule. He believes it is a good kickoff to the new budget year to have the CIP approved before the FY16 budget is drafted. Mr. Quicke would like to see the Planning Commission recommend approval of the CIP to the Board of Supervisors before the Board begins their budget meetings in January.

Joyce Pemberton asked if the committee would need to meet in October. Mr. Quicke stated he would like to see the committee meet in October.

John Lewis asked which members were on the last committee. Mr. Quicke stated Glenn Bowen, Rick Cox, and Martha Hall were on last year's CIP committee. Mr. Lewis asked if they all wanted to serve on the committee again this year. Glenn Bowen stated he did not mind serving on the committee this year. Mr. Lewis informed the Planning Commission that he would volunteer his services to be on the committee if the members from last year did not wish to be on the committee this year. Mr. Cox stated he is willing to serve again if the Planning Commission wants him to. Mr. Lewis thought it would be best to ask Chairperson Martha Hall if she wanted to be on the committee since she was not present during this meeting. Mr. Lewis stated it is a good idea to keep the same members from last year if they wish to serve again since they are more knowledgeable on the subject.

Mr. Lewis asked Mr. Quesenberry which department turned in their response to the CIP letter. Mr. Quesenberry replied stating EMS submitted their response.

John Lewis made a motion to table FY 2016-2020 Capital Improvement Plan Committee until next month's meeting. Cassandra Jackson seconded the motion and all were in favor.

OTHER BUSINESS

Joseph Quesenberry informed the Planning Commission of a Public Hearing scheduled for next month's meeting. Gregory Allison has a private airstrip on his A-1 zoned property. Mr. Quesenberry stated the information for this special exception will be included in the meeting packet for next month.

Mr. Quesenberry stated he is currently working with Richard Thomas, Jr. on compiling a new Animal Care Ordinance.

Joyce Pemberton stated they needed to create a Nominating Committee.

Patrick Weakland asked who was applying for an airstrip. Mr. Quesenberry stated Gregory Allison was the applicant.

John Lewis asked if anyone knew the tax parcel for this applicant. R. Morgan Quicke stated the location was off of Norman's Corner, closer to Route 360 versus the Canal Road side.

Mr. Quesenberry stated he received several phone calls in the office of the operation of the airstrip, so he contacted Mr. Allison to inform him he had to apply for a special exception.

Rick Cox asked if Mr. Allison is allowing other planes to land on his airstrip. Mr. Quesenberry stated that Mr. Allison constructs small aircrafts and flies them on the airstrip. Clifton Jenkins informed the Planning Commission that the small aircrafts are called "ultralights."

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Vice Chairman Clayton adjourned the meeting at 7:52p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary