

PITTSYLVANIA COUNTY PLANNING COMMISSION

REGULAR MEETING

April 5, 2016

MINUTES

VIRGINIA: The Pittsylvania County Planning Commission met on Tuesday, April 5, 2016, in the General District Courtroom, Chatham, Virginia. Mr. Stowe, Chairman, called the meeting to order at approximately 7:00 p.m. Mr. Stowe called the roll.

PRESENT

Morris Stowe	Tunstall District
Richard Motley	Chatham-Blairs District
Janet Mease	Callands-Gretna District
Dr. Charles H. Miller, Jr.	Banister District
Curtis Arthur	Staunton River District
H. F. Haymore, Jr.	Westover District
Brian Horne	Dan River District
Joe Davis	Board of Supervisors Representative
Odie H. Shelton, Jr.	Director of Code Compliance/Zoning Administrator

ABSENT

Greg Sides	Assistant County Administrator/Director of Planning
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HEARING OF THE CITIZENS

No citizens came forward to speak.

APPROVAL OF THE MINUTES

A motion was made by Mr. Motley, seconded by Mr. Arthur, and by a unanimous vote, the March 1, 2016, minutes were approved as presented.

CHAIRMAN'S REPORT

Mr. Stowe welcomed the three (3) members of the Board of Supervisors, Mr. Blackstock, Mr. Warren and Mr. Davis who were in attendance at the meeting.

THE ZONING PRECEPTS WERE READ by Mr. Stowe **TO OPEN THE PUBLIC HEARING** at approximately 7:02 p.m.

Case 1, Hutson Farms, LLC , R-16-006 - Mr. Stowe opened the public hearing at 7:02 p.m. Mr. Shelton, Director of Code Compliance, reported that Hutson Farms, LLC, had petitioned to rezone 2.00 acres, located on State Road 718/Dry Fork Road, in the Chatham-Blairs Election District from R-1, Residential Suburban Subdivision District to B-2, Business District, General. Mr. Shelton also stated once the property is rezoned to B-2, all uses listed under Section 35-365 are a permitted use. Linda Green was present to represent the petition. She stated she had nothing to add except the parcel was being rezoned in order to expand the septic field for the restaurant located on the adjacent parcel of land. There was no opposition to the petition. Mr. Stowe closed the public hearing at 7:04 p.m. During the discussion, it was stated no calls in opposition had been received, the parcel in front of the petitioned parcel is zoned B-2 and a restaurant

has been located on the property for many years. A motion was made by Mr. Motley, seconded by Mr. Haymore, to recommend the Board of Supervisors **grant** the rezoning request. Motion passed unanimously.
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Case 2, Curtis Wade Arthur , Sr., R-16-007 - Mr. Stowe opened the public hearing at 7:05 p.m. Mr. Shelton, Director of Code Compliance, reported that Curtis Wade Arthur, Sr., had petitioned to rezone 63.89 acres, located off State Road 642/Shula Drive (on C W Lane), in the Staunton River Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Mr. Shelton also stated once the property is rezoned to A-1, all uses listed under Section 35-178 are a permitted use. Harold Arthur was present to represent the petition. He stated he and his brother purchased the property (a farm) in 1983. He also stated both he and his brother shared the burden of improving the property. He then stated he and his brother had no intentions to change the property, but were rezoning for agricultural use (farming). Jimmy Bolling spoke in opposition to the petition. His concerns included, but were not limited to, the following: Single-wide mobile homes located on the property, the character of the renters - some are felons recently out of jail, and there is a large turnover among the renters. Mr. Arthur offered a rebuttal and stated he cannot do background checks. He also stated the single-wide mobile homes on the property are grandfathered. Following questioning from several Board members, Mr. Arthur stated a letter was submitted to place the property into Land Use, and cattle were raised and hay was sold on the property. Mr. Stowe closed the public hearing at 7:27 p.m. During the discussion, it was stated the petitioned parcel was originally used for agricultural purposes (hay, cattle) and income was received from agriculture. A motion was made by Mr. Horne, seconded by Dr. Miller, to recommend the Board of Supervisors rezone the property from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Motion passed by a 7 to 0 vote (1 member, Mr. Curtis Arthur, abstained).

Case 3, Cristof er G. Nauta & Lizbeth H. Nauta , R-16-008 - Mr. Stowe opened the public hearing at 7:31 p.m. Mr. Shelton, Director of Code Compliance, reported that Cristofer and Lizbeth Nauta had petitioned to rezone a total of 17.95 acres, two (2) parcels of land, located on State Road 649/Anderson Mill Road, in the Callands-Gretna Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Mr. Shelton also stated once the properties are rezoned to A-1, all uses listed under Section 35-178 are a permitted use. Cristofer and Lizbeth Nauta were present to represent the petition. They stated they had nothing to add. There was no opposition to the petition. Mr. Stowe closed the public hearing at 7:32 p.m. A motion was made by Ms. Mease, seconded by Mr. Motley, to recommend the Board of Supervisors rezone the properties from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Motion passed unanimously.

Case 4, Harold Ramsey Arthur , R-16-009 - Mr. Stowe opened the public hearing at 7:33 p.m. Mr. Shelton, Director of Code Compliance, reported that Harold Ramsey Arthur had petitioned to rezone 84.25 acres, located on State Road 642/Shula Drive, in the Staunton River Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Mr. Shelton also stated once the property is rezoned to A-1, all uses listed under Section 35-178 are a permitted use. Harold Arthur was present to represent the petition. He stated this case was the same story as Case 2. He also stated the economy is bad in the northern end of the county. Following questioning from one of the Board members, Mr. Arthur stated the property is in Land Use and the property is used to harvest and sell hay and he and his brother just wanted to clean up and improve the property. Harold R. Giles, Jr., Larry Ferrell and Alan Adams spoke in opposition to the petition. Their concerns included, but were not limited to, the following: They want the property to stay the way it is, they want to improve their personal property, and they had no objection if there were no mobile homes on the property. They also requested that Mr. Arthur sign a proffer stating there would be no mobile homes placed on the property. Mr. Arthur offered a rebuttal and stated he would not sign a proffer. He also stated Mr. Ferrell built duplex apartments to rent. Mr. Stowe closed the public hearing at 7:52 p.m. During the discussion, it was stated the community does not know how their properties are zoned and they need to talk to their neighbors. A motion was made by Dr. Miller, seconded by Mr. Horne, to recommend the Board of Supervisors rezone the property from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Motion passed by a 7 to 0 vote (1 member, Mr. Curtis Arthur, abstained).

Case 5, C & H Properties , R-16-010 - Mr. Stowe opened the public hearing at 7:54 p.m. Mr. Shelton, Director of Code Compliance, reported that C & H Properties had petitioned to rezone a total of 90.94 acres, seven (7) parcels of land, located on and off State Road 655/Rockford School Road, in the Staunton River Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Mr. Shelton also stated once the properties are rezoned to A-1, all uses listed under Section 35-178 are a permitted use. Harold Arthur was present to represent the petition. He stated he and his brother had accumulated these properties over the past 30 years. Following questioning from one of the Board members, Mr. Arthur stated he and his brother had raised cattle and harvested hay for sale on these properties. Alan

Adams spoke in opposition to the petition. His concerns included, but were not limited to, the following: He wanted the

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properties to stay the way they are, he wanted to protect what he had worked for, and he had no objection if there were no mobile homes on the properties. Mr. Stowe closed the public hearing at 7:56 p.m. During the discussion, it was stated the properties are in Land Use and income was received from agriculture. It was also stated three (3) of the parcels join agricultural land, there are ponds on the lot and these are definitely agricultural properties. A motion was made by Mr. Horne, seconded by Mr. Motley, to recommend the Board of Supervisors rezone the properties from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Motion passed by a 7 to 0 vote (1 member, Mr. Curtis Arthur, abstained).

This concludes the Rezoning cases.

Case S-1, Jerry Lee Martin , S-16-003 - Mr. Stowe opened the public hearing at 7:57 p.m. Mr. Shelton, Director of Code Compliance, reported that Jerry Lee Martin had petitioned for a Special Use Permit on 78.00 acres, located off State Road 735/Cedar Road (on Coy Creek Lane), in the Dan River Election District for a shooting range, long rifle range, turkey shoot and skeet shooting range. Jerry Lee Martin was present to represent the petition. He stated he had nothing to add. Prior to the meeting, each Board member was presented a handout of a site plan for the proposed facility. Following questioning from a Board member, Mr. Martin informed the Board members that as stated in the Board packet, the proposed hours of operation for the facility would be 8:00 a.m. - 6:00 p.m., Thursday through Saturday and 1:00 p.m. - 5:00 p.m. on Sunday. He also stated these would be the hours of operation every week of the year, weather permitting. He then stated the closest home was located over one (1) mile from the proposed facility site. Terry Duncan spoke in opposition to the petition. His main concern was for the welfare of his children and their safety. Mr. Martin offered a rebuttal and stated no dwellings were located within a mile of the proposed location of the facility. He also stated he would have a berm on the property as protection against stray bullets and sound. Mr. Stowe closed the public hearing at 8:12 p.m. During the discussion, it was stated this site is in a bottom; it is an ideal location and is good for the Dan River District. A motion was made by Mr. Horne, seconded by Mr. Arthur, to recommend the Board of Zoning Appeals **grant** this Special Use Permit request with the stipulation that Mr. Martin must have a berm and the Special Use Permit can be revoked if Mr. Martin does not comply or is in violation of the permit. Motion passed unanimously.

Case S-2, White Oak Grove Baptist Church, S-16-004 - Mr. Stowe opened the public hearing at 8:13 p.m. Mr. Shelton, Director of Code Compliance, reported that White Oak Grove Baptist Church had petitioned for a Special Use Permit on 2.19 acres, located on State Road 718/Dry Fork Road, in the Tunstall Election District to allow for three (3) classrooms located in the basement of the church to be used by students from the White Oak Grove Outreach Center. Rev. Edward Pope, pastor of White Oak Grove Baptist Church, was not present; however, Robert (Bob) Harris was present to represent the petition. He stated he had nothing to add. Following questioning from a Board member regarding the memorandum in the Board packet from Fire Marshal Steve Bowman stating multiple fire code violations found at the site must be repaired, Mr. Harris stated that Rev. Pope was very ill in the hospital and he had taken care of the violations; however, he did not have a list of the violations to present to the Board members. Lonnie Dixon, a Trustee with the church, provided a brief overview of the violations that had been corrected at the church; however, he was

unable to provide a list of the violations for the Board members to review. Mr. Davis stated that a list of all violations must be presented to the Board members and we must protect ourselves. Vernard Ferrell, a member of the church, stated he felt the case needed to be postponed, because the church had not held a meeting to make the church members aware of the circumstances regarding the special use permit. Mr. Harris was given an opportunity to offer a rebuttal; however, he stated he had nothing to add. Mr. Shelton, Director of Code Compliance, stated no permits would be issued until all violations were repaired. Mr. Stowe closed the public hearing at 8:28 p.m. A motion was made by Mr. Motley, seconded by Mr. Horne, that the case be **continued** next month to allow the Fire Marshal to inspect the site and ensure that all fire code violations have been repaired and are in compliance with the Fire Code. Motion passed unanimously.

This concludes the Special Use Permit cases.

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OLD BUSINESS

A revised schedule of meeting dates was presented to each Board member prior to the meeting, and Mr. Shelton reminded the members these meeting dates were changed due to changes in the Board of Supervisors meeting dates.

NEW BUSINESS

There was no new business.

The meeting was adjourned at approximately 8:29 p.m.

Morris Stowe, Chairman

Kathy H. Belton, Clerk