

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

July 7, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on July 7, 2014 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen
Jesse Clark
Martha Hall
Cassandra Jackson
Clifton Jenkins
John Lewis
Joyce Pemberton
Patrick Weakland

The following members were absent:

Darnell Clayton
Rick Cox

Also present:

R. Morgan Quicke, County Administrator
Joseph Quesenberry, Planner
Mercedes Pierce, Planning Commission Secretary
Mildred Minor
Colonel Snavely

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 APRIL 7, 2014 MEETING

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

Chairperson Hall thanked Mercedes Pierce, Planning Commission Secretary, for the complete record of minutes submitted.

PUBLIC HEARING – SPECIAL EXCEPTION REQUEST

R. Morgan Quicke introduced Mr. Joseph Quesenberry to the Planning Commission as Richmond County's Planner and provided a brief overview of his background.

Mr. Quicke read the public notice for this hearing, which stated:

In accordance with §15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to §15.2-2310 of the Code of Virginia, 1950 as amended, the Richmond County Planning Commission hereby gives notice that a Public Hearing will start at 7:00 p.m., Monday, July 7, 2014, in the Board Meeting Room, County Office Building, Warsaw, Virginia.

1. David Durrett, 9154 Laurel Grove Road, Mechanicsville, Virginia 23116, has requested special exception approval, under Section 3-3-7 of the Richmond County Zoning Ordinance, in order to expand or enlarge an existing non-conforming use, located at 4283 Naylor's Beach Road. The parcel in question is zoned Residential (R-1) and is further identified as Tax Map 14A parcel 3.

Mr. Quicke informed the Commission that the notice was advertised in the Northern Neck News for two weeks and adjacent property owners were notified of the public hearing. Both adjacent property owners signed a statement stating they are in favor of the project.

Joseph Quesenberry presented his [Staff Report](#) for this project, which stated "staff has no issue with the current special exception request." Mr. Quesenberry then proceeded to pass photos of the boathouse around to each Planning Commission member present.

Chairperson Hall opened the floor to any comments from the public.

Mildred Minor, Farnham, explained she is Susan Durrett's mother and that the reason behind this special exception request is to increase the height of the structure to allow a suitable room for their children to occupy; it is not for cosmetics. There is no air conditioning in this structure, so the Durrett's would like to add fans in the ceiling, but the roof is too low.

Chairperson Hall closed the public hearing.

Joyce Pemberton made a motion to accept this special exception request. Clifton Jenkins seconded the motion.

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

PRELIMINARY ZONING ORDINANCE AMENDMENT DISCUSSION

R. Morgan Quicke reminded the Commission of a Special Exception request that was granted to Mr. James Russell, Hales Point Road, to operate a consignment shop in an A-1 district on Fridays, Saturdays, and Sundays. Now, Mr. Russell would like to have his business open on Tuesdays-Sundays. The expansion of Mr. Russell's business hours would require an amendment to his Special Exception.

Mr. Quicke informed the Commission that Mr. Russell is also requesting to sell food. Currently, food service and food preparation are not allowed in the A-1 zoning district as a use by-right or special exception. Mr. Quicke stated Mr. Joseph Quesenberry, Mr. Russell and he have discussed the possibility of adding food service as a use of special exception to the A-1 zoning district. Mr. Quicke stated that there aren't many areas in the County that offer food service other than Thomas's Store on Route 3.

Mr. Quicke would like to possibly approve the Zoning Ordinance amendment and approve Mr. Russell's Special Exception amendment concurrently.

Patrick Weakland asked Mr. Quicke if Mr. Russell would be selling whole food or prepared food. Mr. Quicke stated Mr. Russell would be selling prepared food.

Mr. Quicke informed the Commission that the Ordinance could be amended to include limited food service and provide a definition/description of this term.

Mr. Weakland and Mr. Quicke discussed the hours of day Mr. Russell's business would be open and the proximity of neighbors to the business location. The business hours have not been specified this early in the process and a church is located in close proximity.

Chairperson Hall shared that another neighbor is located across Farnham Creek Road.

Mr. Weakland stated that the Planning Commission has to concern itself with any traffic, trash, and noise associated with this business. Chairperson Hall added that parking is another concern.

Mr. Quicke stated that the County already has several issues with Mr. Russell as he may already have violated zoning regulations.

Glenn Bowen asked that it be explained how the word "limited" would be used. Mr. Quicke stated that the Planning Commission would have to come up with a definition, but recommends Mr. Quesenberry research to see if any other localities have already defined this term. Mr. Quicke informed the Commission that he would define "limited food service" as a secondary use to the primary use. In this case-the primary use is the consignment shop.

Mr. Quicke stated he would like to see actions take place concurrently in order to save Mr. Russell time and save the County money.

Chairperson Hall stated that it would help to explore the possibility of amending the Zoning Ordinance as a concept for the County rather than it being specifically related to Mr. Russell; this way, the Planning Commission is looking at the impact the changes have on the entire County.

Chairperson Hall provided Mr. Weakland with directions to Downings Consignment Shop, which is on the corner of Route 608 and Route 604.

Mr. Weakland asked if Mr. Russell's business being open on Sundays conflicts with the church's operations. Mr. Quicke shared that he believes Mr. Russell tries to be a good neighbor to the church.

Cassandra Jackson informed the Commission that the church has not had a problem with Mr. Russell and that he owns the house across from his business.

John Lewis shared his concerns of more regulation for the use of hot and cold water and the need for fire suppression. Mr. Quicke stated that he believes the Health Department has permitted Mr. Russell to serve food out of his camper.

Joseph Quesenberry informed the Commission that Mr. Russell filed his application for a Special Exception amendment on this day in his office for extended hours and a grounded sign. Mr. Quesenberry added that Mr. Russell wants to operate his food service out of the consignment shop and not the camper.

Mr. Lewis questioned if the Commission should be concerned with the possibility of the food service taking over the primary use. Mr. Quicke stated that the County's number one concern with this issue is telling Mr. Russell that his food service needs to stop because it is not allowed in his district and second the ramifications of the food service taking over the primary use. Mr. Quicke feels that the property will need to be rezoned to business if the food service does take over the primary use. Mr. Lewis stated that if Mr. Russell's business is open six days a week then it should be zoned business.

Mr. Quicke stated that the problem with rezoning this parcel as business is that the area surrounding it is mostly residential and that it had to be a house at the time the Zoning Ordinance was adopted in 1995.

Chairperson Hall requested more information be brought back to the Planning Commission during August's meeting for further discussion.

Mr. Quicke stated that Mr. Russell did apply for the amended Special Exception for the extended days, so the County would need to advertise for a Public Hearing next month. Mr. Quicke suggested hearing the extension of the business hours and leaving the food service issue separate.

Chairperson Hall explained that the Planning Commission would be hearing the extension of business hours only and the food service discussion would stop at this point.

Mr. Quicke stated that if the Planning Commission does recommend the approval of Mr. Russell's Special Exception amendment, then the County needs to tie up loose ends on parking with Mr. Russell.

Ms. Jackson asked if Waterfield (another food service vendor) in Lively is a part of the County. Mr. Quicke stated that he believes it is located in a B-1 zoning district.

Mr. Lewis questioned the amount of acres of Mr. Russell's parcel. Chairperson Hall stated she believes it is six acres.

Mr. Quesenberry informed the Commission that the church is going to allow Mr. Russell to use the church's new parking lot during non-church hours.

OTHER BUSINESS

R. Morgan Quicke explained that a few months ago the Board of Supervisors amended their requirements for Planning Commission terms. They are now allowing members to serve three terms if the certification course is taken. Mr. Quicke stated that the Planning Commission has not amended its By-laws to reflect the new language, but will update them and add it to the agenda for next month's meeting.

Joyce Pemberton stated she would like to know the exact language of the change made to the pier section in the Zoning Ordinance. Mr. Quicke informed Ms. Pemberton that he would get a copy of the updated language to everyone and he then proceeded to read the new language in the Zoning Ordinance.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting at 7:35p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary