

**Buckingham County
Planning Commission
December 27, 2022**

At a regular scheduled meeting of the Buckingham County Planning Commission held on Tuesday December 27, 2022 at 7:00 p.m. in the Peter Francisco meeting room, located within the Buckingham County Administration Complex, the following members were present; James D. Crews III; Stephen Taylor; Steve Dorrier; Joyce Gooden, Pete Kapuscinski. Also present were Nicci Edmondston, Zoning Administrator, and E.M. Wright, Jr., County Attorney. John Bickford was absent.

Re: Call to Order, Quorum Present, Invocation, and Pledge of Allegiance

Vice Chairman Dorrier called the meeting to order. Ashley Shumaker gave the invocation, James Crews led the Pledge of Allegiance and it was said by all who were in attendance. Vice Chairman Dorrier certified there was a quorum- seven of eight members were present. The meeting could continue.

Dorrier: Adoption of agenda, any changes?

Edmondson: No changes or amendments to the agenda.

Allen: So moved.

Gooden: Second.

Gooden: So moved and seconded. The agenda does not have any changes. All in favor, please raise your right hand. Unanimous. Okay. Approval of the minutes. Is there any additions or corrections to the minutes of the meeting?

Supervisor Allen moved, Commissioner Gooden seconded, and was unanimously carried by the Commission to approve agenda as presented.

Allen: Yes. My name went on front of it. I was here last meeting. So anyway just re add my name to the front. Other then that motion to approve.

Crews: Second.

Dorrier: We will make those changes. I have a motion to approve and a second. All in favor please raise your hand. Unanimous Thank you. Is there any public comment tonight?

Supervisor Allen moved, Commissioner Crews seconded, and was unanimously carried by the Commission to approve minutes with change.

Edmondston: Yes sir. We have four signed up the first will be Lisa Johnson followed by Marcus Johnson.

Dorrier: Okay we will open public comment. Good evening.

Lisa Johnson: So my name is Lisa. This is my husband Marcus. And we have lived in the Arvonía area, which is New Canton, whichever side you they decided our house is on for most of our lives. And we are standing in support of Tammy Moore who will be coming up to speak a little later. But in our community, for the probably the last 10 to 15 years. We had restaurants in the area, different businesses. And for one reason or another, they decided to shut down and we are looking to see new opportunity and growth in the community in that area. And hopefully get some new businesses there. And we were thinking maybe have a restaurant to start with. So that's why we're here we wanted to say that. Thank you.

Edmondston: Mr. Marcus Johnson is the next speaker Mr. Marcus Johnson. Did you want to add comments because you did sign up to speak separately?

Marcus Johnson: Okay. Well, I agree with my wife 100% that we need new business in Arvonía Virginia. If we want to go anywhere or have anything we have to come all the way to Dillwyn, or go to Zions Crossroads and places like that. So a restaurant or something nearby would be nice. Okay, thank you.

Edmondston: David Ball followed by Tatiana Jones.

David Ball: Good evening, David Ball district three, I just wanted to first say I hope you all had a pleasant and Happy Christmas, and that you have a pleasant Happy New Years. I know that next year is going to be an election year. So I expect that one or two things are going to happen, it'll be interesting to see. First is there won't be a lot of candidates running. So there won't be a lot of change. Or, on the other hand, there could be a lot of candidates, and a lot of change that comes into the county. So it'll be interesting to see what happens over the next year. But other than that, I just wanted to let you know that I think you all ought to have a safe and happy New Year. Bye.

Edmondston: Tatiana Jones

Dorrier: Good evening.

Tatiana Jones: I'm Tatiana Jones. I actually live in District Four. But I'm also here for support of Ms. Olympia Moore, who has begun the approval for her land to become commercial for commercial use, as opposed to residential. While I own property in district two, I don't you know feel that there is a need there for, as previous previously stated by my mother, for a restaurant or

something of the sorts closer to that area. I know ever since Jax has been closed, there is not a restaurant there for a local family sit down or something like that in the area. So I just wanted to come and show my support for her to get that approval for commercial use in the area. Thank you.

Edmondston: We have no further individuals signed up for public comment.

Dorrier: Close public comment and start with old business. The first case what would it be Nicci?

Edmondston: Yes, sir. Mr. Vice Chairman, the first case for public hearing this evening is case 22 SUP 322. The landowners and applicants are Lawrence and Barbara Hollister. The property information is tax map 161 parcel 20 472.5 acres and it's located at 2870 Rock Mill Road Dillwyn it is in the Curdsville magisterial district. It's currently zoned a one and their wishes or request is to obtain a special use permit for the purpose of operating an air b&b Bed and Breakfast. We do have the 11 conditions that were introduced to you last month. Mister and Miss Hollister are both available. Should you have questions specifically for the applicants to address. When you open the public hearing we do have one signed up.

Dorrier: Okay, so I'll open the public hearing. And who is your first speaker?

Edmondston: John P. Smith.

Comment from crowd withdrawing comment

Dorrier: Okay, anyone else?

Edmondston: No, sir.

Dorrier: Okay. Then I'll close the public hearing. Would Mr. Hollister and Miss Hollister, maybe come up and answer any questions we may have. Good evening

Barbara Hollister: I'm Barbara Hollister. This is my husband, Larry Hollister.

Dorrier: Okay, could you run through again, what we discussed last meeting and just for the commissioners and what you proposed, so we could get back with it. Well, first of all, does anyone commissioners have any questions for them?

Hollister: Does anyone have any questions?

Allen: I'm just wondering. The only thing you want to do is to rent out the house for the Airbnb?

Hollister: Whatever it is the name is appropriate in this situation.

Allen: I just want to make sure wont no camping or anything else.

Hollister: No. We certainly have space for it but that's not my intent.

Allen: Yes ma'am. You do have a lot of space.

Hollister: We have four bedrooms, four baths, living room. Nice space in the basement. Set up for washer and dryer. A deck that goes 360 degrees around the house. The setting, I think it's fabulous. If you want peace, quiet. Be to yourself when you want serenity. Bring yourself a good book and you're just you're right there. It's Buckingham County. Come on.

Dorrier: Did you tell us where you're located?

Hollister: It's 2870 Rock Mill Road. Road. 633.. It's probably about a mile from the sign up the road that says enonville.

Dorrier: Okay. We have any questions, any commissioners have any questions before we vote on it?

Allen: I'll make a move that we approve it and send it on to the board.

Kapuscinski: Second.

Dorrier: Have a motion a second that we approve this and pass it to the Board of Supervisors. All in favor, please raise your right hand. Unanimous. Okay.

Hollister: Thank you so much. Happy new year. We appreciate it. Again, the invitation is open.

Dorrier: Thank you so much. What's the next case?

Supervisor Allen made a motion, Commissioner Kapuscinski seconded and it was unanimously by the commission to move case 22-SUP322 on to the Board of Supervisors.

Edmondston: Yes, sir. Our next case is 22 SUP 323 are landowners and applicants are the Buckingham County Firefighters Association. The property information is tax map 125 parcel 11. It's 28 acres and it's located at a near the vicinity of 300 South constitution route Dillwyn Virginia 23936 and it is in the Maysville magisterial district. It's currently zoned a one with a watershed overlay. The request before you is to obtain a special use permit for the purpose of operating and events and are for activities included but not limited to fundraising and training with up to 4500 attendees. In your packet. You did see an email from President of the Association Brian Bates. The original request was for 6000 attendees at the four events that they have requested throughout a yearly timeframe. They have since sent in the email requesting a decrease in attendees from 6000 to 4500. They also included a conceptual layout plan which was

in your packet as well. This property as I mentioned, is located at or near the vicinity of 300 South constitution route. The landowner and applicant is Buckingham County Firefighters Association. Our zoning ordinance does not permit an event center as permitted by right use thus the application for a special use permit. The submitted application and narrative are attached. These are the same conditions that were introduced to you last month and the only change has been to the number of attendees. The vice president of the Buckingham County Firefighters Association. Mr. Chip Davis is available this evening to address questions and concerns regarding this application.

Dorrier: Do we have anyone for public hearing?

Edmondston: We have no one signed up for the public hearing.

Dorrier: We will close public Hearing okay. I guess Mr. Davis, could you come up?

Chip Davis: Do we have any questions? I think we've got a pretty good plan for you. We hired engineers, they went through looking at the parking situation and that's reason we decreased our number of attendees was basically parking.

Kapuscinski: Mr. Chairman, The last time this was introduced, I did say that I did go out and look at the property. I thought he was on the other side of the road. So it was my mistake. I did take Brian Bates and he showed me where the property was. And I was pleased the only question I would ask you is there is a residence directly across the street from the current driveway going into that property. Is that true?

Davis: I believe there are residences across the road.

Kapuscinski: Just one and then toward the end of the property. That's where that White House was Has anybody talked to them at all?

Davis: To my knowledge, No.

Kapuscinski: Is there any supposition on anybody's part that it could be a problem? Say, for example, there were 4500 people attending? I mean, is that does that issue raise a concern for you or anyone else?

Davis: We considered this when we looked for the location and tried to find a place to have a tractor pull. It certainly would not be as much of a problem as our current location is. And no one has ever complained at what we've done in the past. residences is one time a year, you know, it's, we're lucky to do one event a year.

Kapuscinski: Where you are right now there are other residences, and it has not posed a problem?

Davis: It has not. And even across in the woods on the other side over into Town of Dillwyn. They have never complained.

Kapuscinski: Okay, now this thing goes to public. I guess it is a public hearing. This is public hearing, right?

Edmondston: Yes, sir.

Kapuscinski: Are there signs? Did you do any signage out?

Davis: Yes, we did. Signage has been erected.

Kapuscinski: I didn't. I didn't check to see if that had been done. I haven't been there in a while. But okay. And you had not heard anything from those people.

Davis: Not heard a word or complaint from anyone.

Edmondson: Mister Kapuscinski all letters were mailed to the adjoining property owners as presented in application and no response to our office here, the administration building.

Kapuscinski: That's excellent. And I would move that we send this out to the board supervisors.

Dorrier: Just a minute.

Gooden: I have a question. But actually, my question is for Nicci. I noticed that you did change and dropped it down to 4500 people.

Edmondston: That's because the request came from the applicant. Right, ma'am.

Gooden: But in his narrative that he submitted is still does say 6000. Will that be amended?

Edmondston: I do not change the narrative, his accompany email is what is updating his request.

Gooden: Okay, that's fine. I want to be sure because that number is still there. Okay, thank you very much. No issue, just want to make them consistent.

Dorrier: Okay, I did notice the layout that you have with the road with route 20. Somebody looks like has done their homework with the traffic around this event, you know, because you can go all the way around and park. And it looks like it's worked out very well, whoever did it did a good job on it.

Davis: Maxey and Hines associates, we hired them to do the engineering and the site work layout. We went through and we marked trees, we wanted to keep that we did not want to have disturbed and kind of gave you a general direction of what we thought but we turned it over them

for the best location. It would be environmentally friendly as well as we could get these amount of cars in there.

Dorrier: Any commissioners have any more questions before we vote?

Kapuscinski: We need a second on the motion.

Allen: Second.

Dorrier: I do have a motion to pass it on to the Board of Supervisors and a second. All in favor of doing this to raise your right hand. Unanimous so passed.

Davis: Thank you very much, and we certainly appreciate it. Hopefully we stay on time schedule and do it this summer is what we hope.

Dorrier: Well, we thank You. We thank all the firefighters too. Okay, next case.

Commissioner Kapuscinski made a motion, Supervisor Allen seconded and it was unanimously by the commission to move case 22-SUP323 on to public hearing.

Edmondston: Yes, or the next case is the introduction of case 22 ZMA 321. It's Olympia Moore as the landowner and applicant this property information is tax map 42. Parcel 208 contains approximately 13.77 acres and it's located at or near 29661 North James Madison highway, New Canton in the marshal magisterial district. It's currently zoned a one. The request before you as a zoning map amendment the applicant is requesting rezoning from agricultural a one to business b one for future commercial use and the applicant is asking the Planning Commission to schedule a public hearing for this request. This property is currently zoned a one. This proposal is located within the Arvonía New Canton village center which surrounds us 15 near its entrance into the county from Fluvanna. It is comprised of several neighborhood businesses such as convenience stores, restaurants and banks, Slate mining, aggregate manufacturing and trucking or industrial uses within or adjacent to this village center. Housing of all types and sizes comprise this and then adjacent area. The area is not currently served by public water and public sewer however, the village area does contain various infrastructure assets including railroad access and a water intake located on the James River could be piped to serve the US Route 15 corridor of the village and growth, several churches of various denominations dot its landscape and form a unifying core for the community. As in all the villages the major land use consideration is too sure that infill development and redevelopment occurs and that future land uses are compatible with the buried land uses in the area. Because of this each request for rezoning special use permits or subdivision with in or in the immediate area that have an effect upon the village should be given careful consideration. The applicant continues to work with VDOT to schedule the traffic impact determination analysis, which is page 10 of the application. This case was introduced to you in October, there was a vote taken it did cancel with no carryover, so it remained an active case Miss Moore was unable to attend in November and did ask and the planning commission

favorably allowed this introduction to come back at tonight's meeting. The request is for a public hearing. What are the wishes of the planning commission would it be to set a public hearing possibly January 23 2023 At 7pm Miss Moore landowner and applicant is with us this evening as well.

Olympia Moore: Good evening. My family friends and members of the community have actually been watching the growth of Buckingham County. As you all know there is Dollar General in that area Dollar tree and the Central Virginia Health Care System. There is other businesses in that area as well. There is again heavy traffic, it is a friendly corridor to Fluvanna. We are asking for you know the growth and have some business development in that area. That's why we are requesting to have it zoned from a one to commercial. We want to have Buckingham of course remain a viable or Arvonnia to be a viable entity of Buckingham County. As she said vdot has. We are working with them to do a study. I have spoken to members of the community. Mr. Jeffers owns this shed right across the street. He is in favor of more businesses, more traffic and growth in that area. I presented a form Miss Perkins, who's known here in the community as well. She's right across the street. She owns two homes right across the street from the property. And she's also in favor of it being zoned commercial. I have spoken to a realtor Miss Virginia DeHart. And she said that businesses have some interest in that area as well. I'm not sure exactly like what types of businesses. I'm thinking more like, you know, greasy spoon mom and pop shops and things like that. In the area for Arvonnia.

Dorrier: Okay. Anyone have any questions for Miss Moore?

Kapuscinski: First in addressing some of the comments that were made earlier, those people that made those comments in support of you. And by the way, I have no problem with your request, I would tell you that there's no problem with her in an A one district asking for a business opportunity to buy that property. I don't know if you've read the zoning. But within the a one category, you can put businesses there. And specifically, if there's if there's a request for an SUP, those types of requests come to us often. In given the fact that given the fact that you may have a very good prospect, I'm certain that you know, at least for myself, I'm happy to listen to it. The problem I have is that as a relates this parcel of land, the land can be used any which way you want it. I mean, the land is forgiving. The idea here is that we created a comprehensive plan and it gets approved we pay for comprehensive plan it gets approved, suggesting that if we follow that plan, it benefits the county in general and all the residents there. Every time someone comes here and asks us for an sup or a zoning change or asking us to change a comprehensive plan. The question that comes to mind, at least for me is if we change the plan, does it benefit the county or does it not benefit the county? The problem I have is unless I know what it is you intend to do when you rezone, I can't answer that question. So for you to come here and say to me, you would like me to vote in favor of a zoning change without specifically telling me at least, I don't know how the other Commissioners feel but at least from my part, telling me what you intend to use that for. I can't tell you whether or not in my opinion, it either benefits or does not benefit the county or its residents. That's a problem for me. And I honestly believe if I were to vote in favor of this thing, in favor of either going forward or to a public hearing or going on to the Board of Supervisors, that I'd be remiss, because I would ask you to tell me exactly what you want to do

their property. Understand that. And I, you know, worked with these people for quite a while now, honestly, I don't think there's any proposal that we're not willing to listen to. But a proposal to ask us to blindly move forward with this request, is something that I'm having difficulty voting for.

Taylor: I agree with you.

Moore: I understand I mean, and that, that makes sense. But what I'm actually trying to do is zone it from a one to commercial, so that it will attract some type of businesses some type of growth. When that is done at that point, then I'd be better to tell you like, what type of plan can be supported, you know, for that business use, right now. It's just agriculture, or residential or agricultural. And, you know, even though some businesses may be, you know, interested in it, I don't have, like you said, a specific business asking me saying, hey, we want that particular property. You know, I do know that most residents and community people said, Yeah, we would like to see a restaurant, some food there something for convenience, whether it's, you know, small grocery store chain, or convenience store, something of that nature. But anything that, like you said, that could have growth or opportunities for growth, in that area would be supported by the community. But as of right now, you know, there is because it's not zoned in that commercial use, you know, I haven't had any traffic or anything like that to say, you know, this is exactly what we want. For that area.

Kapuscinski: Have you read the zoning, if you read the zoning ordinances for an A one district?

Moore: No.

Kapuscinski: If you do, you'll find out that there are businesses that are allowed on a by right basis, they're also businesses that are allowed on an SUP basis. In other words, you're, you know, if you were to go out and advertise to commercial individuals, and explain to them that you have a landscape here, that's a one, but certainly, you could come to the they could come you could come to this committee, and ask for a special use permit, or if, in fact, it was significant enough and it benefited the county, you know, you would ask for a zoning change. Truly, I'm not opposed to having you do that, or anybody that you would attract to do that. The fact that you're in a one district does not prevent you from advertising this property to some commercial user. That's my point. And unless I know, the problem I have is if you go from an a one to , B, one, what you're doing is you're changing your buy, right. In other words, the right that you have to put a business on that property. At the same time, the people who are next to you have no say, right now, if you decide to put some kind of a business on that property, that completely transforms the landscape to that property, to the deficit of those people, who are your neighbors, they can come here, and they can argue against it. If you if you change to be one, in that same situation occurs, they have no right to come here. If it were you that were the neighbor, I would be arguing in your favor. So it's difficult for me to pass this thing along, without giving those people the right to stand up and say, you know, that business doesn't work for me.

Moore: I understand that. And that's why I had spoken before and asked, you know, if it could be approved, you know, with restrictions, but My uncle lives directly across the street. So I would never ever put anything there. That would be, you know, a deficit to that area when I have family, you know, close family right there across the street. Not only that with ties that we have to the community and hearing what they want as well you know, that's why we're asking for a public hearing to give people and residents the opportunity to come and speak, you know, on their behalf. You know, they do want something there. And it would not of course be to anybody's you know, deficit. That is not the plan at all is to have some sort of business some sort of economic growth to that area.

Allen: I know that in that area, it'd be good to have small business what he's saying is our job is to put conditions on something that we know about. And right now what you're doing is just changing it without notice. Once you do that, and you sold it to somebody, they could put anything they wanted to because you didn't already changed it for and then you wouldn't have no way to stop, and we wouldn't either, because we would already to made it b one. So anybody in a business or commercial, that would already happen. So I mean, our job is to be here, and you say, we're going to put a restaurant or service station, or whatever you want to put in there. And we would put conditions to it, and help you bring it in. But without you giving us any idea of what exactly is coming in, puts us on hold. And if you know somebody that wants to do it, and you want to put this on hold for a little while, since you've already started the paperwork, it would be alright for me to hold it until you found somebody who wants to build such and such. And we work with you but right now, to me, it's going to be a no because you don't have no idea of what you put in there. And we don't want to just change it for anybody to do anything they want without coming back to us and asking questions.

Gooden: My question is actually for Nicci, again, if the area is zoned for business, and then someone wants to put a business up there does it have does it have to have a public hearing?

Edmondston: No, when it's zoned for business any property that that's b one thats a by right. So I'm going to read through what's by right and then what will happen is that that particular entity or individual can purchase that property and put anything that is allowed by right so okay, the list of businesses that are allowed by right are some that have been mentioned here tonight. antique shops, apartments as a secondary use so that would be similar to a Cameron station where you have two or three shops you're only allowed to have one apartment above that. Art Craft and Hobby stores, auto truck sales, agricultural industrial equipment used in new barber and beauty shops, caterers, cemeteries, churches, convenience stores, daycare center, a drugstore, dry cleaning and laundry services and emergency service facility. Financial institutions, a food store such as a bakery, butcher and candy shop, funeral homes, private garage, golf course and driving range, greenhouse, garden shop, nursery, hardware stores, libraries, lube shops, auto repair, towing service, medical clinic, church owned buildings, motels, hotels, bed and breakfasts, museums off street parking, parks and playground professional offices, restaurants, retail stores, that's what we'll be permitted by right.

Kapuscinski: Miss Edmondson, some of those things also show up in an SUP for an a one district as well.

Edmondston: They can and if it's not listed, any applicant has the ability to make a special use permit request for anything, whether it's listed or not listed it comes before you to determine if that's a proper use of land.

Moore: But those by right businesses. I don't know if anybody would be opposed to those types of businesses in that area.

Kapuscinski: Don't know, that's the problem. We don't know. It should be as your request should be specific to a use. I mean, it's a one and there are some uses do you'd have to you can do by right, you should get a copy of this, because then you could understand by right what you have the ability to do, which you have the ability to tell people they can do. And also with regard to any special use. Again, I have no problem with rezoning if you would bring a business here to tell us what you want to do. So that we can add the conditions and respect the people who live in that area as well as the people that you know, I mean, I heard people say, Gee, we'd like to have a restaurant there. You can do tha in a one district, that's perfectly acceptable. You can do a food stored in a one district. You can do a lot of things in in a one district. But you just need to come here and say, This is what I want to do.

Edmondston: They require a special use permit.

Kapuscinski: Yeah. And then we would put conditions on it give you an example. If there's a store that you want to put in there, maybe it's a parking issue. All right. Maybe it's an egress and ingress issue. I mean, we that's what we're here for to make sure that what you do is not just economic for the for the community, not beneficial for the community, but it's also safe. All right. That's what we want to do. We want to make sure that what goes into that property it doesn't necessarily mean everybody has to like what you want to put on their property. It means it has to make sense. But I don't know if it makes sense. I don't know what you want to put on the property.

Moore: So you're saying unless it's actually for a specific, people just don't usually have their land rezone, even though there are businesses right there within like across the street and down the road. That are actual businesses.

Kapuscinski: I don't I haven't been here. I've been here in a year. I don't know if it's happened before. But to my knowledge this year, no one's come to us to ask us to rezone just for the sake of rezoning. I will tell you that we're in the process of redeveloping a commercial comprehensive plan to address this and that comprehensive plan, I don't know.

Edmondston: A couple of years ago, the Planning Commission decided to leave our main growth corridors route 15 as a growth corridor, and in this vicinity. Yes, it does indicate what it is stating is there are businesses that have been located for decades, does it make sense for this

corridor to continue to be utilized for business, it lets you know that there have been small businesses restaurants, along with convenience stores, banks, insurance offices, there's a major medical center there, there are now two dollar stores, one that's constructed one that's in construction. Since this is a main corridor that would indicate that the individuals of the area do travel to route 15. Make necessary trips for larger things. So in your thinking of this, this is not on a secondary VDOT roads, it's on a main corridor that seen growth, and a number of years. And most of those, while some of them operate businesses that were prior to the zoning ordinance, they're grandfathered, but they continue to operate 50 60 years after as the same type of business. So it is an area that has seen lots of traffic, due to the slate mining and solite, it's not atypical for individuals in this area along that 15 corridor to see heavy traffic and, and growth and convenience stores and doctor's offices and insurance offices and those type of things. And this particular area was unchanged by the Planning Commission in their comments when they were going over the review a couple years ago, they wanted to continue to indicate that this was a village area and a main corridor.

Kapuscinski: I don't know I'm not speaking for the entire commission here. But it seems to me that you may not be willing to wait, but it seems to me that it would be a good idea to have people look at it again, for the comprehensive plan, because it may be a moot point, it might be that they change it. And it becomes a moot point for us. Okay. But at least at this point in time, without knowing specifically and as far as that Dollar General Store as I recall that came to the planning commission, didn't it? Yeah. And we went ahead and we approved All right. So point being, I again, as far as I'm concerned, I, as a commissioner, I don't have a problem with you coming forward, and asking for, for a reason for us, or asking for us to change the zone or asking for an SUP. If I know exactly what it is you're asking for. And we can put the conditions on. I'm more than happy to help you get the thing done. But I'm going forward blind is difficult at this point in time.

Dorrier: Anybody else have any?

Shumaker: So I am from Arvon, I drive there every day for work. So I understand what you're saying. And I think that's a great place for business right across from the shed. You know, if vdot gives you the blessing for ingress and egress issues. I think it is a decent spot as Nicci just went through all the highlights of the different businesses that are there. Again, idealistically, you know, it'd be nice to have a restaurant or another business. I think what Pete and everyone's concerned about is your immediate neighbors. And again, I don't know what the wishes are of the entire commission. But I think a public hearing kind of lets us know what those immediate neighbors think. And we have some people here in the audience that also are in favor, but I don't know that they are the immediate landowners nearby. But I would be interested in what those immediate landowners had to say, because as far as location for business, I find it is a good place for business.

Moore: I agree. And like I said, this is just one that I put up there, but she owns two miss Perkins, I gave you that that she is in favor of it. And, you know, my uncle who was directly

across the street, but of course, you know, public hearing, like I said, to get others in, you know, I'm open to that as well.

Kapuscinski: Would you indulge me I'd like to read just one short paragraph from Miss Vaughn, who's a direct, who's a neighbor that literally borders your property. Okay. says, here's my biggest issue with this entire thing by rezoning this property before business requests request the use of it, myself and my neighbors have lost our voice in the matter. Anything could go in directly in front of my house, and there would be nothing I could say that would change that it could greatly impact traffic, which is already busy. When leaving our home. I normally have to look left and right as traffic rounds occur, but also make sure nothing is pulling out of the shed or off 15 circle and what are the long term effects of the value of our home? I have to. I have to I don't have a problem with business growth, believe me. I think we need business growth and I'd be excited to have you bring in as a prospect. But I have difficulty just blindly going forward without giving the people who are directly affected by your decision to sell this property potentially not having...

Moore: I don't plan on selling it?

Kapuscinski: Well, again, then if you don't intend to sell it, I don't know why you need to rezone it. I mean, I don't want to make that argument. But essentially, you know, I would assume that there's going to be a prospect, or at least you'd like to have one, point being and maybe it's your own, maybe you want to open up the store, but without knowing specifically what your purpose is. We're affecting other people. And I don't know, I don't know how to set a condition on that.

Crews: Yeah, I agree. I think, you know, rezoning it just with no plan just opens up too many doors and possibilities of different uses for the property under commercial, some might benefit the community and some might not. So without a plan, I just can't support it.

Gooden: Mr. Vice Chair. I do have a question because, if we go forward to a public hearing, that means that there's an opportunity for people to speak. And then we can pass it on to the Board of Supervisors. So there's more than one opportunity to speak and I'm listening. And I've seen other properties that are zoned for business, you know, will build to accommodate businesses. And so we do provide an opportunity for people to speak. We don't and I keep... we don't blindly go forward. And I am sure Miss Edmondson has explained, you know, what can be put in, in her interviews what can be put in these particular areas, if we rezone it for business, I'm sure Miss Edmondson did her due diligence and explaining that. And so my concern is that we are giving people an opportunity to speak. And I think we should give the neighborhood's... yes, if the neighbors want to come in and speak, but you know, it's not that you have to go and knock on everybody's door and says, Okay, here's, get ready to here's the meeting time, you know, it's their own personal responsibility of what's coming, going to be built next to them.

Moore: I wouldn't mind putting signs up whatever it would take for everybody's...

Gooden: Im in favor of moving it forward to a public hearing, because there are opportunities. And then people can see this is for business. And so we can listen. And it still has to go to the board of supervisors, just that we have to do our due diligence on this. and we're not blindly going forward. So I said the Board of Supervisors still makes the final decision.

Dorrier: Well, I need to address the commission too, because I had a conversation with Chairman Bickford today. And I listened to his advice quite often. And he would like to propose with the to go with a public hearing. And I told him, I would address that on his benefit for his benefit. And, he stated, we should go with the public hearing and give the people of the area of chance to speak for or against, and then make a decision on that. And I know it's a double edged sword because some of our commissioners don't see it that way. And I understand I didn't see it that way, the last time we met, but I do see it now. If we do go forward with this, and let your people in the community either say yea or nay, then we know what we need to do. But that's just that's Commissioner Bickford. And I listen to him quite often for advice. So I just want to let everybody know what he thought. Anymore questions. I'd like to have the vote where we pass it on for public hearing or denied? I need a motion to either to pass it on to public hearing.

Gooden: So moved.

Allen: Id still like to ask another question. You just said just a minute ago that you won't counting on selling. So do you want to find something that's going to be built there and bring it back before you maybe get turned down?

Moore: No, not at this point.

Dorrier: I've got a motion to pass it on to public hearing. Do I have a second?

Shumaker: I'll second it.

Dorrier: I have a motion and a second to pass it on to public hearing. All in favor of passing through the public hearing, please raise your right hand.

Allen: Just before you vote two question. I mean, I'm pretty sure it's going to fail if we do like we're doing. But it doesn't matter whether we say yes or no to it. It moves on to the board supervisors to go through it again.

Dorrier: After the public hearing.

Allen: Yeah. It doesn't matter whether we say yes or no, it still goes to the Board of Supervisors.

Dorrier: Sure, thats true.

Edmondston: If a public hearing is held a recommendation from the planning commission, whether it's approval or disapproval, it will move to an introduction to the Board of Supervisors. Yes, sir.

Allen: Just our approval or disapproval will go to the board and say, This is what happened with the planning committee. I just want to remind everyone.

Dorrier: Everybody clear with that. Okay, so I do have a motion to pass it on to public hearing. I have a second. All in favor of passing on please raise your right hand. All negative, please raise your hand four opposed to three yes.

Edmondston: That just means that a public hearing won't be held. I'm sure Miss Moore. We'll be back next month for public hearing.

Dorrier: Okay but we will not pass it to the public hearing.

Moore: Mr. Bickford's vote doesn't count?

Dorrier: No, ma'am. No, he's not here.

Moore: Thank you.

Commissioner Gooden made a motion, Commissioner Shumaker seconded and it was carried 3-1-4 by the commission to move case 22-ZMA321 on to public hearing with 3 yes 1 absent and 4 no.

Edmondston: The new business before you this evening is actually a request from Apex clean energy. Mary Margaret is actually joining us via zoom this evening. Apex has written a letter which was included in your packet and this is actually for a in the short term review and what this is regarding the Rosney Creek solar case 22 SUP 319. Apex is asking for an actual official motion and vote on the conformity to the comprehensive plan for case 22 SUP319. The Planning Commission's recommendation of approval to the Board of Supervisors is in essence, an unspoken 22 32 conformity agreement. But apex is asking for a separate motion, specifically for the conformity to the comprehensive plan. Mary Margaret, I know that you're available if you have anything to add, please do so.

Mary Margaret Hertz: I just, I wanted to one do a voice check. And then also, thank you, Nicci, you explained it perfectly clearly. And thanks, again, for seeing us tonight. Everyone. Just let me know if you have any questions about this motion.

Kapuscinski: My understanding is basically I mean, we, first of all, we've already passed this on. I mean, we're prepared to pass this on everything that you showed, at least in my opinion, was favorable. And I think the commission voted unanimously. So really, this has to do with the formality. And I think it has to do with your financing, isn't that right?

Hertz: That's correct.

Kapuscinski: Okay. So really what you're looking for, if I'm not mistaking, is just a confirmation from us in a formal vote, that we've gone ahead and agreed that, given what you presented, has been acceptable, given our comprehensive plan that you want a formal vote from us to say so as opposed to the way we just handed it forward before is that correct?

Hertz: Yes, you are correct. So this would be in addition to the SUP vote, but that's exactly right.

Kapuscinski: There are no other forms or anything we have to sign is there. I mean, it's just, it's just a formal vote,

Edmondston: vote this evening to make a motion the case is in conformity with comprehensive plan and meets the 22 32. Review.

Kapuscinski: Chairman, I'm ready to make a motion. But I mean, you may want to have someone else.

Dorrier: I just have one question for Nicci does it meet comprehensive plan guidelines, everything that, you know of?

Edmondston: Well, actually, your all's recommendation for approving that special use permit is exactly that agreeing that it meets Land Use requirements and conformity with a comprehensive plan. So in essence, your recommendation is stating exactly that. Yes, sir.

Dorrier: Okay. Anyone else have a comment? I'm ready for the motion now.

Kapuscinski: I move That we make a motion If this thing substantially conforms to the comprehensive plan and we move it forward,

Crews: Second.

Dorrier: Okay. We do have a move to do moving on that the comprehensive plan is in line with this and we should pass it pass it on as it's just a formality. But we need to pass it on. I have the second so we could vote on that. All in favor, please raise your right hand. Unanimous it is passed.

Dorrier: Thank you, Mary. Margaret.

Hertz: Thank you all. Happy holidays. Happy New Year.

Commissioner Kapuscinski made a motion, Commissioner Crews seconded and it was unanimously by the commission to accept case 22-SUP319 for conformity to the comprehensive plan.

Dorrier: Planning commission 2023 calendar. Nicci.

Edmondston: Yes, sir. Mr. Vice Chairman. In your packet this evening, we do have the 2023 monthly meeting schedule. Our next monthly meeting will be Monday, January 23 At 7pm. There's also on the second page of calendar events will be the 2023 monthly work session. These are tentative and only held if needed there the third Monday, or you will see one occurs on a Tuesday because it follows a holiday. There's also the 2023 bylaws included in the in the packet. If there are any changes or anything further, always put these in the last meeting packet just for your review.

Dorrier: Do we need to vote on anything for that?

Edmondston: No sir, you'll be voting at January's meeting to accept the bylaws or make any changes or amendments or additions at that time.

Dorrier: Reports.

Edmondston: So you have your building permit report for information. And there, I'm sure you all have received an email, you may have thought it was fraud in the last week. But in response to training, the calendar for VCU was actually posted, I believe on the 19th. I think that's the day that I actually did this and the 109 certified planning commissioners program takes place it starts March 6 than seventh that's from nine to I believe 3pm. Those days. Those are the two in person instruction days, it's on the VCU Monroe Park campus, you will have at home study until May 15, and 16th. At that time, you'll go back to the campus for the final two in person instruction days. When you go you will have your homework and all the documentation and manuals that they will provide to you. But your training does start on March 6 2023, at VCU and everyone is enrolled, you need to do nothing further unless you have questions or concerns you can get in touch with me and we can work those out.

Kapuscinski: Just some clarification. There's two days of meeting at Monroe Park right?

Edmondston: Four days two at the beginning and two at the end. And then in between it's all basically you're at home and they will give you your instructions for your homework assignments. You may have some virtual type things or just sending in your assignments, I'm guessing to the instructor's email address.

Kapuscinski: Are their requirements for us to meet as a group to do any of this work?

Edmondston: I have only heard about the assignments from a prior planning commission member this has been over two years ago and I think it was you know, self-motivated at home study. I'm sure you can use your group if you know, find something that's, you know, a question and you'd like to muddle through a bit with some of your fellow planning commission members. So but there are two in person days at the beginning and two in person days at the end wrapping up the session.

Kapuscinski: About a six week program.

Edmondston: Yes, sir March 6 till May 16. So maybe about eight weeks.

Dorrier: We can call you on any questions and we can get all this straight?

Edmondston: Yes sir. And you should have your emails in there as well. But it's maybe a lot to process. So. So happy training starting in March.

Gooden: Nicci Thank you very much for doing that. I appreciate it.

Edmondston: I'm glad the calendar opened back up and in person.

Gooden: Is there a way we can extend an invitation to the Board of Supervisors members, and especially those who are on that special committee?

Edmondston: We could I'll have to speak with Karl Carter County Administrator to ask those types of questions and seek the approval and his input. I'm happy to do so.

Gooden: All right. And somewhere in our ordinances. And I may have to go back and look again, but that we need to have some type of actual formal orientation when anybody comes on the planning commission. You know, our orientation is like self-motivated, but I would prefer it if anybody comes on there's something there's an official orientation, these guidelines. And here's what we do, you know, when we meet those kinds of things, as well as the recommendation that they attend a course.

Edmondston: We can add to the kind of onboarding process for commission members. Yes, ma'am.

Gooden: Id appreciate it, that would have helped me. That's what I'm saying. I would appreciate it. Thank you so much. I appreciate you follow through on that.

Kapuscinski: One last question. Can you give us any kind of an update as far as the comprehensive plan and where it stands?

Edmondston: The most recent comprehensive plan update would be that the Board approved the to work with Commonwealth Regional Council CRC to move forward with updates to the

comprehensive plan. I haven't heard anything since the board agreed to the funding of that project. So I'm sure they are diligently working.

Edmondston: Are there going to be members of the planning commission on that team?

Edmondston: Oh, yes. There will be members of the planning commission, there will be public hearing held 30 day multiple review dates by the public. Yes, absolutely. That will be you will be very familiar with that process before it's over. Yes, sir. Absolutely.

Dorrier: Okay. Commission matters and concerns.

Allen: Yeah, just want to talk about a little bit, what we just been through with this deal down in Arvonnia. If you change the zoning into a b one. It's no need of having a planning commission at all. If you do that, and let that happen throughout this county, Anybody come up here and change anything you want. Then they can build anything they want anytime they want. This deal right here to me is wrong to do it without knowing what we're going to put there. We're wasting time it's no need of having a planning commission if you're gonna do it that way. And if I'm wrong, Nicci, you can tell me. Am I thinking wrong? Am I saying wrong?

Edmondston: Theres not a way for me to win but were going to take a stab at it.

Allen: No, don't don't you just say what you feel.

Edmondston: To rezone anything to a b one. What happens at that point is any permitted uses can move forward. Now, I state this because on route 15, it's a little bit different than sticking it in the middle of 652 on Bridgeport road, or Glenmore road or Howardsville road or Francisco New Store, where you're completely rezone and 13 acres in an area that a secondary road and typically hasn't seen anything other than maybe a mom and pop at the end of a crosshairs. That's probably decades old. I will point out that on the 15 corridor from not as far as Andersonville Road, back, towards Dillwyn within 500 feet of route 15, all the way in past up to route 20, from 500 feet from the edge of the road and back is zoned b one, which is conducive to business growth. We've had quite a few things come into that area and other types of expansion because that zoned b one, it's business friendly.

Allen: Part of the comp plan.

Edmondston: This was not done as part of the comp plan. There are notes in some of my zoning notebooks there that was not part of the comp plan.

Allen: That's what we done when the comp plan came out.

Edmondston: I'm not sure that specifically stated in the comp plan there. We talked about the main corridor, and I'm happy to go back and check but there are things that have moved in there and have called for development because it has the allowance to do so you know, is that the right

thing to do everywhere? Absolutely. That's not what I'm saying. But I do think it's important to look at the certain areas and villages that are located on Main corridors that have been used to seeing certain commercial growth. The list of businesses that are allowed within that be one you know, everyone is may have questions about you know, v dot and ingress and ingress in a development plan. Well, things can go on there by right but it has to adhere to development plans such as erosion and sediment control. Does it need deq for storm water? Or is it handled under an acre and its Peter Francisco Soil and water divvied out come in and take a look at issuing their land use permit because it requires a commercial entrance. And typically those are drawn by an engineer. So if someone were to have a piece of b1 property, and they enter that and did not do these measures, then of course we know about that. And we have instances where our zoning enforcement officer has shown up on site and said, Hey, I'm not aware of any development taking place here. So hold on and slow down and let's see what we need to do. Where are your plans? Where's your VDOT on entrance permit? I mean, we've had to work backwards. So No matter where you are, which zoning districts you're located in, in any type of development, you do they require all certain types of permitting and adherence to local state and federal guidelines.

Kapuscinski: I absolutely sympathize with your position, because I think you'd have talked about and I, I do believe we need growth in the county, and maybe this is a suitable area, the only argument that I'm making is that on a by right basis, you take, you take the ability of those neighbors away from at least, you know, asking a question, and here's the problem with a public hearing. Not everybody will come. Right. So the point is, in we haven't we haven't turned away businesses on an SUP basis in that corridor. I mean, we approve the Dollar General. Alright. And I don't think that we would be opposed. I'm not, I'll speak for myself. I'm not trying to speak for the commission. But quite frankly, you know, I'm excited to see business growth, and if it's a reasonable business, and it would help that neighborhood, you know, I'm all for it. But I just don't know what ultimately she intends to do with it. And she keeps saying that she doesn't intend to sell it. So the question in my mind is, why do you worry about it being rezoned? It just doesn't make any sense?

Edmondston: I think maybe the biggest question, I hear lots of concerns, and I know that each of you on the Commission have, you know, a tough time trying to, you know, determine and disseminate the concerns and the requests before you, you know, the biggest question for you all with each case is, Does this match land use? Does this the request for this particular use of property? Makes sense? Does it pass the sniff test, so to speak? Is it located in the right area? Is it in conformity with the comprehensive plan? And of course, you know, we do want to know what the neighbors think we won't ever know what the neighbors think if public hearings aren't held and when they are held. You know, I'd love for many people to attend the public hearings, you know, the process has not changed an introduction, if a public hearing is held letters are mailed out to the adjacent property owners, not everyone in an area. But if they touch by Survey Point, ads are taken in the Farmville Herald it's put on our page, and our packet is posted as it is always the Wednesday prior to the meeting. So that process has not changed for the planning commission or the Board of Supervisors. The real question before you is does the request meet Land Use requirements? Does it make sense for a particular area?

Kapuscinski: I've heard that argument before and I'm telling you the land can be used just bought any way you want? It? It the question for me is whether or not it's going to hurt the county, or it's going to hurt the residents in this county. That's in my mind, that's keep going. You look, you know, if it was you that boarded up against that property, wouldn't you want to know what was going on in there? Before you came here to a public hearing? Wouldn't your question be, well, what do you want to put there? I mean, maybe I want a restaurant. Maybe I want \$1 General, but if you're not going to tell me what you're going to do. Do I want a hog farm? Do I want a slaughterhouse? I don't know.

Edmondston: I live next to a hog farm, and they are great property owners behind me. I always say it smells like money.

Inaudible multiple people talking

Kapuscinski: Nicci. I'm being rhetorical here.

Edmondston: I know you are. the public gets the opportunity to speak when they are invited to do so.

Kapuscinski: If they came here, and they didn't know what they're talking about what do they have to speak to?

Edmondston: The process has not changed or

Kapuscinski: How many people know what's on that a one list, I have to look at it every time.

Edmondston: The process for what this zoning ordinance was adopted in 1997. And the last revision was 2018. The process for finding out what the cases are what is going on has not changed. I don't have a blinking sign. And certainly my office is open constantly, as my phone line is I do. Your words and comments are not falling on deaf ears, Mister Kapuscinski, I hope you understand that. But what I will say is the process has not changed. There is nothing here that adjacent property owners or people in the area have not heard about because per the state code, how this process flows is there's an introduction. And if a public hearing is held letters and notifications are sent out at that time. I mean, you know, the trust has been put into the planning commission to take each of these requests and applications very seriously, which you all are doing. Obviously, it's very near and dear to you, because we're having this conversation in this discussion afterwards. I mean, it gives us lots of food for thought and moments for pause during the process. And sometimes no matter what the decisions and recommendations have been during the meeting, we're able to take that back home and digest it a bit more and hopefully it will encourage each of you to have other conversations with one another with some constituents in your area here with administration. You know, this is not an argument. This is a discussion and a good one at that. So I appreciate all of the efforts you don't get a lot of credit for things. 2022 has been a big year for Buckingham County. And I don't say that in a joking manner. There have been lots of cases and I know things that have kept each of you, awake a lot longer than it

probably has. I do appreciate each of you, you all bring something completely different to the table. Our citizens of the county are lucky to have you here in the commission, working through these cases, one by one. So I do appreciate it. And like I said, I'm always up for good conversation, because sometimes I have a tunnel vision as well. And it helps with that. So I appreciate each of you very much. So.

Dorrier: Anyone else. I just have one thing to say I'd like to thank Nicci and Lexi and all the board members here. We have a great planning commission. I've enjoyed working with you this year. And Mr. Beckford's not here, but I miss him. I'd had a conversation with him today. But thank everyone for being here and, and helping us out with your expertise and knowledge. I know we get a lot of ridicule from people. But I think we have a good sound group here in the knowledge that we do have. So just again, thank you and have a happy new year. If no other concerns. Do I have a motion to adjourn?

Gooden: Motion to adjourn.

Taylor: Second.

Dorrier: We're adjourned.

Commissioner Gooden moved, Commissioner Taylor seconded, and was unanimously carried by the Commission to adjourn the meeting.

There being no further business, Vice Chairman Dorrier declared the meeting adjourned.

ATTEST:

Nicci Edmondston
Zoning Administrator

John Bickford
Chairman