

***Campbell County Planning Commission
Minutes
March 27, 2023***

The regular meeting of the Campbell County Planning Commission was held on Monday, March 27, 2023, in the Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The following members were present:

Michael S. Condrey
Trish R. Hedges
K. William Kirk
Tom Lawton
Dean Monroe
John Thilking
Megan Wright
Steve Shockley, Board of Supervisors Representative

Members Absent:

None

Staff Members present:

Paul E. Harvey, Community Development Director/Assistant County Administrator
Austin R. Mitchell, Zoning and Subdivision Administrator II/Deputy Director
Theresa P. Phillips, Staff Secretary

// Chairman Kirk called the meeting to order with the invocation followed by the Pledge of Allegiance at 7:00 p.m.

// Chairman Kirk asked for corrections or comments on the minutes from the February 27, 2023 meetings. With none, Chairman Kirk made the motion to approve the minutes from the February 27, 2023 meeting.

// **PUBLIC HEARINGS FOR CONSIDERATION**

// **PL-23-040 (Special Use Permit - 34-A-1, 34-1-1, 34-1-2, 34A-1-2, 34A-1-3, 34A-1-4, 34A-1-5, 34A-1-9, 34A-1-10 & 34A-1-11 / 317.25 +/- acres)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is from Jason Sparks with hep Petra Construction, LLC, agent for Charles Arthur, II and William Arthur, to amend the special use permit condition for the vegetative buffer for the solar energy project on property zoned Agricultural.

- // Commissioner Condrey asked if the Planning Commission recommended approval and the Board of Supervisors approve the revised special use permit, would staff still have the judgement to determine if additional screening is necessary.
- // Mr. Mitchell responded if additional areas of screening was necessary the County would be able to require screening in those additional areas.
- // Chairman Kirk opened the public hearing at 7:04 p.m., stating these public hearings would go before the Board of Supervisors at the May 2 meeting.
- // Mr. Jason Sparks, 11330 Vanstory Drive, Suite 101, Huntersville, NC, stated in 2018, the original developer acquired the special use permit with the provisions of 6 to 8' trees be planted. Since that time, the project was sold to hep Petra Construction, LLC and in October when it was time to plant the trees, they could not get 600 trees of that height. Mr. Sparks stated the height of the trees planted were between 4.5' and 6.5' with the average being 5' tall.
- // Commissioner Monroe stated the trees were not being planted in the area where the solar panels were located, why were the trees not planted five years ago?
- // With no one present to speak in favor, Chairman Kirk asked those in opposition to come forward.
- // Mr. Stephen Merryman, 212 Sawpit Road, Rustburg, stated he felt when a large company indicated they were going to do certain things, they should be held responsible as well as citizens.
- // Chairman Kirk closed the public hearing at 7:13 p.m.
- // Commissioner Monroe stated he felt this could have been handled differently to comply with the original special use permit.
- // Commissioner Condrey inquired if 8' trees was the standard requirement for other solar projects.
- // Mr. Austin Mitchell responded this project required more because of the location, but the other solar farm did require the 8' trees.

// Chairman Kirk stated when the project was originally approved, viewshed was a major concern and that was the reasoning of the 8' foot tall tree buffer.

// Commissioner Lawton inquired if this request is denied by the Planning Commission and the Board of Supervisors, what would be the next step.

// Chairman Kirk responded they would dig the current trees up and start over.

// Commissioner Condrey made the motion to recommend approval of PL-23-040, to amend the special use permit condition for the vegetative buffer for the solar energy project on property zoned Agricultural, stating good zoning. Commissioner Thilking seconded the motion.

The vote was: Aye: None

Nay: Condrey, Hedges, Kirk, Lawton, Monroe, Thilking, and Wright

Absent: None

// **PL-23-044 (Rezoning – 1440 Hat Creek Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this

request is to rezone 2.609 +/- acres from Agricultural to Industrial – General to allow for use as an office and storage warehouse for a wholesale and consulting business. The owners obtained a home occupation permit in April 2020 to operate a wholesale and consulting business on the property. Since that time, the owners have renovated an existing barn into offices and warehouse space, moved from the property, and have other employees come to the property. The home occupation permit is no longer valid since the owners do not live on the property. A rezoning to Industrial – General is required to allow for a wholesale and consulting business to operate on the property. The company works with the U.S. government sectors and military, manufacturers, and government contract holders to procure equipment, assemble solutions in-house or drop-shipping, and manage logistics. The owners are proposing to construct a 10,000 square foot warehouse to assist in operation of the business. The request is not proffered, so the concept plan and proposal are conceptual and non-binding.

// Chairman Kirk opened the public hearing at 7:21 p.m.

// Ms. Amy Seipp, Accupoint Surveyors, 6200 Fort Avenue, Lynchburg, stated the applicant would like to rezone 2.69 acres from the 95 acre parcel to build a 10,000 square foot warehouse to operate a wholesale business and also to be used as a storage warehouse of the equipment. Ms. Seipp indicated the current converted barn did not have restroom facilities and the new proposal would include a small drain field along with

some connecting paving of the current barn to the proposed building and a stormwater management proposal.

// Chairman Kirk inquired to the type of product that would be housed in the warehouse.

// Ms. Elisha McGee, 11978 Red House Road, Brookneal, stated they have a government contract and there could be a wide array of products ranging from Polaris's, communications equipment, drones, or inflatable boats and at times the warehouse could be empty.

// Chairman Kirk inquired if the facility was a manufacturing or a staging facility.

// Ms. McGee stated they were an assembling facility.

// Commissioner Lawton inquired what on the property was changing.

// Ms. McGee stated when they applied for a well and septic system, they realized they were no longer considered a home occupation business since they had moved and no longer lived on the property.

// Commissioner Lawton inquired to the number of employees or growth of employees.

// Ms. McGee stated no more than 10 employees at the location and most employees worked remotely. Ms. McGee also indicated if the business grew and they needed more employees, they would move the business closer to Lynchburg.

// Commissioner Condrey stated he had visited the property for the well and septic and felt it would not affect his vote. Commissioner Condrey did ask Ms. McGee to explain the project for the Coast Guard.

// Ms. McGee stated they had saved the US Government 50 million dollars in a current project they are currently working on. As far as the Coast Guard project, Ms. McGee explained there had been a hurricane and the Coast Guard was being deployed during the night, she was able to figure the tow weight with a standard covered trailer filled with inflatable boats and generators and use a regular truck to deliver the materials.

// Commissioner Lawton inquired to the hours of operation.

// Ms. McGee stated she wanted to address the number of employees, stating the past summer she had 2 interns working Monday through Friday 9 a.m. to 5 p.m. Ms. McGee stated currently it is only she and her husband. Ms. McGee did state from time to time she or her husband could be in the office after hours completing paper work. Ms. McGee indicated they did have their license to sell firearms in order to transport to the military and or trade shows.

// Commissioner Condrey inquired about the screening buffer.

// Ms. Seipp indicated there was currently some vegetation but more would be needed.

// With no present to speak in favor, Chairman Kirk asked those in opposition to come forward.

// Ms. Cary Pugh, 2349 N Quebec St, Arlington, Virginia, 22207, representing her Mother, Dolly Pugh, who now owns the land across the road from the proposed rezoning. Ms. Pugh stated she was also representing 11 additional family members and neighbors opposing this request. Ms. Pugh also stated the rezoning to industrial would not fit in the area surrounded by all agricultural farmland. Ms. Pugh stated what would stop additional rezoning in the future if this was rezoning was approved.

// Chairman Kirk closed the public hearing at 7:44 p.m.

// Commissioner Condrey made the motion to recommend approval of PL-23-044, to rezone 2.609 +/- acres from Agricultural to Industrial – General to allow for use as an office and storage warehouse for a wholesale and consulting business, stating good zoning. Commissioner Thilking seconded the motion.

// Commissioner Thilking stated he felt this was a great project but in the wrong location.

// With permission from the Chairman, Commissioner Monroe polled the audience questioning if any of them had been contacted personally by the McGee's. One neighbor stated he was contacted. Commissioner Monroe stated this is an extremely rural area and the neighbors choose to live in the rural area. He also stated this is a great idea but in the wrong location and if rezoned could create multiple issues in the future with by-right use.

// Commissioner Lawton stated he agreed with the previous comments and felt this was the wrong location.

// Chairman Kirk also agreed with Commissioner Monroe.

// Commissioner Condrey stated when visiting the site, he had to go knock on the door, the building looks like a pole barn and you could not tell anyone was there. Commissioner Condrey also stated he spoke with County staff hoping this would be classified as a

special use permit and not rezoning with the understanding once rezoned, it cannot be undone.

The vote was: Aye: None

Nay: Condrey, Hedges, Kirk, Lawton, Monroe, Thilking, and Wright

Absent: None

// **PL-23-023 (Special Use Permit – 212 Winding Way Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this

request is from Jeff & Anne Jensen for a special use permit to use an existing single-family dwelling as a rooming house and allow one additional dwelling unit within the existing single family dwelling for use by immediate family on property zoned Residential – Single Family.

// Chairman Kirk opened the public hearing a 7:55 p.m.

// Mr. Jeff Jensen stated when the additional area was not being used by his son; he and his wife would like the option of renting through platforms such as Airbnb. Mr. Jensen stated his family have lived in the dwelling for 30 years.

// Commissioner Thilking thanked Mr. Jensen for going through the proper channels applying for his special use permit.

// Commissioner Hedges clarified that Mr. Jensen wanted the option for his son to live in the basement or to have the ability to rent the basement if the son was not living in the basement. Commissioner Hedges also commented on the adequate parking area.

// Mr. Jensen also stated he had spoken with his neighbors and they had no complaints.

// With no one present to speak in favor or opposition, Chairman Kirk closed the public hearing at 7:58 p.m.

// Commissioner Monroe made the motion to recommend approval of PL-23-052 for a special use permit to allow one additional dwelling unit within the single family dwelling for use by immediate family on property zoned Residential – Single Family, stating good zoning. Commissioner Thilking seconded the motion.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, Thilking, and Wright

Nay: None

Absent: None

// **PL-23-052 (Special Use Permit – 10609 Richmond Highway)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is from Susan Brown, agent for Stone Gate Farm LLC, for a special use permit to operate a wedding and special events venue on property zoned Agricultural. The applicant would like to operate a wedding and special events venue on the property. The venue will be used for weddings, birthdays, anniversaries, corporate meeting, events, or any other celebration. There is an existing building on the property that will be used for the venue. The venue will hold 75 to 100 guests. There are handicap restrooms and an existing area for parking.

// Chairman Kirk opened the public hearing at 8:03 p.m.

// Ms. Susan Brown, agent for Stone Gate Farm LLC, 20946 Timberlake Road, Suite 1, Lynchburg, stated she was the property manager for this venue and could have events held at this location every weekend. Ms. Brown also stated she had in place rules and regulations with the noise such as music ending at 10:00 p.m. Ms. Brown also stated the owner of the property, Mr. Ricky Thompson owned approximately 121 acres surrounding this venue and feels noise and traffic would not be an issue.

// Chairman Kirk questioned the number of attendees at any event and the lighting.

// Ms. Brown stated the building would accommodate 100 people at the most.

// Mr. Ricky Thompson, 10609 Richmond Highway, Lynchburg, stated it was actually 153 acres and he sold the property and that owner was affiliated with Liberty University and built this barn to hold events for students. Mr. Thompson stated he then re-purchased the property when he moved back into the area and wanted to install a kitchen. That is when he found out he would need a special use permit.

// With no one present to speak in favor or opposition, Chairman Kirk closed the public hearing at 8:09 p.m.

// Commissioner Lawton made the motion to recommend approval of PL-23-050 for a special use permit to operate a wedding and special events venue on property zoned Agricultural. stating good zoning. Commissioner Condrey seconded the motion.

// Commissioner Lawton made a substitute motion to include a condition of amplified noise be turned off by 10:00 p.m.

// Commissioner Wright stated she was an employee of Mr. Thompson and would be abstaining.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, and Thilking
Nay: None

Absent: None
Abstain: Wright

// **PL-23-055 (Special Use Permit – 1039 Brookneal Highway)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is from Mr. Jon Waters, agent for Patrick Henry Boys Home, for a special use permit to operate the existing equestrian center as a school use and to host events that will be open to the public on property zoned Agricultural. The applicant would like to operate the existing equestrian center as a school use and host events that will be open to the public. The property had previously been used as an equestrian center associated with Patrick Henry Family Services and has existing barns and a ring and was used for horse shows in the past. The University of Lynchburg has entered into a long term lease with Patrick Henry Family Services to operate its collegiate riding program on the property. The program includes daily riding instruction, collegiate competitions, camps and clinics, horse shows and eventually community based programming and academic coursework. A covered riding ring was recently constructed on the property. The Zoning Ordinance allows “off-site school athletic practice and training facilities, not open to the public and not intended to accommodate spectators” as a by-right use in the Agricultural zoning district. The desire to host events open to the public and offer academic coursework requires approval of a special use permit.

// Chairman Kirk opened the public hearing at 8:14 p.m.

// Mr. Jon Waters, 1501 Lakeside Drive, Lynchburg, stated the University of Lynchburg is looking forward to bringing collegiate equestrian activities to area and working with the Patrick Henry Family Services. Mr. Waters stated the University of Lynchburg has had an equestrian program for more than 30 years.

// Chairman Kirk inquired about the number of participants and or vehicles during events.

// Mr. Waters stated the number participants and spectators would be a maximum of 75 – 125 which would include vans or charter buses.

// Commissioner Condrey asked if there would be boarding or pasturing of horses not involved with the team.

// Mr. Waters responded the University owns approximately 18 horses and hopefully in the future this will revitalize the arena and get the youth of Campbell County involved.

// Commissioner Condrey confirmed with this section of Brookneal Highway having a heavy presence of logging trucks, the horse riding would be confined to the arena area and not on Brookneal Highway.

// Mr. Waters confirmed there would be no riding on the roads.

// Commissioner Monroe inquired if there were any plans for Wisecarver Road for traffic entrance.

// Mr. Waters responded the area near Wisecarver Road has recently been replanted with trees and there has been a ten foot trail for riding near Wisecarver Road.

// With no one present to speak in favor or opposition, Chairman Kirk closed the public hearing at 8:22 p.m.

// Commissioner Monroe made the motion to recommend approval of PL-23-05 for a special use permit to operate the existing equestrian center as a school use and to host events that will be open to the public on property zoned Agricultural, stating good zoning. Commissioner Condrey seconded the motion.

The vote was: Aye: Condrey, Hedges, Kirk, Lawton, Monroe, Thilking, and Wright
Nay: None
Absent: None

// **SUBDIVISION MATTERS FOR CONSIDERATION**

None

// **MATTERS FROM THE COMMUNITY DEVELOPMENT DIRECTOR/
ASSISTANT COUNTY ADMINISTRATOR**

None

// **MATTERS FROM THE ZONING AND SUBDIVISION ADMINSTRATOR**

None

// **MATTERS FROM THE PLANNING COMMISSION**

// Next scheduled meeting is April 24, 2023.

// Chairman Kirk adjourned the meeting at 8:24 p.m.

K. William Kirk, Chairman