

**PLANNING COMMISSION
REGULAR MEETING
Thursday, July 6, 2023 - 7:00 PM**

**Board Meeting Room
39 Bank Street, SE,
Chatham, Virginia 24531**

MINUTES

1. CALL TO ORDER

2. ROLL CALL

3. MOMENT OF SILENCE

The Board observed a moment of silence.

4. PLEDGE OF ALLEGIANCE

The Board recited the Pledge of Allegiance.

5. HEARING OF THE CITIZENS

Each person addressing the Board under Hearing of the Citizens shall be a resident or land owner of the County, or the registered agent of such resident or land owner. Each person shall step up, give his/her name and district in an audible tone of voice for the record, and unless further time is granted by the Chairman, shall limit his/her address to three (3) minutes. No person shall be permitted to address the Board more than once during Hearing of the Citizens. All remarks shall be addressed to the Board as a body and not to any individual member thereof. Hearing of the Citizens shall last for a maximum of forty-five (45) minutes. Any individual that is signed up to speak during said section who does not get the opportunity to do so because of the aforementioned time limit, shall be given speaking priority at the next Board meeting. Absent Chairman's approval, no person shall be able to speak who has not signed up.

No citizen's came forward to speak.

6. APPROVAL OF AGENDA

A motion was made by Mrs. Mease, seconded by Mrs. Henderson , and by a seven (7) to zero (0) vote, the agenda was approved as presented.

RESULT: Approve

MOVER: Janet Mease

SECONDER: Colette Henderson

AYES: Colette Henderson, Gary Oakes, Janet Mease, Nathan Harker, Richard Waters, Fred Webb, Justin Brown

NOES: None

7. APPROVAL OF MINUTES

A motion was made by Mr. Webb, seconded by Mr. Brown, and by a seven (7) to zero (0) vote, the minutes were approved as presented.

- a. June Board Meeting Minutes Approval (Staff Contact: Robin Vaughan)
- a. June Board Meeting Minutes Approval
RESULT: Approve
MOVER: Fred Webb
SECONDER: Justin Brown

AYES: Colette Henderson, Gary Oakes, Janet Mease, Nathan Harker, Richard Waters, Fred Webb, Justin Brown

NOES: None

ABSTAIN: None

8. CHAIRMAN'S REPORT

There was no Chairman's report.

9. PUBLIC HEARING

Pursuant to Article V, Division 7 of the Pittsylvania County Zoning Ordinance, we the Planning Commission have been empowered to hear and decide specific applications in support of said ordinance and to make recommendations to the Board of Supervisors or the Board of Zoning Appeals. In accomplishing this important task, we are charged with promoting the health, safety, and general welfare of the citizens of Pittsylvania County. We must insure that all our decisions and recommendations be directed to these goals and that each be consistent with the environment, the comprehensive plan and in the best interest of Pittsylvania County, its citizens and its posterity. Anyone here to speak to the board regarding zoning cases will be limited to (3) three minutes.

- a. Public Hearing: Case R-23-018 Rhetson Companies, Inc; Rezoning M-1, Industrial District, Light Industry, to B-2, Business District, General (Webb) (Staff Contact: Emily Ragsdale)
- a. Public Hearing: Case R-23-018 Rhetson Companies, Inc; Rezoning M-1, Industrial District, Light Industry, to B-2, Business District, General (Webb)
Mr. Harker opened the public hearing at 7:04 p.m. Mrs. Hayes, Deputy Director of Community Development, reported that Rhetson Companies, Inc., had petitioned to rezone 3.15 acres from M-1, Industrial District, Light Industry, to B-2, Business District, General, to allow for a retail business. Representatives from Rhetson Companies, Inc., represented the petition

and made a presentation. There was no opposition to the petition. Mr. Harker closed the public hearing at 7:11 p.m. A motion was made by Mr. Webb, seconded by Mrs. Henderson, to recommend the Board of Supervisors grant the rezoning request. Motion passed by a seven (7) to zero (0) vote.

RESULT: Approve
MOVER: Fred Webb
SECONDER: Colette Henderson

AYES: Colette Henderson, Gary Oakes, Janet Mease, Nathan Harker, Richard Waters, Fred Webb, Justin Brown
NOES: None

ABSTAIN: None

- b. Public Hearing: Case R-23-019 Neil Waltman; Rezoning from A-1, Agricultural District, to R-1, Residential Suburban Subdivision District (Brown) (Staff Contact: Emily Ragsdale)
- b. Public Hearing: Case R-23-019 Neil Waltman; Rezoning from A-1, Agricultural District, to R-1, Residential Suburban Subdivision District (Brown)
Mr. Harker opened the public hearing at 7:12 p.m. Mrs. Hayes, Deputy Director of Community Development, reported that Neil Waltman, had petitioned to rezone 2.99 acres from A-1, Agricultural District, to R-1, Residential Suburban Subdivision District, to allow for the property to be consolidated with an adjacent property zoned R-1. Neil Waltman represented the petition. There was no opposition to the petition. Mr. Harker closed the public hearing at 7:14 p.m. A motion was made by Mr. Brown, seconded by Mrs. Mease, to recommend the Board of Supervisors grant the rezoning request. Motion passed by a seven (7) to zero (0) vote.

RESULT: Approve
MOVER: Justin Brown
SECONDER: Janet Mease

AYES: Colette Henderson, Gary Oakes, Janet Mease, Nathan Harker, Richard Waters, Fred Webb, Justin Brown
NOES: None

ABSTAIN: None

- c. Public Hearing: Case R-23-020 Emmanuel Pentecostal Holiness Church; Rezoning A-1, Agricultural District, to R-1, Residential Suburban Subdivision District (Oakes) (Staff Contact: Emily Ragsdale)
- c. Public Hearing: Case R-23-020 Emmanuel Pentecostal Holiness Church; Rezoning A-1, Agricultural District, to R-1, Residential Suburban Subdivision District (Oakes)
Mr. Harker opened the public hearing at 7:14 p.m. Mrs. Hayes, Deputy Director of Community Development, reported that Emmanuel Pentecostal Holiness Church, had petitioned to rezone 0.859 acres from A-1, Agricultural District, to R-1, Residential Suburban Subdivision District, to allow for the property to be consolidated with an adjacent property zoned R-1. William Bray represented the petition. There was no opposition to the petition. Mr. Harker closed the public hearing at 7:16 p.m. A motion was made by Mr. Oakes, seconded by Mr. Waters, to recommend the Board of Supervisors grant the rezoning request. Motion passed by a seven (7) to zero (0) vote.

RESULT: Approve
MOVER: Gary Oakes
SECONDER: Richard Waters

AYES: Colette Henderson, Gary Oakes, Janet Mease, Nathan Harker, Richard Waters, Fred Webb, Justin Brown
NOES: None

ABSTAIN: None

- d. Public Hearing: Case S-23-007 J. D. Shelton, Et Als; Requesting an amendment to the conditions attached to existing Special Use Permit S-19-010. (Brown) (Staff Contact: Emily Ragsdale)
- d. Public Hearing: Case S-23-007 J. D. Shelton, Et Als; Requesting an amendment to the conditions attached to existing Special Use Permit S-19-010. (Brown)
Mr. Harker opened the public hearing at 7:17 p.m. Mrs. Hayes, Deputy Director of Community Development, reported that JD Shelton, Gloria Shelton and Tammy Shelton Wiles had petitioned for an amendment to the conditions attached to Special Use Permit S-19-010, that was granted with conditions on September 10, 2019 for recreational uses; ATV trails. JD Shelton and Tammy Shelton Wiles represented the petition. They would like to eliminate the 300-foot setbacks, open at 12 pm on Sundays and Holidays, they would like to have two (2) night rides per year and would like to be open on weekday holidays. Mr. Shelton stated

there are trails within the 300 foot buffer that have been there for forty years. He would like to have the current setbacks reduced by 250 feet to 50 feet. Mr. Shelton stated that they only have one (1) night ride a year and they would like to have two (2) per year. They also asked to open at 12 pm on Sundays, rather than 1 pm. He stated that church is over at 12 pm and church members state they cannot hear the ATV's in church but can hear them when they come out. Mr. Shelton stated they are not allowed to be open on Monday, Tuesday or Wednesday and they are asking to be able to open on weekday holidays. He said they get multiple calls on weekday holidays to see if they are open and they have to turn people away stating they are closed. He stated that 65 percent of the patrons are from North Carolina. Ms. Wiles spoke next, stating that she is in agreement with all of the requests and it will be beneficial not only to the riders and also to the county's revenue as the changes will allow for more attendance. She stated they have lots of riders that attend early morning church services on Sundays and they have to sit in the parking lot until they can be released at 1:00 pm. She would also like to have one more night ride, either in the spring or fall when temperatures are more comfortable for riding. She stated that riders have been compliant by having machines turned off and loaded by the 2 am closing time for the night rides. She stated that two other ATV parks have 50 foot setbacks, so she asks for fairness in doing the same for their park, she would like to see the setbacks at no less than 100 feet. Mrs. Mease asked if the church people are in agreement with the park opening at 12 pm. Mr. Shelton stated that the majority of the church people are aware that he wants to open at noon. Ms. Wiles stated that Mount Tabor members were pulled into the situation and had no idea that they were, and they were upset about it, but they are aware of it this time. Several residents signed up to speak. First was Phyllis Bledsoe, she is not happy with the noise, she said the current conditions are not being enforced, she also wants to know who is checking the noise levels since the Sheriff's Department does not have a decibel meter. Tanner Owen spoke next, stating that he was speaking on behalf of twelve (12) property owners. He said the 300 foot buffers allow space between the dust, the noise, the radios blaring over the mufflers, that you can hear it from miles away. He has a neighbor that lives two (2) miles down the road and he can hear all of this. He says the holidays are the only time they get any peace and quiet. Next to speak was Sunny Singh, he has just moved into this community and has started a business, he enjoys it and loves the county, he supports anyone who has a small business here. He said most of the riders are from out of town, they are very well mannered. Coleman Phelps spoke next, he rides ATV's and would especially love to ride there on the Fourth of July and would love to ride at night, but can't due to restrictions. Mr. Brown called Mr. Shelton

back to answer some questions. Mr. Brown is building a home right in the middle of this area, he stated he used to ride there years ago. He says it is well kept and well groomed, and that the sound will always be an issue. He is all for holiday riding, he doesn't have an issue with opening at noon on Sunday, he also has no problem with two night rides per year. He asked Mrs. Hayes about complaints, she states the Sheriff's Department regulates the noise ordinance and the trails have been checked for setbacks. Mrs. Hayes stated that it is hard to tell where the property lines are as they are not marked, whether they are in the 300-foot setbacks, was hard to tell. Mr. Brown wanted to know if all amendments had to be approved or if they could be approved individually. He said there should be some type of mitigation for the setbacks, he said he is good with the noon opening time on Sundays, holiday rides and town night rides per year. Vaden Hunt interjected and reminded the board they are just making a recommendation to the Board of Zoning Appeals, so the conditions can be tweaked as to how they see fit, then it will go before the BZA with whatever suggestions they have and it will be up to them to agree to the changes. Mr. Harker stated that staff has recommended denial of four conditions, he said it sounds like there have been violations in the past. Mrs. Mease asked if there is a limit to how many people can be on the trail at night. Ms. Wiles stated that they normally don't have more than 200 - 300 at once, spread over the entire property. Mr. Oakes says that the 300 foot setbacks should remain to leave a buffer for the neighbors, and he is good with changes to the other conditions. Mr. Shelton stated he would like for the setbacks to be changed more than anything else, since it is land he cannot use. Mr. Waters asked Mr. Shelton how he ranks each condition, from top priority to lowest priority. Mr. Shelton stated that setbacks are his priority. Mr. Waters asked if the violations from 2020 have been corrected or addressed, or what the violation letters were. Mrs. Hayes stated they were regarding drinking while riding and the way it was worded the County could not enforce it. Mrs. Hayes says the Sheriff's Department has been out to Red Oak with decibel readers, and that new ones were purchased just for that use. The County has been down several times regarding being too close to the property lines and they have met with Mr. Owen and Mr. Shelton and there are some discrepancies on where the actual property lines are. Mrs. Henderson said this is phenomenal in getting people outdoors, rather than playing video games and staying inside all day. She asked about the competing ATV services in the area who have reduced setbacks of 50 feet from the property lines. She asked if the other parks were in residential areas as well, Ms. Wiles says that the other park is just up from the road from their park and the other is at Elkhorn Lake. Mrs. Henderson asked how they compare to what Red Oak offers. She asked if the setback is what

they are seeking more so than anything else in comparison to what those services provide, she asked if they thought they were being treated unfairly? Mr. Shelton said that in the beginning with the three hundred foot setback, he had two trails that were too close, one trail was 287 feet, 13 feet too close, they were the only issues found. Mr. Harker closed the public hearing at 7:52 p.m. A motion was made by Mr. Brown, seconded by Mr. Waters to recommend the Board of Zoning appeals grant the Special Use Permit with the following conditions. 1) 300 foot setbacks, 2) Two night rides per year 3) Open at 12 pm on Sundays and 4) Holiday riding that does not fall on normal weekend days. Motion passed by a six (6) to one (1) vote.

RESULT: Approve

MOVER: Justin Brown

SECONDER: Richard Waters

AYES: Colette Henderson, Gary Oakes, Janet Mease, Richard Waters, Fred Webb, Justin Brown

NOES: Nathan Harker

ABSTAIN: None

- e. Public Hearing: Case S-23-008 Larry and Lucinda Burnett; Requesting a Special Use Permit for offsite parking in accordance with Pittsylvania County Code § 35-179 (Brown) (Staff Contact: Emily Ragsdale)
- e. Public Hearing: Case S-23-008 Larry and Lucinda Burnett; Requesting a Special Use Permit for offsite parking in accordance with Pittsylvania County Code § 35-179 (Brown)

Mr. Harker opened the public hearing at 7:55 p.m. Mrs. Hayes, Deputy Director of Community Development, reported that Larry & Lucinda Burnett, had petitioned for a Special Use Permit on 105.9 acres, to allow for offsite parking. Larry Burnette represented the petition. There was no opposition to the petition. Mr. Harker closed the public hearing at 7:58 p.m. A motion was made by Mr. Brown, seconded by Mrs. Mease, to recommend the Board of Zoning Appeals grant the Special Use Permit. Motion passed by a seven (7) to zero (0) vote.

RESULT: Approve

MOVER: Justin Brown

SECONDER: Janet Mease

AYES: Colette Henderson, Gary Oakes, Janet Mease, Nathan Harker,
Richard Waters, Fred Webb, Justin Brown

NOES: None

ABSTAIN: None

10. OLD BUSINESS

There was no old business.

11. NEW BUSINESS

Mrs. Hayes stated there are 9 cases on the schedule for the August meeting, five (5) rezoning cases and three (3) special use permits.

12. ADJOURNMENT

The meeting was adjourned at 7:59 p.m.