

Town of Farmville Planning Commission Meeting Minutes
Town Manager's Conference Room
Tuesday, March 15, 2011 at 12:00 (Noon)

Members Present: Sam Wilson Jr., Dan Dwyer, Lloyd McKay, Edward Gordon, Gerry Spates and Andy Andrews

Staff Present: Cindy Morris, Town Planner

Guests: Mr. & Mrs. Messarge

Mr. Andrews, Chairman called the meeting to order. The Planning Commission moved the Conditional Use Permit application request from the Messarge's to the beginning of the agenda to accommodate the Messarge's who were in attendance at the meeting.

Conditional Use Permit Application for Home Occupation for Jeanann Messarge at 1708 Lee Drive

The Messarge's submitted a Conditional Use Permit (CUP) and have applied for a Home Occupation at their residence located at 1708 Lee Drive. The Messarge's would like to operate the Resoldi's Deli from their home on Lee Drive and only deliver the prepared food. The property located at 1708 Lee Drive is zoned R1A, which allows for home occupations with a conditional use permit. Ms. Morris informed the Commission that the Town Council had referred the CUP to the Planning Commission at Council's meeting last Wednesday, March 9, 2011. Three (3) citizen comments have been received. One resident, Ms. Donna Perry Andrews, at 1714 Lee Drive spoke with Mr. Spates, Town Manager, and indicated that she is in favor of the home occupation. Another resident, Emese Varga of 1712 Lee Drive, spoke at the Town Council meeting and also spoke in favor of the home occupation. Ms. Morris stated that she had received a phone call earlier from a resident, Robert Frank, at 1709 Lee Drive. Mr. Frank stated that the Messarge's are very nice people and good neighbors but that he is not in favor of this business because it is not in keeping with the residential neighborhood and he had concerns that cooking odors would linger throughout the neighborhood. Dr. Gordon commented that he had received two (2) phone calls from the neighborhood. The two (2) residents from Lee Drive did not like the idea of allowing this type of business as a home occupation they felt that if everyone in this neighborhood were allowed to do this the neighborhood would lose its residential identity. Mr. Wilson stated that this is a commercial business and questioned where does a home occupation stop and a commercial business begins. He went on to say that making sandwiches in a home kitchen is different than convert part of the residential property to operate a full time business.

Dr. Gordon had concerns about signage. Mr. Messarge reassured the Commission that the only sign that would be used would be for delivery only. The sign would be magnetic, that would be attached to the private vehicle and be removed after delivery.

Mr. Messarge stated that he and his family want to convert their garage at their residence into a commercial kitchen, and they have been in contact with the Health Department regarding the regulations for this type of business. Their intentions are to prepare sandwiches for delivery to local businesses. Mr. Messarge mentioned preparing sandwiches and selling them at locations such as the

Farmville Municipal Golf Course and various businesses in Town. Mr. Messarge commented that the Farmville Municipal Golf Course did not serve any prepared food. Several Commissioners suggested that perhaps Mr. and Mrs. Messarge could use the kitchen at the Farmville Airport to prepare sandwiches and the Town receive a percentage of what is sold. Mr. Spates stated that the Town has actually tried to find a business to furnish ready-made sandwiches to sell.

Mr. Spates said he has concerns that what is approved in this R1A zone can go anywhere in an R1A zone. Mr. Spates stated that he admires the Messarge's and what they are trying to do, but questioned if this commercial business meets the definition of a home occupation. It should probably go into a business zone. The Planning Commission discussed if this business was allowed it would start a precedence and that the residential protection of the R1A zone would be eroded by allowing this type of commercial business. The Planning Commissioners understand the business and support the idea of a restaurant in Town just not at this location. Mr. Wilson stated that people buy homes in that area because it is a residential neighborhood and that this business is questionable in this area.

Dr. Gordon read out loud the statement of intent from the R1A zone; "This district should provide a suitable environment for families who desire quiet spacious home sites with the amenities of suburban living, without fear of encroachment of dissimilar uses." Planning Commission members voiced concern and considers this type business located in this area would be a dissimilar use. Mr. Spates stated that there has never been a permit issued for a commercial kitchen in a residential zone since he has been with the Town.

Mr. Messarge stated that he and his wife had an experience a number years ago with a small locality over wording. He said there was a five (5) year court battle and in the end he stated that he won. He said he never wants to go through that again. He understands that the term "*home occupation*" can be interpreted differently. He told the Planning Commission he trusts that they make the right decision and that in this case he would accept whatever decision the Town of Farmville made. Mr. Messarge asked that the Town keep them posted and the Messarge's left the meeting at this point.

Dr. Gordon motioned to recommend to Town Council not to encroach upon the R1A zone and to deny the request from the Messarge's for the CUP for the home occupation. Mr. Wilson seconded the motion with all other commissioners voting "aye".

Review and Approval of Minutes:

Ms. Morris asked the Commission to review the draft minutes as presented from January 18, 2011 meeting. There being no changes or corrections, Mr. Wilson, Vice Chairman, motioned to approve the minutes seconded by Dr. Gordon with all other members voting "aye".

Conditional Use Permit Application for Chick-Fil-A, Inc. to locate a restaurant with drive-thru at 1913

Main Street:

A letter was received on behalf of Chick-Fil-A, to defer the CUP to the next Planning Commission meeting scheduled on May 17, 2011. Ms. Morris stated that they will be submitting a preliminary site plan in April. Mr. Wilson motioned to table this matter until the applicant is ready to continue with the CUP. Dr. Gordon seconded the motion with all other members voting "aye".

Continuation of the zoning Map Amendment for the M-1 District:

Ms. Morris informed the Commission that the zoning map, zoning comparison and spreadsheet requested is enclosed in the packet. Mr. Wilson complimented staff on the zoning map, zoning comparison and spreadsheets, which were provided in the packet.

Ms. Morris informed the Commission at their request from the last meeting, that she had contacted Julie Phillips, Chief Deputy Commissioner of Revenue with Cumberland County concerning zoning and the relation that it has on real estate taxes. Ms. Phillips stated that County taxes depend on the current use of the property. Ms. Phillips commented that what a property is zoned does not drive the rate; it is the use that drives the rate. Ms. Morris stated that she also contacted Beverly Booth, Prince Edward County Commissioner of Revenue. Prince Edward County has different classifications such as residential/business, but the tax rate is the same for real estate no matter what the property is zoned. The assessor will assess the property based on what it could sell for. Ms. Morris stated that the mere act of rezoning a piece of property does not necessarily make the real estate tax go up or down and that there are many variables that go into the assessor affixing a price to a piece of property.

Mr. Spates stated that the intent is not to change the use of these properties but to bring them into compliance with their current use. Ms. Morris stated that she contacted the planner in Cumberland County to get Cumberland's adjacent zoning to the Town's M1 zone. The map depicts this, which is agricultural.

Mr. Wilson said that he did not see any glaring incongruities with the proposed zoning changes. Mr. Wilson requested that staff assemble in bullet form an objective summary of the things that would argue in favor of the proposed changes as well as any negative attributes to be discussed at the next meeting.

Other Business:

Mr. Wilson made a request to have the upcoming Planning Commission Meeting set as Tuesday May 17, 2011 be rescheduled to Tuesday, May 3, 2011 at 12:00 noon. All Planning Commissioners were in favor of this change.

The Planning Commission discussed the upcoming fiscal year meeting dates. The Commission agreed to continue to meet bi-monthly on the third Tuesday beginning in July at 12:00 noon for the fiscal year 2011/2012.

There being no further business Dr. Gordon motioned to adjourn the meeting at 1:15 p.m. Mr. Wilson seconded the motion with all other members voting "aye".

Andy Andrews, Chairman

Gerald J. Spates, Secretary