

The Greenville County Planning Commission meeting was held Tuesday, April 9, 2013, 7:30 P.M., at the Greenville County Government Building, 1781 Greenville County Circle, Emporia, Virginia.

PRESENT

Malcolm King, Chairman
Dianne Barnes-Rhoades
Joey Jones
G. L. Rawlings
Walter Robinson
James Tucker
Peggy R. Wiley

ABSENT

Lofton Allen
Joe Antorn

STAFF PRESENT

Linwood E. Pope, Jr.
Susan D. Conwell

OTHERS PRESENT

James Smith, Jr.
Dewey Cooke

The Chairman called the meeting to order. The secretary called the roll.

In Re: APPROVAL OF AGENDA

Mr. Pope stated there was one addition/one change to the Agenda. Public Hearing: ZTA-1-13 County of Greenville and Regular Session: ZTA-1-13 County of Greenville will not be heard in Public Hearing or Regular Session; and, one item will be added to Other Matters: Civil Penalties for Litter Control. Commissioner Tucker moved to approve the Agenda with the changes. Commissioner Rawlings seconded the motion. All voted aye to approve the Agenda with the changes.

In Re: APPROVAL OF THE MINUTES – January 8, 2013

Commissioner Barnes-Rhoades moved to approve the minutes of January 8, 2013. Commissioner Robinson seconded the motion. All voted aye to approve the minutes of January 8, 2013.

In Re: PUBLIC HEARING

Commissioner Robinson moved to go into Public Hearing. Commissioner Tucker seconded the motion. All voted aye to go into Public Hearing.

In Re: SP-1-13 Mid Atlantic Mining LLC

Mr. Pope reviewed the staff report with the commission members stating that the applicant's request is to establish and operate a sand and gravel quarry. Staff recommends approval with the following conditions:

1. A Special Use permit is hereby granted to Mid-Atlantic Mines LLC, allowing Mid-Atlantic Mines to operate a sand and gravel mine not to exceed 10 acres on property identified as Greenville County Tax Maps 60-1-B, 60-1-C, and 60-4.
2. At all times be in compliance with all local, state, and federal rules, regulations, laws, statutes, and ordinances.
3. The applicant is responsible for securing all permits for all aspects of the activity and responsible for adhering to all terms and conditions imposed by this permit.
4. The applicant must obtain a Greenville County Business License and provide a copy to the Planning Department.
5. Applicant must obtain a General Permit from DMM and provide a copy to the Planning Department. **(*Should the applicant wish to increase the operation size greater than 10 acres, the applicant shall obtain proper permits from DMM and provide documentation to the County. In no case can the operation exceed 25 acres as outlined in the Greenville County Zoning Ordinance.)**
6. Applicant must provide the Greenville County Commissioner of the Revenue a copy of their Annual Tonnage Report (DMM-146) for the previous calendar year. The Annual Tonnage Report must be submitted between January 1st and February 15th of each year.
7. The applicant must obtain a Land Use Permit from the Virginia Department of Transportation for the construction of a commercial entrance off of State Route 730.
8. The hours of operation shall be no earlier than 7:00 a.m. and no later than 5:00 p.m.
9. The operator may erect on-site signage deemed necessary to direct traffic on the premises.

10. A sign may be installed to advertise the site and must conform to the County's sign ordinance.
11. Utilizing this permit issuance date as the annual date, if this activity is not established within two years or is unutilized for a two year period, the activity will be deemed abandoned and this permit terminated.
12. Failure to abide by the above conditions may result in the revocation of this Special Use Permit.

Chairman King asked if there were any other questions or comments from the commissioners. Commissioner Robinson asked if the mining would be done in the open area or wooded area indicated on the aerial map. Mr. Pope stated the mining would be done in the open area and there is no encroachment on the wetland area. Commissioner Jones stated the property does not have highway frontage and asked if the property was accessible. Mr. Pope advised there is a deeded access. Mr. King asked if there were any comments from anyone in favor of the matter. James Smith, Jr. stated the total acreage of the property should be 452 acres. Mr. King asked if there any comments from those who opposed. There were none.

In Re: SP-2-13 Greensville Ruritan Club

Mr. Pope reviewed the staff report with the commission members stating the applicant's request is to have a special event, truck and tractor pull. Mr. Pope further advised staff recommended approval with the following conditions:

1. A Special Use Permit is granted to the Greensville Ruritan Club, hereinafter operator, for a Special Event, Truck and Tractor Pull, separate and distinguishable from any other special event held in Greensville County, on property known as Tax Map 20, Parcel 47 and 48B. This event shall not exceed a period of time exceeding four (4) calendar days within any calendar year.
2. At all times be in compliance with all local, state, and federal rules and regulations, laws, statutes, and ordinances, with special attention given to the Health Department rules and regulations.
3. The Greensville Ruritan Club will have to submit an application for a temporary food event. This application needs to be filed with the Health Department at least ten (10) business days prior to the event. For more information, contact Lisa Latham at (434) 348-4210, Extension 224.
4. Porta-Johns shall be provided at a rate of 1 per 100 persons attending the event.
5. Traffic control devices shall be on hand to safely move vehicles on and off the roadway.
6. There shall be no parking within the VDOT right-of-way.
7. A sign no larger than thirty square feet (30'), which advertises the vent may be erected on

the premises no sooner than thirty (30) days prior to the event. Said sign must be removed from the premises within seven (7) days of the event. While posted the sign shall be set back a minimum of five (5) feet from the right-of-way of all state maintained roads.

8. The operator may erect any signage deemed necessary to direct pedestrians and motorist on the event premises and related parking areas. The operator may erect any off-site signage directing pedestrians and motorist to the event, but that signage must be removed immediately.
9. The event hours shall be established between 6:00 p.m. and 10:00 p.m. exclusive of set up and dismantling.
10. Noise generated by the event shall not be discernable at any point at, or further than, one (1) mile from the event.
11. The applicant shall provide an emergency services plan ten (10) calendar prior to the event for review and approval by the County Fire Official. The Plan shall address medical and fire services to be provided during the event.
12. Utilizing this permit issuance date as the annual date, if the event is not held for two (2) consecutive years, the event will be deemed abandoned and this permit terminated.
13. Failure to abide by the above conditions may result in the immediate revocation of the permit.

Chairman King asked if there were any questions or comments from the commissioners. Commissioner Jones asked if this event would be located in the same place as the previous truck and tractor pull. Mr. Pope stated it would be in the same place. Chairman King asked if there were any comments from the applicant. Mr. Dewey Cooke stated he is a member of the Greenville Ruritan Club and believes this event to be a popular fundraiser for the organization. Mr. Cooke further states the fundraising monies are returned to the local community as donations from the Ruritan Club. Chairman King asked if there were any comments from those in favor or those in opposition. There were none.

In Re: REGULAR SESSION

Commissioner Rawlings moved to go into Regular Session. Commissioner Jones seconded the motion. All voted aye to go into Regular Session.

In Re: SP-1-13 Mid Atlantic Mining LLC

Commissioner Barnes-Rhoades moved to approve SP-1-13 and forward the decision to the Board of Supervisors. Commissioner Tucker seconded the motion. All voted aye to approve SP-1-13 and forward the decision to the Board of Supervisors for consideration.

In Re: SP-2-13 Greensville Ruritan Club

Commissioner Tucker moved to approve SP-2-13 with conditions and forward the decision to the Board of Supervisors. Commissioner Jones seconded the motion. All voted aye to approve SP-2-13 with conditions and forward the decision to the Board of Supervisors for consideration.

In Re: OTHER MATTERS

In Re: Planning Commission, 2012 Annual Report

Mr. Pope reviewed the Annual Report with the commission members. Commissioner Jones moved to approve the Planning Commission, 2012 Annual Report and forward a copy to the Board of Supervisors. Commissioner Wiley seconded the motion. All voted aye to approve the Planning Commission, 2012 Annual Report and forward a copy to the Board of Supervisors.

In Re: Courtesy copy of the Board of Zoning Appeals, 2012 Annual Report

Mr. Pope reviewed the draft of the Board of Zoning Appeals, 2012 Annual Report provided as a courtesy to the Planning Commission members.

In Re: ZTA-1-13 County of Greensville

Mr. Pope reviewed the staff report with the commission members stating that the Code of Virginia allows localities to impose civil penalties for certain violations of the Chapter 11 Litter Control as previously done for Inoperable Vehicles and Weed Control in January 2013. Mr. Pope further stated staff recommends approval of the request to enforce civil penalties for Chapter 11 Litter Control with revisions to the County Code as indicated below:

**Greensville County Code
Chapter 11 – Litter Control**

Sec. 11.5-18 & Sec. 11.5-36. Civil penalties for violation of this article.

- (a) Any violation of this Article shall result in imposition of a civil penalty, which shall be imposed in accordance with the provisions of Section 15.2-901 of the Code of Virginia.
- (b) Said civil penalty shall preclude prosecution of such violation as a misdemeanor. However, in the event that three civil penalties are imposed on any individual or legal entity within a twenty-four-month period, the fourth such violation shall constitute a Class 3 misdemeanor. Any violation hereof prosecuted as a criminal offense shall preclude the imposition of civil penalties for the same violation.

- (c) The civil penalty for violation hereof shall not exceed \$50.00 for the first violation, or violations arising from the same set of operative facts.
- (d) The civil penalty for subsequent violations not arising from the same set of operative facts within twelve months of the first violation shall not exceed \$200.00.
- (e) Each business day during which the same violation is found to have existed shall constitute a separate offense.
- (f) In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a twelve-month period.

Mr. Pope advised that he was informed by the County Attorney that the Board of Supervisors will have the public hearing and make a motion on the adoption of this change to the Greenville County Code.

Commissioner Tucker moved to adjourn the meeting. Commissioner Robinson seconded the motion. All voted aye to adjourn the meeting. Meeting was adjourned at 7:54 p.m.

Malcolm King, Chairman