

1 **New Market Planning Commission**

2 **May 1, 2023**

3 **CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

4 The regular meeting of the New Market Planning Commission was held on Monday, May 1, 2023 at 6:30
5 p.m. The following Planning Commission members were in attendance: Chairman Larry Hale, Sonny
6 Mongold, George Daugharty, and Bob King. Planning Commission Members Sherri Erbaugh, Tom Linski,
7 Jr., and Harry Wine, Jr. were absent.

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9 Mr. Larry Hale opened the meeting and established a quorum with four members present.

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11 **APPROVAL OF MINUTES**

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13 **Mr. Mongold made a motion to approve the minutes from the April 3, 2023 meeting of the Planning**
14 **Commission. Mr. Daugharty seconded the motion which passed on a unanimous 4-0 voice vote.**

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16 **PUBLIC HEARINGS**

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18 At 6:33 p.m., Mayor Bompiani opened the Special Called Meeting of the New Market Town Council and
19 established a quorum with all members present, and he opened the Town Council's portion of the joint
20 public hearing.

21 Planning Commission Chairman Larry Hale then opened the Planning Commission's portion of the joint
22 public hearing to receive public comment on an ordinance amending Sections 70-10, 70-60, 70-70, and
23 70-136 of the Town's Zoning Ordinance to define "Mobile Food Vendor" and to allow Mobile Food
24 Vendors in certain zoning districts with a temporary use permit and subject to certain supplemental
25 regulations.

26 There were no members of the public present at the joint public hearing. No comments from the public
27 had been received by staff members via email or phone. At 6:34 p.m., Chairman Larry Hale closed the
28 Planning Commission's portion of the joint public hearing.

29 AT 6:34 p.m. Mayor Bompiani closed Town Council's portion of the joint public hearing and entertained
30 a motion to close the Special Called Council Meeting. Mr. Hughes made a motion to adjourn the Special
31 Called Council Meeting. Mr. Wymer seconded the motion which passed on a unanimous 6-0 voice vote
32 of Council Members.

33 **Mr. Hale stated that the Planning Commission would take a brief recess while Council Members**
34 **exited.**

35 **OLD BUSINESS**

36 The first item under Old Business was the Planning Department Report. Mr. Walters stated that no new
37 permits had been issued this past month.

38 The next item under Old Business was the continued discussion of a conditional use permit application
39 by Creek Village Investments.

40 Mr. Carr reported that he had sent a letter to the five property owners at Courtyard Terrace. He had
41 spoken with three of the five property owners. He received mixed responses from the property owners
42 and those responses were mostly favorable. Some people thought the development would be positive
43 for the community and would like to see the project move forward. Some people were positive but
44 were not ready to give the project a "green light". And some people had not had time to absorb what
45 was being proposed at that location.

46 Mr. King asked if Mr. Carr had many any changes to the design. Mr. Carr responded that he had not
47 made any changes to the design.

48 MR. Carr remarked that he was hoping that things will move forward now in a positive way, and his
49 current design is how he wants to move forward to get the land developed.

50 Mr. King remarked that he believes the Planning Commission should move forward with sending this
51 C.U.P. to a joint public hearing.

52 Mr. Walters remarked that a joint public hearing could be scheduled for the first part of June 2023.
53 Then the Planning Commission could vote on whether or not they wish to make a recommendation to
54 Town Council on Mr. Carr's C.U.P.

55 Mr. Walters advised that the ad for the joint public hearing for the conditional Use Permit needs to state
56 what the Conditional Use Permit is asking for. Currently Mr. Carr's Conditional Use Permit application is
57 asking to move from twenty-six townhouses/villas to thirty-seven units.

58 Mr. Carr remarked that it is going from the original thirty-one lots to thirty-seven lots.

59 Mr. Walters advised that the ad for the joint public hearing for the conditional use permit would state
60 that the date of the joint public hearings is June 5th, 2023 and is requesting up to eleven additional lots.

61 The Planning Commission can make a recommendation to Town Council for less units than what Mr.
62 Carr's Conditional Use Permit application is requesting. Town Council can then make a decision on what
63 they would agree to, after the joint public hearing. There must be a public hearing before the Planning
64 Commission can make their recommendation.

65 Mr. Daugharty asked MR. Walters if there is currently another development on Clicks Lane that is in the
66 works. He remarked that he is wondering about increased traffic on Clicks Lane, due to Mr. Carr's
67 possible development and any other pending developments.

68 Mr. Walters advised that there is currently no other plans for development on Clicks Lane at this time.
69 There is one hundred acres under contract by a developer currently. However, in order for that to
70 happen the Town is having to go through a process with the County in order for the Town to amend the
71 Voluntary Settlement Agreement so that the one hundred acres can be annexed. This has gone to the
72 Commission on Local Government so that they can make a recommendation, which is due sometime
73 this week. There is the potential for another development on Clicks Lane.

74 Mr. Walters advised that regardless of what happens with Mr. Carr's development, if the one hundred
75 acres is to be developed, a traffic impact analysis would have to be done by a traffic engineer. This
76 analysis would go to VDOT for review and approval. They would have to take into account those lots on
77 Clicks Lane, even if they are not developed.

78 **Mr. King made a motion to set a joint public hearing for June 5, 2023 for the Conditional Use Permit**
79 **Application by Creek Village Investments for the Village at Smith Creek (Courtyard Terrace). Mr.**
80 **Mongold seconded the motion which carried on a unanimous 4-0 voice vote.**

81 Mr. Hale stated that the next item under Old Business was an update on the Food Truck Ordinance.

82 Mr. Walters stated that this ordinance allows Mobile Food Truck vendors to set up in the B-1 and B-2
83 zoning districts at any time with a temporary use permit. Vendors must get a business license and a
84 temporary use permit annually. They are also required to pay monthly meals tax.

85 **Mr. Mongold made a motion to recommend to Town Council approval of the Food Truck Ordinance as**
86 **presented. Mr. King seconded the motion which carried on a unanimous 4-0 voice vote.**

87 **NEW BUSINESS**

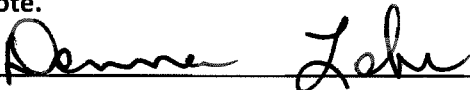
88 There was no new business to discuss.

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90 **ADJOURNMENT**

91 **At 6:55 p.m., Mr. Daugharty made a motion to adjourn the meeting. Mr. King seconded the**
92 **motion which passed on a unanimous 4-0 voice vote.**

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Donna Lohr, Secretary