



Town of Mineral
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Town Planning Commission meets for its regular session on the third Monday of each month at 6:30 p.m. Persons wishing to be heard or having an item to be placed on the agenda should make their request to the Clerk of Council by the final Monday of the month preceding the meeting.

Edward Kube, Chairperson
Nicole Washington
Jolyn Bullock
Lauren Ball
Tony Williams
Reese Peck, Town Manager

**Planning Commission Meeting
October 26, 2023**

PRESENT: Ed Kube, Nicole Washington, Jolyn Bullock, Tony Williams, Lauren Ball- Arrived Late, Ron Chapman- Town Council Liaison, Amanda Nguyen- Secretary

Absent: None

STAFF: Amanda Nguyen- Town Clerk, Reese Peck- Zoning Administrator,
Catherine Lea- Town Attorney

GUESTS: Thomas Jefferson Planning District Commission (TJPDC) Sandy Shackelford and Curtis Scarpignato

The regular meeting of the Planning Commission of Town of Mineral was called to order at 6:30 PM on October 26, 2023, at Town Hall by Edward Kube.

The Chairman ask for all present to stand for the Pledge of Allegiance

Motion from Commissioner Williams and a 2nd from Commissioner Washington to approve the agenda as revised.

Motion passed 4-0

Chairman Kube - Yes
Commissioner Washington- Yes

Commissioner Bullock- Yes
Commissioner Ball- not present to vote.
Commissioner Williams- Yes

Consideration of Open Issues

1) Election of Planning Commission Chairperson

Ed Kube was elected the acting Chairman at the last meeting of the Planning Commission. Ed Kube requested Town Council liaison Ron Chapman to handle the election process. Mr. Chapman opened the nomination for Chairman.

Motion was made by Commissioner Washington to nominate Commissioner Kube for Chairman and Commissioner Bullock seconded the motion.

Motion passed 3-0

Chairman Kube - Yes
Commissioner Washington- Yes
Commissioner Bullock- Yes
Commissioner Ball- not present to vote.
Commissioner Williams- Yes

2) Election Of Vice Chairperson of Planning Commission

Guidelines do not mention electing a Vice Chairman, but Council decided to elect one.

Commissioner Williams nominated Commissioner Washington to be the Vice Chair, Commissioner Bullock seconded the nomination.

Motion passed 3-0

Chairman Kube - Yes
Commissioner Washington- Yes
Commissioner Bullock- Yes
Commissioner Ball- not present to vote.
Commissioner Williams- Yes

The Town Attorney was later asked to for her opinion, and she advised that the bylaws do not authorize the election of a Vice Chairman. The by-laws would have to be amended to make her official. In this case, there's no authorization for a running Commission to nominate a Vice Chairperson. The council qualified that by saying that they all agree ahead of time that she could be a stand in. Call to attention to be aware that it's not an official nomination.

3) Election of Planning Commission Secretary

Commissioner Washington motioned to appoint Amanda Nguyen as Planning Commission Secretary. Seconded by Commissioner Williams.

Motion passed 4-0

Chairman Kube - Yes
Commissioner Washington- Yes
Commissioner Bullock- Yes
Commissioner Ball- not present to vote
Commissioner Williams- Yes

4) Action and Approval of Fixed Date and Time for Regular Monthly Planning Commission Meetings

Discussion was had on which day of the month the planning commission should hold their meetings. During this time Commissioner Ball arrived at 6:42pm.

Commissioner Ball made a motion to make the fourth Thursday of every month the meeting day. Commissioner Bullock seconded the motion.

Motion passed 6-0

Chairman Kube - Yes
Commissioner Washington- Yes
Commissioner Bullock- Yes
Commissioner Ball- Yes
Commissioner Williams- Yes

5) September 20, 2023 Minutes: The minutes of the previous meeting were reviewed and approved as corrected.

Commissioner Williams Motioned and Commissioner Ball 2nd to approve minutes as revised.

Chairman Kube - Yes
Commissioner Washington- Yes
Commissioner Bullock- Yes
Commissioner Ball- Yes
Commissioner Williams- Yes

6) Public Comment

Chairman Kube opened the floor for public comments, hearing none the public comments was closed.

7) Introduction of New Town Attorney

Catherine Lea, Town Attorney. She just started and her first meeting attended was the October Town Council meeting. She let the PC know to contact her if they have any questions on legal matters. She will be attending at least 2 more meetings for the PC to get to know her and have her available. She also informed the PC that they should not be using personal email and should instead be using their town email to communicate. In addition, any emails that need to go out to fellow planning commission members, they should send that to their zoning administrator and let him be the filter through which that goes so that there can't be any accidental incidental meetings. Further, she offered to answer any FOIA questions PC may have. Finally, her number one goal is to make sure that the town is safe in legal terms.

8) Introduction of New Town Clerk

Amanda Nguyen introduced herself. She lives in Caroline County. She is happy to be here and be of assistance.

9) DEQ FOIA

Commissioner Washington raised concerns about a gas spill and provided documentation on a spill that happened in April and how it was handled (pollution incident summary report).

10) Public Hearing- Consider/Action on Millers Market CUP Request for Gas Pumps

Chairman Kube gave an overview of the application for a CUP.

Chairman Kube then opened the Public Hearing.

Mike Leman, 511 Mineral Avenue.

Mr. Leman spoke about the Petitioner and Miller's Market. He mentioned the lighting and that there are many ways to control the lighting, including timing and dimmers. He believes the gas pumps would be good for the town because the other gas stations around are either outside of the town limits which means the town doesn't receive the revenue or for the ones in town, they are not convenient to get in and out of. He also gave an example of a town in NC that has five gas stations in a one-mile stretch. And I own a home in North Carolina, and when I go through Kingston, North Carolina, it's a 1-mile stretch.

Given that no others from the general public stepped up to speak, Chairman Kube called the Petitioner to discuss and present his request.

Petitioner Singh, owner of Miller's Market, has been attempting to obtain a conditional use permit for over a year. He is seeking town conditions for approval and has stated some in the document. The rough blueprint does not include electric vehicle conduits, which will be underground. Singh is available for any questions or conditions regarding the above ground conduits.

Chairman Kube said that the Commission will discuss that later but that this is his opportunity to say anything that has not already been said or that isn't clear.

The Petitioner has a strong relationship with Marathon Gas. He has received quotes from various companies, and they estimate the cost to be around \$800,000. He plans to invest about a million dollars in Mineral, to install gas pumps and electric vehicle conduits. The cost has increased since February, and he is considering adding another \$40,000 times two to the initial investment for the electric vehicle conduits.

The Zoning Administrator informed the Commission that they need to be specific when writing the conditions for the CUP if they decide to move forward.

Commissioner Williams questioned the Petitioner about the look of the gas station (Parking, repaving, cleaning up).

The Petitioner said that Marathon is set to undergo a branding upgrade in January, making Millers Market the first station nationwide to receive the change. The parking lot will be redesigned with new paving and entrances. Communication with VDOT is needed in Mineral, as each county has its own VDOT. The Petitioner is in contact with an environmental company for a well but is hesitant to invest until a CUP is approved. He also spoke about the number of parking spaces needed. He said already has a DEQ license for gas operators due to having another property.

The Zoning Administrator advised that the parking spots that the U-Haul's take up not be counted as parking spaces and that the Planning Commission can specify that in the conditions. He spoke about being clear about paving and the commission can add that to the conditions.

Chairman Kube asked about tractor trailers being parked at Miller's Market. The Petitioner said that he still allows the truck driver to park there but once the gas pumps are installed, he would no longer allow the truck to park there due to safety concerns.

Commissioner Washington brought up concerns about the hours of operation as well as the lighting.

The Petitioner said that there will be ways to dim the lighting at night to avoid sky pollution.

Commissioner Washington also raised concerns about the town's water lines once the gas company starts digging for the gas tanks. She is also concerned about gas leaks.

The Zoning Administrator said we cannot make assumptions but that there would need to be a hydrology study.

The Petitioner assured the commission that the tanks are safe, and they are double or triple plated, that the chance of an underground leak is slim, there is new technology such as a meter that detects problems before they happen that is inside the place of business and its inspected multiple time a year to insure its functioning properly.

Commissioner Ball also mentioned that the two studies Commissioner Washington brought up earlier were operator errors.

Commissioner Williams mentioned that the charging stations would be great for the town and asked about the placement.

The Petitioner said that the conduits will be placed underground and when he feels like he is ready to make the additional investment then it will be easier to put in the charging stations because the conduits will already be there.

Chairman Kube and the Zoning Administrator spoke about the zoning code and what it allows and doesn't allow.

Chairman Kube voiced his views and concerns on cautioning the approval due to other gas stations in the area that are in a General Commercial Zone. He gave his opinion that if this CUP is approved it may set a precedent for anyone else in the limited district to apply for a gas CUP. He also said that VDOT should be consulted on traffic flow. He also gave his opinion on the way he thinks the traffic should flow.

The Zoning Administrator warned Chairman Kube that the commission should not make a decision based on his opinions but rather that the ruling and determination that was made by the Zoning Administrator as they are part of official record.

The Petitioner said he is not concerned about traffic and accidents at the hill near the property because he has 18 wheelers that make deliveries twice a week and there has never been an accident there since the store has been there.

Chairman Kube mentioned putting in more bollards.

Commissioner Washington said Dukes is not a store and Millers Market is, which would be more convenient when going to Lake Anna to be able to get a donut and gas at the same place. Also that the revenue from Millers Market would be great for the town. Dickinsons store is out of town. She said that VDOT will do studies and provide data to the town on traffic and accidents.

The Petitioner said that water pollution requires thousands of gallons of gas due to the town and county's numerous filtration systems, which remove debris and pebbles from the road, ensuring clean water for residences and buildings.

Commissioner Williams asked the Petitioner about the curb appeal and looks of the property.

The Petitioner said he will email what it will look like as Marathon is rebranding in January. All lighting would be changed according to the conditions.

Chairman Kube closed the Public Hearing portion.

Discussion amongst the planning commission resulted in the following conditions:

1) Hours of Operation - The original hours of operation for Monday - Saturday 8 am - 8pm and Sunday 7 am - 7 pm were discussed to be placed on the operation of the gas pumps as well. The applicant explained that he would prefer 24 x 7 hours of operation of the gas pumps by use of

credit card purchases. Not having stated his request for 24 X 7 operation of the gas pumps clearly in the application, the MPC discussed the matter and by a 3-2 margin reached consensus to propose allowing the 24 x 7 operation of the gas pumps as long as lighting measures are taken to reduce the level of lighting significantly over the entire business parcel during evening hours (see condition #3 for further explanation).

2) Number of pumps - Consensus was for the inclusion/restriction of two pumps with four dispensers in the CUP. Discussion occurred as to the applicant's statement, "Creating access for trailers and boats as nearby locations do not service these consumer needs." Duke Oil Company was mentioned as another existing location that sells gas to the public, is located directly across the railroad tracks from Miller's Market, it is zoned as General Commercial which permits gas sales by right in its zoning classification and it has a great deal of open space to be able to sell gas to trailers and boats without the traffic congestion mentioned by the applicant to exist at other nearby gas sales locations. It was recognized that the Miller's Market location would likely reduce traffic congestion existing at the Mineral Avenue/First Street gas station location.

3) Lighting - Two statements about customized funnel lighting underneath the canopy and the lighting of the canopy to be placed on a timer to have them at a desired time seem to contradict the request to operate the gas sales 24 x 7, since the grocery store has different and a lesser number of hours of operation. The MPC expressed that they want dark sky lighting techniques to be required on all facilities and the parking area of the total business. The Town Zoning Administrator and staff are to review and address the wording of this item with the applicant and with any other resource necessary to come back to the MPC with a revised, clear statement relative to this issue on lighting of all areas of the property with lighting satisfactory for security and safety, but to minimize dark sky lighting to above air space and to neighbor properties as much as possible.

4) U-Haul rentals – The Town Zoning Administrator and staff shall revise and reword this condition to limit the number of U-Haul vehicles on the premises at any one time to six (6) or less. Also, no tractor trailer parking shall be permitted on the business property, as has been done in the past.

5) Previous well on property - Discussion of MPC centered on its concern over the old well located in the parking lot near the Fifth Street entrance as a safety concern. Focus of concern was the uncertainty of the condition of the old well. Has the well been satisfactorily filled in, has it been capped, its location is not clearly marked, could it cave in under the weight of heavy or continuously increased vehicles driving over it? Should protective bollards and painted traffic markings be placed in the parking lot and along traffic flow routes to protect the well from damage? What environmental testing will be done by the applicant and/or the fuel provider to determine if, "the ground in (is) valid to use as it is a hefty cost for environmental testing that I, the business owner, must endure." Will the environmental testing results address the ground, the well's safety condition and will it address the water table below the business and in the immediate area as to what the effect could be on surrounding property owners and the Town's water and sewer system if a gas leak occurs? Will this report be made available to the Town for its review prior to the operation of gas pumps at this location and will the applicant be responsive to the requirement of corrective actions that may be recommended as a result of the study at his

expense? The Zoning Administrator and staff shall discuss this matter with the applicant and any other resources necessary to recommend revised wording for this #5 restriction.

Further desires expressed by MPC members during its deliberations that were agreed to by consensus and should be added by staff to the other five conditions include :

A) The entire parking lot for Miller's Market should be resurfaced, parking spaces sized as required by Town Code shall be painted on the parking lot in the proper number (33 - 34 spaces were mentioned) as required, per size of the building requirements.

B) VDOT should be consulted on traffic entrances safety, possible requirement of one-way traffic through the parking area for added safety around the gas pumps area, the blind hill approaches along Mineral Avenue and concerning the benefit of reducing the speed limit to 25 mph.

C) Canopy design, signage on canopy and lighting below, around and the timing of the canopy emphasizing dark sky lighting techniques.

D) Review by staff of DEQ's report of the last gas leak that occurred in Town and take measures to ensure that the Zoning Administrator and the Town Council timely receives future DEQ gas leak reports of incidents that occur in the Town of Mineral as well as to determine the overall signage allowed on the property per Code.

The Town Zoning Administrator and the Town Attorney, who were both present at the 10/26/2023 MPC meeting, advised the MPC that it would be reasonable for the MPC to consider waiting until its next meeting to continue its review and determination of whether to recommend approval or denial of this CUP by the applicant to add gas pumps to his grocery store business in the Light Commercial Zoning District.

Commissioner Williams motioned to move forward with the changes and for the staff to work with the applicant and return to the next MPC meeting, 2nd by Commissioner Bullock.

Motion passed 5-0

Chairman Kube - Yes

Commissioner Washington- Yes

Commissioner Bullock- Yes

Commissioner Ball- Yes

Commissioner Williams- Yes

The MPC acted unanimously to continue its deliberations, not the Public Hearing as it was closed, until its next monthly meeting for staff to consult with the applicant and any other resources necessary such as VDOT, concerning all the restrictions/conditions to be included in the CUP. Staff were directed to return to the MPC at its next monthly meeting with recommended revisions/additions to the CUP conditions for the MPC's evaluation and action.

Commissioner Ball motioned to change the next meeting to November 30th at 6:30pm.
Commissioner Williams seconded.

Motion passed 5-0

Chairman Kube - Yes
Commissioner Washington- Yes
Commissioner Bullock- Yes
Commissioner Ball- Yes
Commissioner Williams- Yes

Further, the MPC voted unanimously to move its November monthly meeting to Thursday, November 30, 2023, at 6:30 pm as its regular monthly meeting date would be on a Holiday, Thanksgiving's Day. The staff was requested in the motion to take care of all advertising and meeting public notifications necessary for the November changed MPC meeting date.

11) Comprehensive Plan Update Process and Recommendations Discussion

A presentation and discussion was had with the TJPDC on their proposed support of the town in reviewing, revising and conducting meetings to accomplish the required Comprehensive Plan 2024 Update. A Scope of Work was presented with a list of tasks to be performed, a schedule for the reviews, work sessions and public hearings for both the Planning Commission and the Town Council to conduct and the costs that are estimated to be associated with the accomplishment of these activities. A MOU has also been created by the TJPDC to identify the obligations of the TJPDC, the obligations of the Town of Mineral to accomplish the proposed Comp Plan Update and the costs anticipated to be incurred by the TJPDC, which the TOM will agree to reimburse them for.

The MPC voted unanimously to recommend to the Town Council the adoption of the Scope of Work as submitted by the TJPDC during Council's November meeting and the MOU Agreement, so that the TJPDC can immediately commence its review and compilation of information and data to update our Comp Plan.

Chairman Kube - Yes
Commissioner Washington- Yes
Commissioner Bullock- Yes
Commissioner Ball- Yes
Commissioner Williams- Yes

Adjourn:

The next meeting will be held at 6:30 PM on November 30, 2023 at:

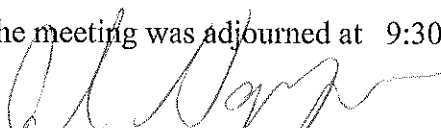
Town Hall

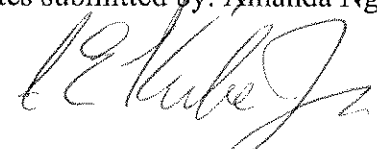
312 Mineral Ave
Mineral, Virginia
23117

Motion made by Commissioner Williams
2nd by Commissioner Bullock

Chairman Kube - Yes
Commissioner Washington- Yes
Commissioner Bullock- Yes
Commissioner Ball- Yes
Commissioner Williams- Yes

The meeting was adjourned at 9:30 PM.


Minutes submitted by: Amanda Nguyen


Minutes approved by: Chairman Kube