

New Market Planning Commission

February 3rd, 2025

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

The regular meeting of the New Market Planning Commission was held on Monday, February 3rd, 2025, at 6:30 p.m. The following Planning Commission members were in attendance: Chairman Larry Hale, Bob King, Harry Wine Jr., Sherri Erbaugh, Sonny Mongold. Board members George Daugharty, and Tom Linski, Jr., were absent.

Mr. Hale opened the meeting at 6:30 p.m. and established a quorum with five members present. Mr. Hale led all in attendance in the reciting of the Pledge of Allegiance.

APPROVAL OF MINUTES:

Mr. Hale entertained a motion to approve the minutes. Mr. King made a motion to approve the minutes as written. Mrs. Erbaugh seconded the motion. The motion passed with a unanimous voice vote 4-0.

PUBLIC HEARING:

Mr. Hale opened the Planning Commission's joint public hearing at 6:33 p.m., to receive public comment on the proposed text amendment to the Town Zoning Ordinance Definitions, Section 70-10, Article VIII. General Business, District B-1, Section 70-60 (v) and Section 70-61 (oo), and Article XI, Interstate Corridor Business, District B-2, Section 70-71 (v) to allow for Tobacco, Smoke, and Vape Shops to be defined and classified as a conditional use in zones B-1 and B-2, and to update the permitted uses in the B-1 zone by excluding Tobacco, Smoke, and Vape Shops and replacing the term 'drug stores' with 'pharmacies.'

At 6:33 p.m., Mayor Peter Hughes opened the Special Called meeting of the New Market Town Council and established a quorum with the following members present: Larry Bompiani, Peg Harkness, Bob King, and Janice Hannah. He then opened the Town Council's joint public hearing.

Mr. Hale invited staff to present the proposed text amendment. Ms. Summer Barden presented the new clear definition for a Tobacco, Smoke, and Vape Shop under the zoning ordinance. She explained that they are proposing that Tobacco, Smoke and Vape Shops require conditional use permit allowed in zones B-1 and B-2 only. For the conditional use permit, any new businesses that fall under the tobacco, smoke, and vape shop category would have to submit a conditional use permit. The permit is then reviewed by staff and presented to the Planning Commission for recommendation. If it is recommended, a joint public hearing will be held, and then the Town Council will be able to vote whether to approve the permit. Ms. Barden explained the other changes would be to Section 10-60 (v.) that updates the wording for retail stores in B-1 permitted uses. The changes would be the wording "drug store" to "pharmacy", and adds the phrase "excluding tobacco, some, and vape shops to clarify the exclusions. Ms. Barden recognized the existing businesses and explained the new ordinance will not impact them; however, they would be classified as 'nonconforming' or 'grandfathered'. She did note that if the business closes there is a two-year sunset period during which another similar business can open without requiring a conditional use permit. Any expansion or addition to their business would require a conditional use permit to be considered conforming.

44 Mr. Hale opened the floor for public comment. Mr. Jon Henry, citizen and business owner at 9383 N.
45 Congress Street, commented that he attended a Planning Commission meeting that discussed this and
46 he felt at that meeting it was helpful that they discussed setbacks, however it was not put in there for
47 the conditional use permit, and he thinks it would be a good idea to have a set back of 1,000 foot set
48 backs from schools, religious places, and historical structures in town. He also noted the negative news
49 coverage surrounding vape shops in Northern Virginia, and illegal drugs being sold out of them. He
50 stated he was hoping that there would be more on sign ordinance, as it seems they do not adhere to
51 sign ordinances.

52 After Mr. Hale inquired about any other citizen comments, and there were no more comments, he
53 invited Mayor Hughes to close the Town Councils public hearing and special called meeting. Mayor
54 Hughes closed the public hearing. Mr. Bompiani moved to close the special called meeting of the New
55 Market Town Council. The motion was seconded by Mrs. Hannah, and with no further discussion the
56 motion passed on a voice vote of 4-0.

57 Mr. Hale closed the public hearing and gave a five-minute recess to allow the Town Council members to
58 be dismissed.

59 Mr. Hale resumed the planning commission meeting at 6:40 p.m. according to the agenda.

60 **OLD BUSINESS:**

61 Ms. Barden reported that there was one temporary use permit for a donut food truck at 9383 N.
62 Congress Street.

63 **NEW BUSINESS:**

64 The only action item was the discussion and consideration for the recommendation of the text
65 amendment brought forth during the public hearing.

66 Mr. Mongold inquired if the Town could impose a tax on vape products, as there is on cigarettes, and
67 Mr. Garrison explained that we are unable to as the state does not currently allow it.

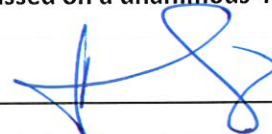
68 Mr. Wine made a motion to recommend the proposed ordinance as presented to the Town Council. Ms.
69 Erbaugh seconded the motion, and with no further discussion, there was a unanimous voice vote of 4-0.

70 Mr. Garrison gave a brief response to the comment made by Mr. Henry during the public hearing to
71 explain that the setback was discussed further, and instead of codifying that as a number in the code,
72 this will be considered during the permit approval processes.

73 **ADJOURNMENT**

74 With no further business to discuss, at 6:45 p.m., Mr. Mongold made a motion to adjourn the
75 meeting. Mrs. Erbaugh seconded the motion which passed on a unanimous 4-0 voice vote.

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Amber Smoot, Secretary