

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 15, 2001, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District
Kenneth W. Williams, Pinetop District
John D. Miller, Jr., Saluda District
Wayne Jessie, Jamaica District

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

Absent: Lenora O. Weber, Saluda District

CALL TO ORDER

The Chairman, Mr. Williams, presented a resolution in support of the rededication of the Christopher C. Curtis American Legion Post 241. The motion adopting the Resolution was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

RESOLUTION
DEDICATING THE CHRISTOPHER C. CURTIS
AMERICAN LEGION POST 241
SALUDA, VIRGINIA

WHEREAS, Christopher C. Curtis was born on March 5, 1912 in Middlesex County, Virginia and lived most of his entire life in Middlesex County; and

WHEREAS, Christopher C. Curtis was a veteran of World War II; and

WHEREAS, Christopher C. Curtis was a past Commander of American Legion Post 241; and

WHEREAS, Christopher C. Curtis served as Adjutant of American Legion Post 241 for 42 years until his death on December 8, 1988; and

WHEREAS, Christopher C. Curtis offered financial support to maintain American Legion Post 241, as well as, assumed other duties for the post as needed; and

WHEREAS, Christopher C. Curtis served as Chaplain for the American Legion's 12th District;

NOW, THEREFORE BE IT RESOLVED, that it is the desire of the Middlesex County Board of Supervisors to recognize the many contributions made by Christopher C. Curtis to his country and community; and

BE IT FURTHER RESOLVED, that they support the rededication of American Legion Post 241 to the memory of Christopher C. Curtis.

Adopted this 15th day of May, in the year of our Lord two thousand and one.

RECESS AND RECONVENE

The motion to recess and reconvene the meeting in the Courtroom was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Upon reconvening, Mr. Williams announced that Mrs. Weber would be absent due to illness.

PUBLIC HEARING - REZONING APPLICATION 2001-02

Planning Director, Tim Wilson, presented application 2001-02, a request to reclassify Tax Parcels 43-1-1A, 2E, 3A, 4A, 5 and 43-10-1 from Cluster Development Zoning Classification to Residential Zoning Classification. These properties, owned by John & Mary Willis, William & Lee Barnes and Robert & Carolyn Wuyts were previously zoned Residential, but in 1991, were approved for reclassification as Cluster Development.

Existing and surrounding uses are residential, on properties zoned either Residential or Cluster Development. The six parcels total 11.38 acres. The Planning Commission unanimously recommended approval of the request.

Mr. Williams opened the hearing for comments. There being none, the public portion of the hearing was closed. The motion to approve the application as requested was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING - REZONING APPLICATION 2001-03

Mr. Wilson, Planning Director, presented Application 2001-03, a request from Mr. Robert Haley, to reclassify 42 acres of property, Tax Map 18-124, from Low Density Rural to General Business and Village Community. The property is currently undeveloped. Mr. Haley desires to relocate a warehouse and distribution business from the Town of Urbanna to the portion proposed for General Business. The property is located on the corner of secondary Route 687 and Highway 17; a sawmill is located across Highway 17. Surrounding properties are zoned Village Community and Low Density Rural, with surrounding land uses being residential, agricultural and commercial. The Comprehensive Plan designates this area as being on the northern boundary of Warner, a hamlet-like development area-on Highway 17. The Plan also recognizes the Highway 17 corridor as an Industrial Opportunity zone.

The Planning Commission gave a recommendation of unanimous approval. Mr. Williams opened the public hearing for comments:

Vic Cullen - industry should be concentrated in areas already designated for industry - it should not be spread up and down Highway 17. A separate entrance should be established off Highway 17, rather than off Route 687, a gravel, secondary road. Buffers should be established to screen commercial areas from residential uses.

Concerned for drainage into pond and future use of proposed Village Community district; he had purchased property because of rural location and uses.

Howard Hunt - purchased property because of rural atmosphere, which is already becoming populated. Questioned effect on value of property. Buffer between 687 and business needs to be required; this application will set the example for future businesses on Highway 17.

Tommy Steinbeck - buffer should be required. Concerned with possible future restriction of access to his property via a 16-foot right of way passing through the applicant's property. Expressed concern that advertising and public notices were insufficient. Mr. Soberick, County Attorney, explained the time frames required for advertising according to the State Code. Mr. Wilson noted that the County exceeded State requirements as far as advertising.

Tracey Bridges - trying to protect his investment; concerned with potential for multi-family uses on portion of property proposed to be rezoned Village Community. Environmental concerns relating to pond - will fueling of vehicles be done on-site; business and truck travel will produce burden on Route 687.

Charles Healy - adjoining property owner, favored use of property by the proposed business - land is not conducive for building homes.

Dennis Self - spoke in favor of application.

Robert Haley, Jr. - read letter in support of the application by Robert Taylor Dickerson. Mr. Haley, who is sales Manager for the company, noted this was an opportunity for the company to be relocated within the County and to continue to provide jobs for County citizens.

Ed Ruark - speaking on behalf of the applicant, noted that the application requested a Village Community designation because it is a more restrictive zone than General Business. There is no intention by the applicant to build any homes or include any residential uses. Reminded the Board that this was not a new business, but one currently established in the Town of Urbanna that is seeking to relocate. Mr. Ruark stated that the applicant would propose proffers with a future major site plan application. Mr. Ruark assured the public that the site plan will address the concern of citizens such as environmental protection, the applicant will meet or exceed requirements of the Chesapeake Bay Preservation Act, which will protect the stream; application will be made to the Department of Transportation (VDOT) for an entrance permit - VDOT will determine what is safe and appropriate; will meet Health Department requirements and will accomplish the goals of the Zoning Ordinance.

Laura Longton - questioned the change from Low Density Rural to Village Community, which seemed to a greater concentration of homes. Mr. Williams responded that a VC zone is more restrictive in what types of dwellings are allowed.

Mr. Wilson read a letter of support from Edward P. Harrow, Sr.

Donnie Jones - employee, commented that the business would be a good neighbor and would present a quiet operation. All loading of trucks is done inside the building.

There being no further comment, the public hearing was closed. Mr. Jessie, noting that the business appeared a good fit for the location, made a motion to approve the rezoning. Mr. Crittenden seconded the motion. Other Board members commented regarding Mr. Haley's current business and their appreciation of citizen's concerns, along with the hope that they will be addressed during the site plan process. The vote following discussion carried unanimously.

AMENDMENT OF MINUTES

In researching minutes of December 19, 2000, it was noted that a second and vote had been omitted from the motion concerning Site Plan Application 2000-16, regarding the new elementary school. The motion to amend the minutes as follows was made by Mr. Miler, seconded by Mr. Jessie and carried unanimously:

"Mr. Williams made the motion to approve the plan as submitted, subject to final approval from the Health Department, Department of Transportation and compliance with the County's Comprehensive Plan.
This motion was seconded by Mrs. Weber and carried unanimously."

HIGHWAY MATTERS - SOUTH LANDING ROAD

The motion to adopt a revised resolution transferring right of way for a portion of South Landing Road from the County to the Department of Transportation was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously:

RESOLUTION

RURAL ADDITION PER §33.1-72.1(D) SOUTH LANDING ROAD

WHEREAS, the street described below was established February 12, 1988, and currently serves at least 3 families per mile, and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist,

NOW, THEREFORE BE IT RESOLVED this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1(D), Code of Virginia:

Name of Street: South Landing Road Length: 0.58 miles
From: State Route 640
To: Temporary turn-around located 0.58 miles south of Route 640
Guaranteed Right-of-Way Width: 40 feet
Plat Recorded: Plat Book 9, at Pages 82, 83 & 84; Deed Book: 304, Page: 390 and 392.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding and improvements pursuant to §33.1-72.1(D), Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

JAMAICA CONVENIENCE CENTER

The motion authorizing temporary use of property at the Virginia Motor Speedway while the Jamaica Convenience Center is closed for erection of a communication tower and authorizing the County Attorney to prepare a use agreement as may be required by the property owners, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

BERYL NEWMAN MEMORIAL HIGHWAY AND BRIDGE

Mrs. Jones, Assistant Administrator, reported that Delegate Harvey Morgan was planning the dedication of Route 227 as the Beryl Newman Memorial Highway and Bridge and had offered several dates for the Board to consider attending. - July 5, 9th, or 10th, at 10:00 A.M. The Board requested Mrs. Jones offer the 9th or 10th as preferred dates.

COMPLAINT FORM

Mr. Miller requested a policy be adopted requiring citizens to sign a written form when making a complaint. It was suggested that the County Attorney and County Administrator discuss the issue and present a recommendation to the Board.

ADJOURN

The motion to adjourn until the regular meeting scheduled for June 5, 2001, was made by Mr. Miller, seconded by Mr. Jessie, and carried unanimously.

Kenneth W. Williams, Chairman
Board of Supervisors