

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, MAY 18, 2004 IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator

Absent: Michael T. Soberick, County Attorney

**CALL TO ORDER**

Mrs. Weber called the meeting to order at 7:30 P.M. and opened with a prayer.  
Mr. Culley led in the Pledge.

**PUBLIC HEARING – DRAGON RUN WATERSHED MANAGEMENT PLAN**

Mr. Miller thanked members, Robert Major and Davis Wilson for their participation as Dragon Run Steering Committee members and noted that Middlesex County has been at the forefront of preservation of the Dragon Run. Planning Director Matthew Higgins introduced David Fuss from the Planning District Commission, who made a presentation regarding the Dragon Run Watershed Management Plan. Mr. Fuss noted that the plan was an advisory/guidance document, not regulatory and should be used as a vision to preserve traditional uses and unique natural resources between the four counties that share borders with the Dragon.

Mrs. Weber opened the hearing for comments from the public. Mike Anderberg, congratulated the steering committee on a fantastic job. He indicated the product was more than a document, as it would build communications between groups – farmers, forest owners, landowners, government officials and conservationists. Mary Helen Morgan commented that she had worked with the Planning Commission and Planning District Commission to come up with the first conservation ordinances for the Dragon; it was good to see that the County is still in the forefront. Frances Chenowith urged adoption.

There being no further comments, the public portion of the hearing was closed. The motion to adopt the Dragon Run Watershed Management Plan as a part of the County Comprehensive Plan was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Mr. Miller thanked the County citizens for their participation.

**PUBLIC HEARING – SPECIAL EXCEPTION #2004-05, SELF STORAGE CENTER**

Mr. Higgins presented application 2004-05, a request for special exception to place a self-storage center in the Low Density Rural zoned portion of Tax Map 27-115, a 44.04 acre parcel of land. In 1999, a portion of the property was rezoned to Village Community and a Major Site Plan was approved to locate self-storage buildings in the VC portion. If the current application were approved, the applicant would be allowed to have storage buildings in both sections. It was the intent of the 1999 rezoning to concentrate further commercial development around established commercial uses located at the intersection of Route 629 and Route 641. Vehicular access to the new location could possibly come from Route 641, close to a hazardous 90-degree bend in the roadway, or from Montague Road, a private roadway, which would encourage new commercial development on that roadway.

Mrs. Weber opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. Mr. Miller commented that approval for storage units on the property has already been given. He suggested that they be placed on the portion rezoned in 1999 and if they do well, then request expansion of the use. The motion to deny the request for the special exception was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

**SPECIAL EXCEPTION #2004-06, VIRGINIA MILLER**

Mr. Miller indicated he would abstain from the discussion and vote on this application due to a conflict of interest. Mr. Higgins presented the application for a special exception to have more than one principal residential structure located on an individual parcel of land for an immediate family member, at Tax Map 30-30, a 2.83 acre of land. Requirements regarding placement on the lot and the septic system must be satisfied as a part of the process for obtaining a Building and Zoning Permit.

Mrs. Weber opened the hearing for comments. There being none, the public portion of the hearing was closed. The motion to approve the application, with the following conditions was made by Mr. Williams, seconded by Mr. Crittenden and carried by vote of 4-0-1 (Mr. Miller abstained):

1. The Health Department will approve a permit for a new system or connection to an existing septic system prior to obtaining a Zoning and Building Permit.
2. The manufactured home shall be removed from the property within ninety (90) days of the discontinuance of use by the parents of the property owner.

**SPECIAL EXCEPTION #2004-07, HARTLAND RETIREMENT COMMUNITIES OF VIRGINIA, LLC**

Mr. Higgins presented the request for approval of a special exception for multi-family dwelling for supportive housing for the elderly to be located at Tax Map 38-46B, on a 5.906 acre property zoned General Business. This property is surrounded by commercial and residential uses. As shown on the conceptual site plan submitted, the

proposed development meets the majority of the special exception requirements for the proposed use. A proposal for water and sewer service to the site has not been provided at this time and is a concern. Also a concern is the lack of buffering between the proposed development and the adjacent residential use. Staff had recommended a buffer of 10 feet be provided; the Planning Commission increased it to 20 and added a maximum of 23 for the number of units to be developed.

Mrs. Weber opened the hearing for comments. Laura Episcopo, the owner stated that the proposal was to have a gated, multi-dwelling development to provide supportive housing for the elderly. Norman Hall showed Board members floor plans and elevation drawings of proposed dwelling units. Mr. Hall indicated that they were working with an engineering firm to develop plans to handle the sewage treatment. There being no further comment, the public portion of the hearing was closed.

Mrs. Weber asked if this was an assisted living development. Mr. Hall responded that it was not, that the property was not large enough to support that type of development. This would be a community of independent residents, but an administrator would handle grounds and maintenance. A club room would be available for group events. Mr. Crittenden asked about using some of the existing trees to buffer from the adjoining residence, which also has a dog training business. This could be a part of the site plan requirement. Mr. Williams agreed that a buffer was needed. The motion was made by Mr. Williams, seconded by Mr. Crittenden to approve the special exception application with the following conditions:

1. A twenty (20) foot wide buffer strip using existing trees shall be provided between the applicant's property and adjacent residential uses.
2. The development shall be serviced by central water and sewer system per Section 8-4.4 of the Zoning Ordinance.
3. No more than the proposed twenty-three (23) units for multi-family dwelling for support housing for the elderly shall be developed at this site.

### **ORDINANCE AMENDMENT APPLICATION 2004-03**

Mr. Higgins presented proposed amendments to the subdivision ordinance as follows:

1. Commercial/Industrial Major Subdivisions: language added to permit major subdivisions for commercial or industrial purposes in the General Business and Light Industrial districts. The revised ordinance would require that the subdivision lots created as a result of such subdivision would have to remain in commercial or industrial use and could not be converted to residential use.
2. Minimum Street Requirements – would establish that minor subdivisions of 4-6 lots would have to provide roads to Virginia Department of Transportation standards. The proposed amendment would encourage the provision of additional streets and right-of-ways that could be adequately accessed by critical services. The need for this became evident after Hurricane Isabel when many public safety and public service vehicles could not access

property because the existing streets did not meet an adequate standard for emergency traffic.

3. Exceptions – Would establish a process for exceptions to the requirements of the Subdivision Ordinance through the Planning Commission, in event of hardship or extenuating circumstances.

Language for two other proposed amendments is undergoing further review and will be brought to the Board of Supervisors at a later date. The Planning Commission recommended approval of the proposed language for the first three amendments.

Mrs. Weber opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. Mr. Crittenden presented his opposition to the Planning Commission being able to grant exceptions to the Subdivision Ordinance. The Board was in agreement that this proposed amendment needed further revision to only allow exceptions by the Board of Supervisors. The motion to approve the amendments regarding the commercial subdivisions and provisions for VDOT standard streets in minor subdivisions of 4-6 lots was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. It was requested that Proposal #3 regarding the exceptions undergo further review.

## **PUBLIC HEARING – OYSTER FESTIVAL ORDINANCE**

Mrs. Weber opened the public hearing for comments regarding adoption of the Oyster Festival Ordinance, which will remain in effect for one year. There were no comments and the public portion of the hearing was closed. The motion to adopt the ordinance was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. The Board will consider adoption of the ordinance with a long expiration date following this year's festival.

### *ORDINANCE OF THE COUNTY OF MIDDLESEX AUTHORIZING THE TOWN OF URBANNA TO APPLY ITS MASTER PLAN TO CERTAIN PORTIONS OF MIDDLESEX COUNTY DURING OYSTER FESTIVAL WEEKEND*

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:*

#### **Section 1                      Intent**

*It is the intent of the Board of Supervisors of Middlesex County to provide a healthy and safe environment for patrons and visitors at the Urbanna Oyster Festival.*

#### **Section 2                      Area**

*It is hereby determined and ordained that the Urbanna Oyster Festival Master Plan (Town's Master Plan) shall apply to the following areas of Middlesex County: From the boundary of the Town of Urbanna west along State Route 602 to State Route 684 and: From the boundary of the Town of Urbanna south along State Route 227 to its intersection with Ivy Shore Road.*

**Section 3**                      **Application**

Middlesex County landowners in the stated "Area" are governed by the "Policies" of the Town's Master Plan as follows:

1. Landowners selling their own goods:

Non-food – must comply with the Town's Master Plan policies and procedures, including making application and Service Mark compliance. All Town and Foundation fees are waived for landowners.

Food – same as above, including compliance with Health Department temporary restaurant permitting procedures. Landowners must pay related Health Department fee(s).

2. Landowners leasing space to non-owner vendors, with or without compensation – vendors must comply with Town's Master Plan policies and procedures, including payment of all Town, Foundation and Health Department fees.

**Section 4**                      **Duration**

This ordinance shall be in affect during the 2004 Urbanna Oyster Festival from 8:30 a.m. on Friday until 6:00 p.m on Saturday.

**Section 5**                      **Exclusions**

Provisions of this ordinance do not apply to parking.

**Section 6**                      **Enforcement**

This ordinance may be enforced by the Town or County Sheriff or deputies, State Police or any authorized official of the Oyster Festival.

**Section 7**                      **Violation**

A violation of this ordinance shall be a class III misdemeanor and shall be punishable by a fine of up to Five Hundred Dollars (\$500.00). Each days violation shall constitute a separate offense.

**Section 8**                      **Severability**

Should any provision or portion of this ordinance be determined by a court of competent jurisdiction to be unenforceable or held invalid, such portion or provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Adopted this 18th day of May, 2004.

This ordinance shall be effected upon adoption.

Lenora O. Weber	aye
John D. Miller, Jr.	aye
Kenneth W. Williams	aye
Fred S. Crittenden	aye
Wayne H. Jessie, Sr.	aye

## **DISBURSEMENTS**

The motion to approve disbursements dated May 18, 2004, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 48520 through 48543 totaling \$15,758.68 were disbursed as approved.

## **MOVING AUGUST MEETING**

As the Local Government Official's Conference, being held on August 1-3, conflicts with the August 3 meeting of the Board of Supervisors, Mr. Miller requested that the Board meeting be moved to later in the week. As there were other meetings involving Board members on Wednesday, August 4<sup>th</sup>, it was discussed moving the meeting to Thursday, August 5. The motion to move the August meeting to August 5<sup>th</sup> at 9:00 A.M. was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

## **HABITAT FOR HUMANITY**

The motion to endorse a request made by the Habitat for Humanity – Middlesex, to solicit contributions within the County was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

## **BUDGETS**

Mr. Culley advised that he had not received official notice of State revenue amounts, however, it was requested that a date for a budget work session be set. After much discussion, the motion to set a budget work session for Monday, May 24<sup>th</sup> at 7:30 PM was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

## **ADJOURN**

There being no further business, the meeting was adjourned until the work session set for May 24<sup>th</sup>.

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Lenora O. Weber, Chair  
Board of Supervisors