

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, NOVEMBER 16, 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
Michael T. Soberick, County Attorney

CALL TO ORDER

Mrs. Weber called the meeting to order at 7:30 P.M. Because most of the hearings had been advertised for the Court Room in anticipation of a large audience, Mrs. Weber recessed the meeting to move. After moving to the Court Room, Mrs. Weber called the meeting to order.

PUBLIC HEARINGS – SECONDARY SIX-YEAR IMPROVEMENT PLAN AND BUDGET

Mrs. Marcie Parker, Resident Engineer with the Virginia Department of Transportation, presented the proposed six-year plan for improvements from FY 05/06 through FY 10/11 and budget for the 2005-06 year. Mrs. Parker explained the State Code statutes covering the secondary six year plan and the way that funds are received and distributed. The total allocation available for distribution is \$427,504, with \$56,375 to be used for incidental improvements, \$339,704 to be used for regular improvements on numbered projects and \$31,425 to be used on numbered, unpaved road improvements. Included in the incidental items is \$21,375 designated for the Rural Addition Fund. The \$339,704 has been allocated to the number one paved road project, Stampers Bay Road, Route 630; the \$31,425 has been allocated to the number one unpaved road project, Braxton-Corr Road, Route 615.

The joint hearing was opened by Mrs. Parker and Mrs. Weber. Mr. Mead Ushry, who lives in a curve on Route 630 that will be straightened with the proposed improvements, spoke against the improvements. Mr. Ushry commented that the improvements will create a bigger hazard by allowing more traffic to travel the road and at higher speeds. Mr. Ushry was also upset that VDOT started putting out stakes showing the proposed new right of way without letting the property owners know. Much of Mr. Ushry's yard is encompassed with the proposed improvements. Ms. Robin Browning, a property renter, agreed that most of the front yards will be wiped out and the road will be brought closed to children and animals. She noted that she may not have moved there had she known that this work was proposed. There being no additional comments the public portion of the hearing was closed.

Mr. Williams commented that he was sorry that these citizens did not know that the improvements were proposed, however, they have been proposed for years. He also noted that he knows people that have been killed and others seriously injured on the road that may not have been if these improvements were in place. Mrs. Parker noted that there will be a public hearing on this project in February or March 2005, and that all property owners will receive written notice of the hearing. Notice of the hearing will also be placed along the road. Mr. Crittenden noted that improvements on this road have been part of the secondary six-year plan for more than ten years.

The motion to approve the budget and plan as submitted was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

PRAYER AND PLEDGE

Mrs. Weber apologized for starting the meeting without the prayer and pledge. Mr. Williams led the group in prayer and Mr. Culley led in the Pledge of Allegiance

PUBLIC HEARING – REZONING APPLICATION 2004-07, HELEN EDWARDS

Planning Director, Matthew Higgins, presented the application submitted by Helen Edwards, to rezone Tax Map 40-38, a 1.87-acre parcel from Residential to Village Community, with the intent to place a real estate office at this location. As Mr. Higgins explained, while the proposed use would have minimal impact on the surrounding area, it is proposing that development expand outside of existing commercial centers of Deltaville and Hardyville. In addition, the area proposed for rezoning is in the middle of other properties zoned Residential, Low Density Rural and Resource Husbandry; commercial development is on the southern side of General Puller Highway, in areas already zoned Village Community, in select locations. The Comprehensive Plan seeks to limit expansion of this commercial area and concentrate new businesses where they already are rather than expanding into residential areas.

Mrs. Weber opened the hearing for comments from the public. There being no comments, the hearing was closed. Mr. Crittenden commented that the Board should not approve rezoning this property to Village Community when it is in the middle of residential properties. Mrs. Weber also commented that the Board had received a letter of opposition from Mr. Michael T. Tunney. The motion to deny the request for rezoning was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – REZONING APPLICATION 2004-08, KENNETH ROGERS AND T. STUART WELLS

Mr. Higgins presented the application submitted by Mr. Rogers and Mr. Wells to rezone Tax Map 18-59, a 5-acre parcel off Tidewater Trail (Route 17), from Village

Community to General Business. The applicants' intent is to develop a facility for a courier/delivery business with available office and storage/warehousing space. The principal component of the facility would be for storage/warehousing purposes. While the majority of the surrounding area is currently zoned Village Community, the proposal to rezone is consistent with several other rezoning applications approved in the Warner area in the past several years, including a rezone from Low Density Rural to General Business and from Low Density Rural to Light Industrial. Based on these rezonings, current business demand and location on Route 17, Mr. Higgins explained that the Warner area has significant potential to continue its growth as a commercial/industrial center. This application would have limited impacts upon the surrounding single-family dwellings at this time. As the principal use of the proposed facility would be storage/warehousing, the traffic, noise and visual impacts on the single-family dwellings would be limited. The Zoning Ordinance mandates a fifty (50)-foot landscaped buffer between the business and residential lots in the Village Community and Low Density Rural zoning districts. This buffer would largely mitigate the majority of any potential impacts on surrounding businesses.

Mrs. Weber opened the hearing for comments. Mr. Stuart Wells, applicant, commented that this site would be used principally for storing old office furniture that is removed from offices when new furniture is moved in. The old furniture is stored until enough is acquired to move it to a recycling facility in North Carolina. There being no further comments, the public portion of the hearing was closed. Mr. Jessie noted that this business, which currently rents space just outside of Urbanna, is a clean business. There have been no complaints received from proposed adjoining property owners. The motion to approve the rezoning request was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

EMPLOYEE HEALTH INSURANCE

Mr. Crittenden noted that he had requested additional information from Assistant Administrator, Marcia Jones, regarding the amount needed to continue to fund the current health insurance plan, with a higher co-payment and \$300.00 deductible. The \$300.00 deductible plan would cost employees an additional \$64.68 per month; the \$500.00 deductible plan would cost an additional \$55.72. Mr. Crittenden made the motion to contribute the additional \$64.68 per month, a total of \$356.49 per month, per employee, allowing the employee to have the VA Value PPO \$20/\$35/30%, \$300.00 deductible plan, with no additional cost to the employee. This motion was seconded by Mr. Jessie and carried unanimously. A lower co-payment plan is available for an additional cost of \$21.62 per month to the employee for an individual plan.

DISBURSEMENTS

Board members reviewed the disbursement requests received, including one submitted by the Sheriff's Department for the first annual lease payment on a 2004 Crown Victoria received in October. In May, the Board had approved allocation of funds that would allow the Sheriff to purchase out-right a new vehicle and to lease another. There was some discussion among Board members about the difficulty in keeping up with the lease payments for multiple vehicles and it was agreed that vehicle needs are to be made known at budget time, for Board review and approval for the purchase of vehicles; there is to be no more leasing of vehicles. The motion to approve checks numbered 50277 through 50306 and 50310 totaling \$37,304.21 was made by Mr. Miller, seconded by Mr. Jessie. The motion carried by a vote of four to one, with Mr. Crittenden opposed.

RECESS AND RECONVENE

Due to the large number of people that were present for the hearing on Ordinance Amendment 2004-08, Planned Development District, the meeting was recessed to reconvene in the auditorium of St. Clare Walker Middle School.

PUBLIC HEARING - ORDINANCE AMENDMENT 2004-08, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT; DIANE COX BASHEER AND KEN THOMPSON, APPLICANTS

Mrs. Weber presented the rules for public comment at the hearing. Mrs. Weber also reminded those present of the presentation by Ed McMahon on planned development scheduled for November 30th, at 7:30 P.M. Mr. Higgins explained the original proposal for planned residential development as a good planning tool to guide development for larger residential developments with the goal to cluster residential units and to conserve open space. The intent is to establish an overlay to float over an existing parcel to allow design within a specific parcel. Total density would remain the same as the initial district, but there would be flexibility in lot size and setbacks to encourage clustering and lowering the amount of infrastructure needed. The application proposed to impact land sizes of 250 acres or more; rezoning into the overlay district would be required in addition to a master plan for the individual developments. A Zoning Ordinance Subcommittee has worked to come up with a proposal, and came up with two versions for consideration by the Planning Commission, one that permitted no commercial development and one that permitted limited amounts of commercial development. The Planning Commission recommended denial of the application because they believed that there was still too much work required to come up with appropriate criteria. The following issues are still at large: should commercial development be allowed; open space requirements; making it a conventional district or an overlay district.

Mrs. Weber opened the hearing for comments from the public. The following persons spoke during the hearing with comments highlighted as follows:

Mary Buxton – send back to the Planning Commission; not against development; no need to rush into a decision.

Andy Condlin (representing the applicants) – PRDs are effective tools; the easy route for the applicant would be to develop property piecemeal. Trying to accomplish what is called for in the Comprehensive Plan by adding residential districts to meet needs.

Jack MacLauren (representing the applicants) – the PRD allows for a design of land plan, not a form based plan. Two main benefits to the applicant: reduces setbacks from streets and the ability to create a master plan. The applicant does not get any more units than are allowed in the underlying district.

Diane Cox Basheer (applicant) – developers can use existing zoning; the PRD raises standards.

Ken Thompson (applicant) – PRD allows better predictability and better management. Places additional controls on developers and requires them to be more accountable for development, but also allows them to be more creative.

Ruby Lee Norris – favors adoption of PRD; conservation of land, new employment, increased property values, smart growth.

John Byers - preservation and growth can be a good thing; favors the PRD; allows for creation of real neighborhoods and provides a guarantee for a master plan of development for large tracts of land.

David Laughton – not against growth, but delay action until a study and comprehensive plan can be updated.

Clint Green – opposed to PRD; PRD opens the door to development; the County will change forever; water resources are limited.

Frank Johnson – Supervisors should do what ever can be done to increase County revenue and pass it on to the school system.

Susan Hotley – Planning Commission has recommended denial; follow the course recommended.

Sylvia Bunsavidge – do not let County become what Gloucester has become – irregular development, high taxes and inadequate services; citizens should decide; denial has been recommended.

Kerry Robusto – encouraged Board to deny; impact studies on all services need to be considered.

Peg Davis – create a capital improvements plan that will enable the County to receive cash proffers and revise the comprehensive plan to include a plan for rural development to accommodate growth.

Barbara Lovelace – PRD offers positive impacts; strengthens zoning, adds restrictions, preserves rural character.

Carolyn Wake – PRD maintains rural character; maintains integrity of rural zones.

Byron Parker – the County is desirable; its rural nature is a great benefit and also a great risk. PRD as proposed will cause the County to not be rural any longer. Decide what needs to be done to preserve it as it is. Faults – does not address the comprehensive plan. This is not new urbanism or smart grown – does not include any commercialism to help pay for itself. Residential development does not pay for itself.

Brian Wilson – reduce pollution. Should have more park like settings; let the Planning Commission have extra time.

Dave Johnson – PRD can be controlled growth while maintaining rural character; can be good standards of controls and include incentives; must be a workable PRD. This is needed to preserve open space and farm land. If sent back to the Planning Commission for development, then give them some guidelines.

Woody Davis – against PRD as presented.

Brocket Muir – against strip malls and uncontrolled growth; still more to be discussed; favored Planned Urban Development (PUD) rather than PRF, to include commercial infrastructures.

Robert Montague – recommended delay in action; this is an invitation to high density development; too much density costs too much; favors preservation of farms and rural life; preserving greenbelts and agriculture and economic base.

Edward Chain – sees an increase in traffic jams, crime, schools, emergency services and taxes; proffers must be paid in cash.

Sandy Maynard – against the PRD – too much, too fast; sees it as a cheaper way to develop. Favors keeping county rural and development with big yards and large lots; nothing memorable about no yard or having to hide garages.

Patty Sales – growth based on comprehensive plan; must consider citizen wants, not developer's needs.

Peter Kingsly - reject idea that all rural development is bad; too much, too big, too dense is bad. Rural-ness is not just open space, but character. Maintain good government – Planning Commission has recommended that it be studied.

William Pearce – there is an urgent need for strong ordinances to manage possibility of future growth; supports the PRD.

Joey Maynard – oppose PRD

Tyrone Young – favors PRD if this can benefit the community by creating jobs.

David Cottrill – Planning Commission and Planning Director are not in favor; comprehensive plan stresses maintaining rural character.

John England – Commission is in support of some form of PRD; supports continuing action until the Commission and Board are comfortable enough in their understanding to use.

Dotty Allison – volunteered to serve on the committee to further study the issue.

Vic Fetterman – against the PRD – don't see any jobs created or sustained or land value appreciation; needs to be studied to show a net increase in revenue to the county.

Shannon Haley – opposed; why jeopardize the current low tax rates and beautiful things that the County has now; keep it rural.

Steve Holberg – opposed to PRD – distrusts its intention and creation by a land use attorney without citizen input. Updating the comprehensive plan can accommodate public concerns and capital improvement plan need revision so that cash can be gotten up front.

George Gussey – revisit how the PRD will fit in with the comprehensive plan.

Roger Martin – urge not to vote on; agree first on a policy for population growth and stop it before it starts.

Robert Durette – will effect his generation (high school graduating class 2005); golden plan on the inside, but time and energy needs to be spent on outside. Affordable housing needs for future generations need to be addressed.

Seldon Richardson – only one goal of the proposed plan and that is for the developers to make money; impacts will be felt far and wide; encouraged Board to slow down.

Wanda Holberg – current decline in water quality and wildlife; future development will only make it worse.

Janet Smith (representing Concerned Citizens of Middlesex) – encouraged the Board to preserve rural, historic character; wonderful communities have died out already; large subdivisions are suburban developments.

Rick Childress – encouraged Board to deny the PRD and encourage the Planning Commission to go back and talk to everyone; come back with a plan that is accepted by everyone.

Andy Condlin – reminded everyone that the PRD does not add any more density that is already allowed and that there is control of the Planning Commission and Board of Supervisors in reviewing and approving each plan and rezoning request.

There being no further comments, the public portion of the hearing was closed. Board comments were as follows:

Mr. Williams – The County is not prepared for this and needs more time for development of requirements. Encouraged other members to vote no with a motion to the Planning Commission to present their own plan, not one created by developers.

Mr. Jessie – this requires extensive research and study to do it right; should take as much time as it takes, without rushing into a decision.

Mr. Miller – what happens with this application will impact us all; complimented the Planning Commission on the job they did with presenting options; will be voting against the proposal so that more research can be done.

Mr. Crittenden – although mostly Saluda District citizens spoke, this affects the entire County; grown direction is up to the people, not to just the Board of Supervisors; The information that citizens give to the Planning Commission will help in their planning; the County will not get rich from future development.

Mrs. Weber – appreciated the politeness of citizens in audience. The PRD may be the way to go, however, it needs a lot of work. Smart growth can help preserve the rural character of the County.

The motion to deny Ordinance Amendment Application 2004-08 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously following a roll call vote. Mrs. Weber encouraged the Board to come up with a direction for the Planning Commission, with all Board members encouraging a time limit for the Commission to work toward their own Planned Rural Development criteria. Mr. Crittenden commented that the PRD can be another tool that is used for good planning and encouraged the Planning Commission to work on it. Mr. Miller suggested that a subcommittee of Supervisors meet with the Planning Commission to give them a direction to follow. Mrs. Weber encouraged at least two Board members to be in on each Planning Commission sub-committee; these members can vary. Mrs. Weber suggested a deadline of April 1st. Mr. Jessie agreed with working with the Planning Commission and keeping the discussion active. The motion to direct the Planning Commission to come up with a recommendation for planned development that they believe is right for the County by April 1st was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

ADJOURN

The motion to adjourn until the regular meeting on December 7, 2004, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

Lenora O. Weber, Chair
Board of Supervisors