AT A MEETING OF THE MIDDLESEX COUNTY PLANNING COMMISSION HELD ON THURSDAY, NOVEMBER 14, 2002, IN THE PUBLIC MEETING ROOM OF THE COOK’S CORNER OFFICE COMPLEX, COOK’S CORNER, VIRGINIA:

Present: John England, Chairman, Saluda District
J. D. Davis, Vice Chairman, Saluda District
Jan Dunlevy, Secretary, Jamaica District
Seymour Scott, Jamaica District
George Harris, Pinetop District
Alvin Wake, Pinetop District
Russell Sibley, Pinetop District
Jack Miller, Board of Supervisors

Absent: Joanne Hensley, Pinetop District
Priscilla Davenport, Saluda District

Matthew Higgins, Planning Director
Carissa Lee, Planner
Cathy Shiflett, Planning Secretary

CALL TO ORDER

Chairman John England called the November 14, 2002 regular meeting of the Planning Commission to order at 7:30 P.M.

APPROVAL OF MINUTES

On a motion by Commissioner Davis, seconded by Commissioner Miller, and carried by unanimous vote, the minutes of the October 10, 2002 meeting were approved as submitted.

PLANNING DIRECTOR’S REPORT

Mr. Higgins commented that the Board of Supervisor’s actions were as stated on the Agenda, and further stated that the Board of Zoning Appeals has a Variance request for their November 18, 2002 Public Hearing, a copy of which is included in the Commission’s packet.

PUBLIC HEARING

A. Special Exception Application # 2002-08
   Branscome Construction, LLC.
   Request approval of self-storage buildings with no outside display of storage materials or merchandise.
Chairman England introduced the application. Mr. Higgins presented the staff report recommending approval of the application with conditions.

Chairman England opened the public hearing. With there being no comment from the public Chairman England closed the public hearing.

Chairman England commented that he did not see a problem with the request.

On a motion by Commissioner Davis, seconded by Commissioner Dunlevy, and carried by a unanimous vote, Special Exception Application # 2002-08 was recommended for preliminary approval with staff recommendations conditioned upon 1) major site plan approval prior to any development per Section 17A of the Zoning Ordinance, and 2) a landscaping plan shall be developed with the major site plan to adequately screen the proposed use from adjacent businesses and the roadway.

B. Special Exception #2002-09
Russell and Carolyn Bergum
Approval of a second dwelling unit (manufactured home) on a single parcel for immediate family occupancy.

Chairman England introduced the application. Mr. Higgins presented the staff report recommending preliminary approval of the application since the “caretaker” listed on the application is actually the applicant’s daughter.

Chairman England opened the public hearing.

Mr. Otis Cooper, brother-in-law of the applicant, was present to represent the applicants and answer questions. He explained that the request was necessary due to Mr. Bergum’s deteriorating health, and the current dwelling was not large enough to accommodate his daughter and her family as well as Mr. and Mrs. Bergum.

With there being no further comment from the public, Chairman England closed the public hearing.

Chairman England and Commissioner Miller commented that the situation fits the intent of the Ordinance to make accommodations for families with special needs.

On a motion by Commissioner Miller, seconded by Commissioner Davis, and carried by unanimous vote, Special Exception #2002-09 was recommended for preliminary approval as submitted.
C. **Special Exception # 2002-10**
Deltaville Maritime Museum and Nature Park
Request for approval of a museum.

Chairman England introduced the application. Mr. Higgins presented the staff report recommending preliminary approval of the application with conditions.

Chairman England opened the public hearing.

Mr. Matthew Blackwood, president of the Deltaville Maritime Museum, was present, and expressed his desire for approval of the application.

With there being no further comment from the public, Chairman England closed the public hearing.

On a motion by Commissioner Davis, seconded by Commissioner Scott, and carried by unanimous vote, Special Exception Application #2002-10 was recommended for preliminary approval with staff recommendations conditioned upon 1) Minor site plan approval shall be required prior to any development per Section 17A of the Zoning Ordinance, and 2) the applicant shall adhere to the conditions of Ordinance Amendment #2002-06.

D. **Major Site Plan Application #2002-08**
Donald Kinum, Jr.
Request for approval of a 5,000 sq. ft. professional office building.

Chairman England introduced the application. Mr. Higgins presented the staff report recommending approval of the application with the following conditions: 1) A landscaping plan shall be submitted to and approved by the Planning Commission within thirty (30) days. Landscaping shall adequately buffer the proposed building from the right of way and adjacent buildings and decrease the amount of stormwater runoff from impervious surfaces, 2) Information regarding building design and construction materials shall be submitted to and approved by the Planning Commission within thirty (30) days, 3) A Health Department permit for the proposed septic system shall be obtained prior to the issuance of a Zoning and Building Permit, and 4) Surety shall be obtained from the property owner or developer for proposed landscaping prior to the issuance of a Zoning and Building Permit. Mr. Higgins expressed his belief that the Zoning Ordinance allows the Commission to require a minimal bond to ensure the project is completed as approved by the Commission, a condition he intends to frequently recommend.

Chairman England opened the public hearing.

Mr. Tom Foley, adjoining property owner, expressed concerns related to the placement of a proposed dumpster, the aesthetics of the metal building, and
increased traffic on the dirt lane. Mrs. Mary Foley expressed concern about the placement and necessity of the proposed dumpster.

Mr. Kinum, applicant, presented a representative photograph of the proposed building. He explained that the building would have two (2) office areas for rent, with spaces for eight to ten desks. Mr. Kinum commented that the dumpster’s location could be moved back.

Ms. Sallie Streetman, resident of Saluda, expressed concerns related to the proposed project. She urged the Commission to protect the village of Saluda from further development of metal buildings, and to uphold the historical value of the village, as well as protecting wildlife in the area.

With there being no further comment from the public, Chairman England closed the public hearing.

Commissioner Miller agreed with concerns about the location of the dumpster. Mr. Higgins recommended that the dumpster be placed to the right of the building as an alternative.

Commissioner Sibley noted that his greatest concern was the metal building construction, commenting that it would not fit aesthetically in the village community. Commissioner Dunlevy noted her agreement.

Commissioner Miller commented that the Board of Supervisors had concerns about landscaping plans not being completed as proposed by applicants.

Chairman England agreed with the concerns stated, and noted that the project could be continued to allow further review of the proposal.

On a motion by Commissioner Davis, seconded by Commissioner Miller, and carried by unanimous vote, Major Site Plan Application # 2002-08 was continued until the next scheduled meeting.

E. Ordinance Amendment Application # 2002-08 and Rezoning Application #2002-03. Carlton & Edwards, Inc. Request to reduce the minimum district acreage to twenty-five (25) acres; Reclassification of a 25.835 acre parcel from (LDR) to (LI).

Chairman England introduced the application. Mr. Higgins presented the staff report recommending approval of the application with conditions. Mr. Higgins noted that he had received one letter of opposition from an adjoining property owner.

Chairman England opened the public hearing.
Mr. Jimmy Ward, attorney representing Carlton & Edwards, Inc., expressed general agreement with staff recommendations, and suggested that buffers be determined on an individual basis by the Zoning Administrator, with the possibility of requiring bonds to be posted. Mr. Ward further suggested ten (10) to fifteen (15) acres as the minimum acreage for Light Industrial (LI) zoning district rather than twenty-five (25) as proposed.

Mr. John Coe, of Urbanna, stated his support for the buffer and landscaping requirements, and urged the Commission to follow up on past projects to determine compliance with conditions of approval.

With there being no further comment from the public, Chairman England closed the public hearing.

Chairman England explained that the original idea for larger acreage requirements was to prevent having pockets of industrial uses all over the County, however, he was not opposed to the current proposal.

Mr. W. D. Edwards, applicant, explained his proposal to construct a new building adjacent to the building currently located on the property and noted that no one had objected in the past.

Commissioners Davis and Miller expressed support for approval of the proposals and were perplexed that the Board of Zoning Appeals had denied the applicant’s request for a variance from the front building setback requirements.

On a motion by Commissioner Davis, seconded by Commissioner Miller, and approved by unanimous vote, Ordinance Amendment #2002-08 was recommended for preliminary approval conditioned upon the following wording for amendment to the Zoning Ordinance:

Article 12, Section 12-2.4: District property may be between five (5) and fifty (50) acres if the following conditions are met: 1) The property is located within an area designated by the Comprehensive Plan as an Industrial Development Opportunity Zone; 2) A landscaped 100-foot buffer is maintained between the district and any residential uses; 3) The property is accessed by a primary state highway and all necessary VDOT permits for access have been obtained; and 4) The requirements of Section 12-7 of the Zoning Ordinance are satisfied.

Chairman England questioned what should be included in a landscape buffer if the property were re-zoned, since the existing buffer is a large grass area. Commissioner Davis stated that in this particular case the grass area is the buffer.
Mr. Higgins noted that the adjoining residential property was not currently occupied as a permanent residence. He further stated that landscaping criteria was up to the Commission’s discretion.

On a motion by Commissioner Davis, seconded by Commissioner Scott, and carried by unanimous vote, Rezoning Application #2002-03 was recommended for preliminary approval.

F. Ordinance Amendment #2002-09
   Waterview Partnership
   Request amendment to include “community facilities” as a special exception use in (VC).

Chairman England introduced the application. Mr. Higgins presented the staff report recommending approval of the application with conditions.

Chairman England opened the public hearing.

Mr. Jimmy Ward, attorney representing Waterview Partnership, noted that the proposal was a general amendment based upon the discovery that other communities have central piers, boat ramps, swimming pools, etc., and there were no parameters to address such uses in the Zoning Ordinance. He further noted that even if the proposal were approved, Waterview Partnership would have additional problems to address.

Ms. Mattie Smith, resident of the Water View community, explained that there was a cul-de-sac on the property that had been in use for many years as a parking area for water access. Ms. Smith was opposed to improper activities by the land developer.

Mr. Maurice Noirot, resident of the Water View community, expressed concern that the cul-de-sac had been taken over, state maintenance signs had been removed, and no trespassing signs had been posted on the property.

Mr. Ward explained that the amendment currently before the Commission would have no affect on the cul-de-sac and other property issues.

Chairman England noted that the proposed ordinance amendment would allow community facilities county wide as a special exception use in the Village Community (VC) District.

With there being no further comment from the public, Chairman England closed the public hearing.

Chairman England noted that the proposed amendment would address existing community facilities, and suggested adding “swimming pools” and “clubhouses” to
the proposed definition. He stated that consideration to adding “community facility” as a special exception use in the Residential (R) District would be advertised and placed on the next month’s agenda.

Commissioners Miller and Dunlevy expressed agreement.

On a motion by Commissioner Davis, seconded by Commissioner Dunlevy, and carried by unanimous vote, Ordinance Amendment #2002-09 was recommended for preliminary approval conditioned upon 1) Add the following definition of “community facility” to the Zoning Ordinance “An accessory structure, limited to docks, piers, gazebos, decks, swimming pools, and clubhouses, held in easement or owned by a homeowners association for the recreational use of a clearly defined community.” 2) Incorporate the following language into the listing of community facility as a special exception: “All community facilities shall have a binding legal agreement for ownership, use and restrictions that shall be approved along with the special exception.”

NEW BUSINESS

A. Chesapeake Bay Act Revisions

Mr. Higgins stated that the first draft to the revisions to the Chesapeake Bay Preservation District component of the Zoning Ordinance was currently under review by the Chesapeake Bay Local Assistance Department (CBLAD). He requested that comments be forwarded to him by the end of the month and that this item be placed on the December agenda for discussion.

ADJOURNMENT

With there being no further business, a motion to adjourn was made by Commissioner Miller, seconded by Commissioner Dunlevy and carried by unanimous vote. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Jan Dunlevy, Secretary

Date