CALL TO ORDER

Chairman John England called the May 8, 2003 regular meeting of the Planning Commission to order at 7:30 P.M.

APPROVAL OF MINUTES

On a motion by Commissioner Weber, seconded by Commissioner Davis, and carried by unanimous vote, the minutes of the April 10, 2003 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 additionally stated there were no cases scheduled for the Board of Zoning Appeals in May 2003. Mr. Higgins stated that a Zoning Violation had been issued to Garland Robins and Son, Inc. for failure to adhere to the conditions of approved Major Site Plan #2001-06. Ms. Weber noted that three (3) very small trees had since been planted between the building and State Route 663.

PUBLIC HEARING

A. Rezoning Application #2003-01 – continued.
   Requesting amendment of approved proffers to add “go-cart racing” and “two-family dwellings” as permitted uses.
   Submitted by Glenn Bunch.
Chairman England introduced the application and re-opened the public hearing. Mr. Higgins stated that the applicant had submitted a written request to withdraw the application for re-zoning. With there being no comment from the public Chairman England closed the public hearing, with no action required.

**B. Rezoning Application #2003-02**

Requesting reclassification of a 0.766-acre parcel from Residential (R) to Waterfront Commercial (WC) with no proffers.

Submitted by Al-Hunt, Inc. t/a Chesapeake Cove Marina.

Chairman England introduced the application. Mr. Higgins presented the staff report recommending approval of Rezoning #2003-02 as requested.

Chairman England opened the public hearing.

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

Chairman England stated that he had visited the site and expressed that rezoning was feasible. Mr. Higgins noted that no complaints were received regarding the proposal.

On a motion by Commissioner Davis, seconded by Commissioner Harris, and carried by unanimous vote, Rezoning Application #2003-02 was recommended for preliminary approval as submitted.

**C. Rezoning Application #2003-03**

Requesting reclassification of an approximately 2-acre parcel from Village Community (VC) to General Business (GB) with no proffers.

Submitted by Crown Marine, Inc.

Chairman England introduced the application. Mr. Higgins presented the staff report recommending approval of Rezoning #2003-03 as requested. He further commented that Major Site Plan review, which would address screening, landscaping, parking and other site-specific issues, would be required prior to any new construction on the property.

Chairman England opened the public hearing.

Mr. Bubbie Crown, applicant, clarified that while his mailing address was Wake, VA, the business was located in Deltaville, VA. He further commented that trees on one side and the rear would remain as a buffer.

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

Chairman England stated that he did not see a problem with the proposed rezoning and expressed that the business would be an asset to the community.
Commissioner Jones suggested that staff include in the Adjoining Property Owner letters the surrounding zoning classification for better clarification.

On a motion by Commissioner Weber, seconded by Commissioner Dunlevy, and carried by unanimous vote, Rezoning Application #2003-03 was recommended for approval.

D. Special Exception Application #2003-02
Requesting approval of a special exception for a professional occupation (dental office).
Submitted by C. Ben Lennon.

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

Chairman England opened the public hearing.

Ms. Renee Edwards, agent, was in attendance to represent the project. She explained that Dr. Lennon had practiced in Deltaville for the past thirteen (13) years. The new facility’s architectural style was designed to fit in with the rural nature of the surrounding area.

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

Chairman England commented that the project was feasible.

Commissioner Weber asked if adjoining property owners had commented on the project. Mr. Higgins stated that staff had received one letter of support for the project.

On a motion by Commissioner Davis, seconded by Commissioner Hensley, and carried by unanimous vote, Special Exception #2003-02 was recommended for approval with the following conditions as recommended by staff: 1) Major Site Plan review shall be required prior to any development per Section 17A of the Zoning Ordinance, and 2) The applicant shall develop a 10’ wide landscaped buffer strip along the western northern and eastern boundary of the property to minimize visual impacts of the proposed business on abutters.

E. Major Site Plan Application #2003-05
Requesting approval of the expansion of an existing marina facility, including the construction of a new sewage treatment plant, the enclosure of an existing boathouse, the construction of a new pier, boat slips, service piers and underground fuel lines and the conversion of a portion of an existing one-story office to a restaurant.
Submitted by Regatta Point Yacht Club.
Chairman England introduced the application. Mr. Higgins presented the staff report recommending approval with conditions.

Commissioner Jones stated that he was stepping off the Board for this public hearing, as he is employed by Bay Design Group, design consultant for the project.

Chairman England opened the public hearing.

Mr. Don Caskie, Bay Design Group, presented a plan of the site as proposed. He explained that the plan and commented that the project is further development of an upscale marina for the enjoyment of boat owners in an upscale market.

Mr. Jack Dozier, applicant, was in attendance to answer questions as well.

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

Chairman England expressed that the project is a work in progress, and would be an asset to the community upon completion. Commissioner Weber agreed that the project would be an asset to the County.

Commissioner Weber questioned if additional parking might be required, giving consideration of the restaurant portion of the project. Mr. Caskie responded that adequate parking had been factored into the plan.

On a motion by Commissioner Weber, seconded by Commissioner Davis, and carried by a 7-0-1 vote, with Commissioner Jones abstaining, Major Site Plan #2003-05 was granted preliminary approval with no conditions.

Commissioner Jones returned to the Board.

F. Ordinance Amendment #2003-01 Requesting to amend Section 17A, Site Plan Review of the Middlesex County Zoning Ordinance. Submitted by Middlesex County Planning Commission.

Chairman England introduced the application. Mr. Higgins presented staff report recommending approval as requested.

Chairman England opened the public hearing.

Mr. Daniel Downs, local resident, asked if the amendment would be published. Mr. Higgins responded that upon approval the amendment would be published in the Zoning Ordinance, and posted on the County's Internet site as well.

With there being no further comment from the public Chairman England closed the public hearing.
Mr. Higgins expressed appreciation for the Commissioners’ comments and noted that he had incorporated comments as requested.

Commissioner Jones commended staff efforts. Regarding the proposal that site plans must be submitted for review by emergency services personnel, Commissioner Jones asked who would perform the review in the volunteer organizations.

Mr. Higgins recommended setting a time limit of three (3) days for review, and noted that those involved in the fire departments in the County were eager to be involved in the review process.

Commissioner Weber suggested that the Fire Chief of each department designate a contact person. Mr. Higgins agreed and stated a contact list would be set up for each department.

Commissioner Jones further suggested that in “Section 17A-14 – Surety”, the word “may” should be replaced with “shall”. Mr. Higgins proposed placing “Planning Commission” rather than “Zoning Administrator” in Section 17A-14 – Surety.

Chairman England noted that the Lighting section conveys the desire to minimize the impact of outdoor lighting.

Commissioner Weber commended Mr. Higgins for a job well done in a brief period of time.

On a motion by Commissioner Davis, seconded by Commissioner Hensley and passed by unanimous vote, Ordinance Amendment #2003-01 was recommended for approval with the following amendments: 1) Revise Section 17A-14 to read as follows: “The Planning Commission may require surety to ensure that site plan approval conditions are installed. Surety may be required for site improvements that may include but are not limited to plantings, roads and buildings. Surety may be in the form of cash escrow or a letter of credit.” and 2) Revise Section 17B-4 to include the following language: “Existing trees do not need to be individually located on the landscaping plan.”

G. Ordinance Amendment #2003-02

Requesting to include “keeping of horses for recreational purposes” as a special exception use and to remove “animal unit” as a special exception use in Section 9, Residential (R) District of the Middlesex County Zoning Ordinance.

Submitted by the Middlesex County Planning Commission.

Chairman England introduced the application. Mr. Higgins presented the staff report recommending approval as requested. He noted that “non-commercial” use might be more restrictive than desired by the Commission.
Chairman England stated that the amendment was a step in the right direction. He related that while not encouraging business use, he was not necessarily opposed to a property owner boarding a neighbor’s horse.

Commissioner Weber agreed that boarding horses could be considered a gray area, and she didn’t want to encourage business use in residential areas. Commissioner Weber expressed agreement with the amendment as written.

On a motion by Commissioner Davis, seconded by Commissioner Dunlevy, and carried by unanimous vote, Ordinance Amendment #2003-02 was recommended for approval as submitted.

**NEW BUSINESS**

A. **Subdivision Ordinance Revisions**

Mr. Higgins explained that staff had taken the initiative to draft revisions to the Subdivision Ordinance. He requested that the Commissioners review the revisions as proposed and present comments to staff. Mr. Higgins noted there were serious issues to address to close loopholes in the Ordinance. Mr. Higgins further stated that during a recent conference he attended, he discovered that a newly adopted State law would mandate Cluster Development permitted by right in every zoning district.

Commissioner Weber asked Mr. Higgins to follow up on the issue and advise the Commission of the implications of the law. Commissioners Jones and Davis also expressed a desire to review the law. Mr. Higgins agreed to research the issue and provide further information.

Mr. Higgins advised the Board of a major site plan that would potentially be on the next meeting agenda for a project in Water View. He stated that the project would generate a great deal of public interest and may require a change of venue.

**ADJOURNMENT**

With there being no further business, a motion to adjourn was made by Commissioner Dunlevy, seconded by Commissioner Davis, and carried by unanimous vote. The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Jan Dunlevy, Secretary

Date