

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 1ST DAY OF OCTOBER, 1997 AT 7:30 P.M.

PRESENT: HARRISON A. MOODY, CHAIRMAN ELECTION DISTRICT #1  
EDWARD A. BRACEY, JR., VICE-CHAIR ELECTION DISTRICT #4  
LEENORA EVERETT ELECTION DISTRICT #3  
AUBREY S. CLAY ELECTION DISTRICT #5  
MICHAEL H. TICKLE ELECTION DISTRICT #2  
PAUL JACOBSON COUNTY ATTORNEY

IN RE: CALL TO ORDER - INVOCATION - PLEDGE OF ALLEGIANCE

Chairman Harrison A. Moody called the meeting to order at 7:32 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENT TO AGENDA

Mr. Ed Bracey requested an Executive Session be added as Agenda as Item 13 for Section 2.1 - 344 (A) 1 - Personnel - Discussion of employment salaries, disciplining of public officers, appointees, or employees of any public body.

Mr. Harrison Moody requested that Agenda Item 8 - Public Hearings (1) A-97-11 and (2) A-97-12 be reversed; (2) become (1) and (1) become (2).

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Item 13 - Executive Session for Section 2.1 - 344 (A) 1 - Discussion of employment salaries, disciplining of public officers, appointees, or employees of any public body - Personnel be added to the Agenda and Agenda Item 8 (1) A-97-11 and (2) A-97-12 be heard in reverse order.

IN RE: MINUTES

Upon Motion of Mr. Tickle, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the September 17, 1997 regular meeting are hereby approved in their entirety.

IN RE: CLAIMS

Mrs. Wendy Weber Ralph, Assistant County Administrator, stated that included in the claims was an invoice from the Dinwiddie Airport and Industrial Authority in the amount of \$544.94 to be drawn against the promissory note dated May 7, 1997.

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claims are approved and funds appropriated for same using checks # 1007568 - 1007788 (void check(s) 1007568; 1007651; and 1007783 ); for Accounts Payable in the amount of \$109,473.50; General Fund \$83,939.26; Jail Commission Fund \$509.35; Self Insurance Fund \$14,104.75; Law Library Fund \$116.03; CDBG Grant Fund \$8,851.11; County Construction Fund \$1,953.00; Payroll General Fund \$279,544.29; and CDBG Grant Fund \$1,029.01. Approval was also granted to pay the Dinwiddie Airport and Industrial Authority invoice from Sands, Anderson, Marks & Miller in the amount of \$544.94

IN RE: APPROVAL OF REQUISITION #5 --COURTHOUSE CONSTRUCTION

Mrs. Ralph stated that Requisition #5 for the Courthouse consists of payments to:

|  |               |
|--|---------------|
| Gulf Seaboard General Contractors Inc. | \$ 479,791.80 |
| Total                                  | \$ 479,791.80 |

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #5 in the amount of \$479,791.80 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: APPROVAL OF REQUISITION #2 - SCHOOL CONSTRUCTION

Mrs. Ralph stated that Requisition #2 for the School Construction consists of the following invoices:

|                                 |                 |
|---------------------------------|-----------------|
| KBS, INC.                       | \$ 1,182,475.45 |
| Froehling & Robertson, Inc.     | 4,477.50        |
| Stroud, Pence & Associates, LTD | 4,390.00        |
| Ballou Justice Upton            | 16,254.13       |
| Action Mobile Industries, Inc.  | 118,960.00      |
| Virco                           | 1,170.60        |
| DeJarnette & Paul, Inc.         | 6,383.00        |
| TOTAL                           | \$ 1,334,110.68 |

Mr. Tickle and Mr. Bracey questioned the modular classrooms figure of \$118,960.00. Mr. Bracey wanted to know if we were renting/leasing these modular classrooms or buying them. Also Mr. Bracey wanted to be assured that this was included in the contract price. He requested that Mrs. Seward supply him with a copy of the contract showing this amount. Mrs. Seward stated that we were leasing the modular classrooms and that she would supply the paper work, to show this expense was included in the contract, as Mr. Bracey requested.

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #2 in the amount of \$1,334,110.68 be approved and funds appropriated for CIP expenses for the School Construction Fund.

IN RE: CITIZEN COMMENTS

The following person addressed the Board:

1. Pastor Eva P. Ellis, 25708 Surry Avenue, Petersburg, came before the Board to express her concern over the possibility of a steel mill coming into the community. She expressed concern for her church, Macedonia Baptist Church, in the Piney Beach area. She pleaded on behalf of this Church and community, do not bring this steel mill to this area in Dinwiddie County.

IN RE: WELCOME OF SHADOW STUDENTS

Mr. Moody welcomed the shadow students from Mr. Stone's Government Class at Dinwiddie High School. He asked that any students present please stand. There were two (2) present Ms. Candance Smith, Mr. Mike Tickle's shadow and Mr. Jason Tickle, Mr. Ed Bracey's shadow. Mr. Moody stated that his shadow student was Mr. Chris Bielmyer who would be late arriving.

IN RE: JOINT MEETING WITH THE PLANNING COMMISSION

Mr. Moody invited Mr. Daniel Lee, Chairman for the Planning Commission, to join him at the head table for the joint Public Hearing.

Mr. Lee called the Planning Commission meeting to order at 7:47 P.M. Mrs. Cheryl Stewart called the roll and reported that all members were present.

IN RE: A-97-12 -- PUBLIC HEARING -- AMENDMENT OF COMPREHENSIVE LAND USE PLAN

This being the time and place as advertised in the Dinwiddie Monitor on September 17, 1997 and September 24, 1997, for the Planning Commission and the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering an amendment of the comprehensive land use plan, page 109, to designate the area generally bounded on the west by Church Road, south by Flank Road, east by Squirrel Level Road and north by the railroad tracks for industrial purposes.

Mr. Guy Scheid, Director of Planning, came before the Board to present the case. It was explained by Mr. Scheid that they would be considering a text amendment to the Dinwiddie County Comprehensive Land Use Plan. He added that this proceeding was not to rezone any property. He continued by announcing that the request to rezone property for industrial purposes rather than agricultural purposes would be heard by the Planning Commission on October 8, 1997 and by the Board of Supervisors on October 15, 1997. The Comprehensive Land Use Plan is used as a guide to future growth in the County.

The Comprehensive Land Use Plan be amended as follows:

Amendment of Comprehensive Land Use Plan, page 109, to designate the area generally bounded on the west by Church Road, south by Flank Road, east by Squirrel Level Road, and north by the railroad tracks for industrial purposes and related infrastructure, including streets and connections to existing streets, and public utilities; and to extend the Urban Planning Area Boundary line from Church Road along Flank Road to Squirrel Level Road, and then to proceed north along Squirrel Level Road to the City of Petersburg limits.

Mr. Lee asked if there were any questions from the Planning Commission and Mr. Moody asked if there were any questions from the Board of Supervisors.

There being no questions from the Boards, Mr. Moody stated that both Boards called the Public Hearing to order.

The following persons addressed the Boards:

1. Robert Belcher, 27516 Flank Road, Petersburg, came before the Board to voice his concerns over the steel mill coming into his community. He was very much opposed to this happening and urged the Boards to vote no on this project. He stated that if he had wanted to live in a steel mill he would have moved to Pittsburg.

2. Art DeMario, 7410 Vaughan Road, Petersburg, came forward to state that he agreed with Mr. Belcher's comments. He has lived in Pennsylvania and in Hopewell so he is aware of what steel mills are and what plants are like. He moved into Dinwiddie for a tranquil area and would like to state that if this mill comes and he is forced to move he will not locate in Dinwiddie County; he will be out of here. He stated that he felt that the Boards had already made up their minds and what he said would have no effect.

3. Richard Hotchkins, 27518 Flank Road, Petersburg, came before the Board stating that he would like to reflect on what Mr. DeMario and Mr. Belcher said. He stated that they had worked hard to clean up this area and make it a nice place to live and raise a family. He was against this steel mill coming into their community. If he had wanted to live in an industrial area he would have moved to Hopewell. He agreed with Mr. DeMario that they probably already have their minds made up. He stated that it was too bad that the citizens are just hearing about it now, months and months down the road.

Mr. Moody closed the Public Hearing on A-97-12 for the Board of Supervisors. Mr. Lee also closed the Public Hearing on A-97-12 for the Planning Commission. Mr. Lee called for discussion from the Planning Commission.

Mr. Gilbert Wood, Planning Commission member, asked Mr. Guy Scheid what this property is currently classified as. Mr. Scheid replied General Agricultural and is right immediately adjacent to your Urban Study Corridor.

Mr. Moody explained why he is sitting on both the Board of Supervisors and the Planning Commission. He stated that one (1) member of the Planning Commission is designated to be a Board of Supervisors member and that it is not a conflict of interest.

Mr. Lee called for a motion from the Planning Commission Board.

Upon motion of Mr. Wood, seconded by Mr. Hamilton, Mr. McCray, Mr. Perkinson, Mr. Moody, Mr. Wood, Mr. Titmus, Mr. Hamilton, Mr. Lee, all members voting "aye",

BE IT RESOLVED that the Planning Commission of Dinwiddie County, Virginia unanimously voted to recommend approval of A-97-12 to the Board of Supervisors .

Mr. Moody asked the Board of Supervisors for discussion.

Mr. Bracey asked that Mr. Scheid state one more time exactly what this is. Mr. Scheid came forth and explained what the comprehensive plan was. Mr. Scheid stated that this is a document that is mandated by State Code. You must have a Comprehensive Land Use Plan; you must periodically review it and update it to meet the current needs. You do have the option of amending it so that you can gear industry, commercial uses, more intensive residential uses, into certain areas that would be able to accommodate those types of uses. By amending this document what you are doing is showing that you do have a leaning toward certain types of uses in certain areas that are designated by this plan. This does not commit you to doing so. The only document that is binding, by law, is your zoning map, your zoning ordinance, those are your implementing documents. This is a guiding document. This document is not binding.

Mr. Long, County Administrator, announced to the public that there will be a minimum of three (3) more Public Hearings, that will address that issue directly, over a course of four (4) to six (6) weeks.

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that they approve A-97-12 which amends the Comprehensive Land Use Plan to read as follows:

Amendment of Comprehensive Land Use Plan, page 109, to designate the area generally bounded on the west by Church Road, south by Flank Road, east by Squirrel Level Road, and north by the railroad tracks for industrial purposes and related infrastructure, including streets and connections to existing streets, and public utilities; and to extend the Urban Planning Area Boundary line from Church Road along Flank Road to Squirrel Level Road, and then to proceed north along Squirrel Level Road to the City of Petersburg limits.

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with Virginia Code Section 15.1-491 (g), it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice. This Amendment to the Comprehensive Land Use Plan shall become effective immediately and in all other respects, said zoning maps remain unchanged.

IN RE: A-97-11 -- PUBLIC HEARING -- AMENDMENT TO ZONING ORDINANCE

This being the time and place as advertised in the Dinwiddie Monitor on September 17, 1997 and September 24, 1997, for the Planning Commission and the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering an amendment of the zoning ordinance to create a new district, Section 22-230. Division 15, PMD, Planning Industrial District with subsections defining purpose and intent, conditional uses, required conditions, development standards, landscaping and buffering, height, area, yard requirements, site plan and non conforming uses.

Mr. Lee continued by stating that at this time they would hear A-97-11 - Amendment to the Zoning Ordinance.

Mr. Scheid requested that Mr. John "March" Altman, Jr., Zoning Administrator/Senior Planner, come forward and present this case due to illness on Mr. Scheid's part.

Mr. Altman presented the following ordinance to amend the Code of the County of Dinwiddie for the purpose of adding to Chapter 22, Article IV, a Division 15 entitled "PMD, Planned Industrial District."

DIVISION 15. PMD, PLANNED INDUSTRIAL DISTRICT

Sec. 22-230. Purpose and intent.

The planned industrial district is intended to permit, in accordance with the comprehensive plan, the development of a planned industrial district containing not less than five hundred (500) contiguous acres in those areas of the county served by public sanitary sewer and water supply. The district shall be located within one and a half (1-1/2) miles of an interchange of a limited access highway, and be served by dual railroad access. The location of any compatible commercial facility deemed appropriate shall be controlled in such a manner as to exist solely for such district. It is the intention of this district to preserve the land in the district for industrial uses while minimizing its impact on the characteristics of adjacent areas. Development standards within this district are intended to promote the appropriate use of land, protection against overcrowding of land, the compatibility of the development with adjacent land uses, the health, safety, and welfare of citizens and the aesthetics of the development to encourage good design and arrangement of facilities for the creation of an attractive and harmonious community.

Sec. 22-230.1. Permitted uses.

- a. The following uses are permitted in the PMD, Planned Industrial District:
- (1) Agriculture.
  - (2) Forestry.
- b. The following uses may be permitted by conditional use permit in the PMD District, subject to the provisions of this chapter:
- (1) The manufacturing or assembly of electrical appliances, instruments and devices, communication equipment, professional scientific and control instrumentation and photographic and optical goods.
  - (2) Reprocessing, rolling, drawing, extruding, casting, and forging of ferrous and nonferrous metals and plastics.
  - (3) Commercial and service facilities whose function(s) are solely oriented to the needs of the industries located in the industrial district.
  - (4) Underground facilities for pipelines, electrical power and energy, distribution lines, telephone and telegraph.
  - (5) Dwellings for resident watchmen and caretakers employed on the premises.

- (6) Telecommunications tower.

Sec 22-230.2. General standards.

- (1) Processes and equipment employed, and materials or goods used in manufacture and/or storage, shall be limited to those which are not objectionable at the property line by reason of odor, dust, smoke, fumes, noise, vibration, refuse matter of water-carried waste.
- (2) All principal uses shall be conducted within a fully enclosed building with storage of raw, in process, or waste material, either undercover or within a containment area designed to capture fluids. Finished or semi-finished products manufactured on the premises may be stored in the open if appropriately screened from the street by landscaping, fences, walls, or berms.
- (3) Each proposed industrial occupant shall be required to submit to the zoning administrator as a part of the application for a building permit, a report by a licensed engineer describing the proposed operation, including without limitation, all machines, processes, product and by-product, stating the nature and expected levels of emission or discharge to land, air or water of liquid, solid or gaseous effluent and electrical impulses under normal operations, and the specifications of treatment mechanism and methods to be used in restricting the emission of dangerous or objectionable elements.

Sec. 22-203.3. Development standards.

- (1) Street access. The primary access to an PMD district shall be directly from either a major access road, major collector, major arterial or minor arterial roadway as designated on the county thoroughfare plan. All streets within the industrial district shall be built to Virginia Department of Transportation (VDOT) and county standards, if any, and dedicated to the county.
- (2) Public water and sewer. Any development within this district shall be served by public water and sewer. A preliminary utilities plan shall be submitted for approval to the director of planning and the Dinwiddie County Water Authority as a part of preliminary development plans. This shall show the size and the proposed location of all exterior lines and equipment. Control instrumentation and substations, which must be screened by appropriate planting or an ornamental wall.
- (3) Utility lines underground. All utility lines such as electric, gas, telephone, CATV, or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. Control instrumentation, substation and similar aboveground equipment installation must be screened by planting or by an ornamental wall.
- (4) Outside storage. There shall be no outside storage of any equipment or vehicles. A trash receptacle area may be permitted if it is enclosed within an area which is completely screened from view.
- (5) Exterior lighting. Major structures and detached signs located in planted areas may be floodlighted or spotlighted, providing such lights are not directed toward any other districts, highways or streets. Parking lot or loading area lights, if located near screening strips adjacent to residential or agricultural districts shall be shielded to direct lights away from adjacent areas.
- (6) Parking and loading areas. Additional parking and

loading space shall be provided off-street for all employees and visitors to the building in excess of the minimum requirements of section 22-237 of this chapter, if determined to be necessary by the Zoning Administrator. Loading operations shall be conducted at the side or rear of the building.

- (7) Signage. Signage should be in accordance with the provisions of article 7 of this chapter.

Sec. 22-230.4 Landscaping and buffering requirements.

- (1) Preservation of topographic features and natural amenities such as wetlands, watercourses and trees shall be required, with the objective of achieving maximum compatibility among the proposed industrial facility, the district and the surrounding areas.
- (2) A landscaped buffer at least one hundred (100) feet in depth shall be provided along the perimeter of the district, and a fifty (50) foot buffer shall be provided along both sides of all interior property lines.
- (3) No roads, parking or buildings shall be permitted within the required landscaped buffer. No storage of material or products shall be permitted in the required landscaped buffer area.

Sec. 22-230.5. Height, area and yard requirements.

Notwithstanding any other requirements in this chapter, height, area and yard requirements shall be provided in accordance with the following:

- (1) Building shall not exceed ninety (90) feet in height.
- (2) The minimum district size shall be five hundred (500) acres. Smaller parcels may be zoned and added to a PMD district where the parcel adjoins and has a common boundary with the PMD district and is at least five (5) acres in size. Such five (5) acre minimum size limit shall not apply to an addition to the PMD district with the addition is for expansion of an existing industrial facility.
- (3) The minimum ground coverage of any principal building shall be ten thousand (10,000) square feet.
- (4) The maximum ground coverage of any lot by structure, including accessory structures, shall not exceed forty (40) percent of the total area of the lot. Enclosed portions of off-street loading areas under roof shall not be included in computation of ground coverage of structure.

Sec. 22-230.6. Site plan required.

Landscaping and site plans shall be submitted and approved for each development within the PMD district. In order to ensure that the project is being developed in accordance with the requirements of this chapter, a conceptual master plan for the entire development shall be submitted with each site plan. Each master plan shall be provided a cumulative summary of the amount and types of uses, if any, preceding the proposed development and any changes proposed for uses then in effect. Site and landscape plans shall be submitted and approved prior to the issuance of a building permit.

Sec. 22-230.7. Non-conforming uses.

Any uses in existence prior to the adoption of the division shall be considered non-conforming and are subject to article 6 of this chapter.

Mr. Altman stated that concluded his presentation and asked if the Boards had any questions.

Mr. Lee asked for questions from the Planning Commission. There being none Mr. Moody asked if the Board of Supervisors had any questions. There being no questions Mr. Moody opened the Public Hearing on A-97-11, this being the Public Hearing for both Boards.

The following persons addressed the Boards:

1. Robert Belcher, 27516 Flank Road, Petersburg, came forward and stated that he had no qualms about rezoning for industrial - as long as he could live with the industry put in this area. He stated that he did not feel that he could live with a steel mill in his back yard.

2. Mrs. Grace Boswell Dunford, 6513 Church Road, came forward to inquire as to the status of her land, should the rezoning occur. Her major concern was the Land Use Program and how the rezoning would affect her taxes. She requested that the Boards not act on the rezoning until the steel mill commits to coming.

There being no other citizens in attendance wishing to speak Mr. Moody closed the Public Hearing.

Mr. Lee asked if there was any discussion among the Planning Commission. Mr. McCray asked about Sec. 22-230.2. General Standards (1) - that stated "processes and equipment employed, and materials or goods used in manufacture and/or storage, shall be limited to those which are not objectionable at the property line by reason of odor, dust smoke fumes, noise, vibration, refuse matter of water-carried waste." Mr. McCray asked who the ordinance is referring to these things being "objectionable to".

Mr. Scheid said the reference is being made to the impact being objectionable to the general public. He continued by saying it would be left up to the Zoning Department to determine what is objectionable or not or the Planning Commission could name someone else as the responsible party. The State and Federal authorities have already determined certain standards that must be complied with and will act as a guide to our determinations.

Mr. Wood was concerned about the land use questions posed to the Boards by Mrs. Dunford. He added that the ordinance is structured so that all uses in the district require a conditional use permit except agricultural which is a use permitted by right.

Mr. Scheid stated that he has been advised that the reason agricultural uses has been kept in the ordinance as a use by right, is that as long as it is considered a permitted use for all practical purposes it is not intensifying the land use itself and the property would be able to continue in the Land Use Program. Mr. Scheid further stated that the Commissioner of the Revenue would have the final say and his views may not be the interpretation of the Commissioner. He felt that further research would need to be done before a final determination could be given.

Mr. Titmus asked Mr. Scheid about restriction on telecommunication towers.

Mr. Scheid answered by stating that this type of use would require a conditional use permit.

Mr. Moody asked the if they pass this PMD, Planned Industrial District, the only one that can be there by right is agricultural and forestry. Anybody else wanting to come in would have to apply for a conditional use permit.

Mr. Scheid stated that is correct, everything else would require a conditional use permit.

Mr. Perkinson asked about item number 4 of Sec. 22-230.3 - (4) Outside storage. He questioned if this was too restrictive.

Mr. Scheid stated that this was a standard set for vehicles actually used in the operations themselves.

Mr. Perkinson stated that he felt that was pretty narrow, pretty tight, and that he did not see how it was possible for any operation, regardless who, that can maintain a storage or keep the vehicles under storage.

Mr. Scheid stated if the Planning Commission felt that it was too restrictive then they obviously have the right to loosen up a regulation, especially if you feel that it is not able to be complied with.

Mr. Hamilton asked if it was meant outside of the fenced area or inside a covered building.

Mr. Scheid stated that they meant or they intended for all equipment and vehicles to be in a covered building.

Mr. McCray stated that he liked tight restrictions and that he felt that they, the Planning/Zoning Department has done a good job.

Mr. Tickle stated that as a point of clarity he felt that the question was a very good one and he felt that the Board of Supervisors and others meant exactly like this - is that we want things to be unintrusive and you to not know that they are there. We want very, very tight restrictions and conditions. The tighter the better, is a very good statement. We want to leave it as tight as humanly possible and make it a great inconvenience for anyone.

Mr. Bracey stated that he felt that Mr. Perkinson had a legitimate question. He felt that it would be impossible to keep all vehicles under cover. He stated that if it was out of sight by buffer, fence, wall, etc., then it should be acceptable.

Mr. Scheid stated that this was for equipment that the company/plant had.

Mr. Bracey stated that he felt we needed to revisit number four (4).

Mr. Long recommended, if advisable by legal counsel, that number four (4) be deleted - because as you stated the only permitted uses are agricultural and forestry and treat each one on a conditional use basis, on a case by case basis. The Planning Commission could act tonight to approve that with an amendment to the Board of Supervisors.

Mr. Paul Jacobson, County Attorney, stated that he had no problem with Mr. Long's statement.

Mr. Lee asked if there was any further discussion among the Planning Commission members. Mr. Lee stated that when staff went about coming up with an ordinance, that was to be in our zoning ordinance, for intended industry moving into the County, that he felt this is a very good ordinance to protect the County by basically bringing everything, all permitted uses, back to the Public Hearing process to be run through the system except for agriculture and timber use. He stated that he felt this was a good document and it protects the County in that area. He would also like to see item four (4) deleted and we can handle that part with conditional use permits. There being no further discussion Mr. Lee called for a motion.

Upon motion of Mr. Hamilton, seconded by Mr. Wood, Mr. McCray, Mr. Perkinson, Mr. Wood, Mr. Hamilton, Mr. Titmus, Mr. Moody, Mr. Lee voting "aye", the Planning Commission unanimously voted to recommend A-97-11 to the Board of Supervisors with item number 4 of Sec. 22-230.3 deleted.

BE IT ORDAINED, that in order to assure compliance with Virginia Code Section 15.1-491 (g) it is stated that the public purpose for which this resolution was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

Mr. Moody asked if there was any discussion from the Board of Supervisors.

Mr. Tickle again stated that number four (4) should remain and should not be deleted. He again stated that tougher is better.

Mr. Moody stated that he felt that number four (4) is really not addressing this situation as we wanted. We can look at each industry as it comes in.

Mr. Long stated that before a vote is taken he would like to make a reminder to the audience that nothing acted on this evening is a rezoning or intended to be a rezoning on any property or industry. Next Wednesday, October 8, 1997 is the regular Planning Commission hearing where representatives of the industry interested in the area will be in attendance. October 15, 1997 is the same thing with the Board of Supervisors, with representatives in attendance and possibly November 5, 1997 as well at this point. The public will be notified if there are any changes in this schedule.

Mr. Moody stated if there was no other discussion he would entertain a motion.

Mr. Belcher complained that notice was only being placed in one (1) newspaper and that the public needed more notification.

Mr. Bracey asked if we were only advertising in one (1) newspaper, the Dinwiddie Monitor.

Mr. Long stated that currently we only have one (1) paper with general circulation within the County. This type of request can be addressed by the Board of Supervisors or the Planning Commission. If either the Commission or the Board sees fit to broaden the base of where we advertise then they can do that.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that A-97-11 - an amendment of the zoning ordinance to create a new district, Section 22-230. Division 15, PMD, Planned Industrial District with subsections be approved as recommended by the Planning Commission to read as follows, and in all other respects be reordained:

#### DIVISION 15. PMD, PLANNED INDUSTRIAL DISTRICT

##### Sec. 22-230. Purpose and intent.

The planned industrial district is intended to permit, in accordance with the comprehensive plan, the development of a planned industrial district containing not less than five hundred (500) contiguous acres in those areas of the county served by public sanitary sewer and water supply. The district shall be located within one and a half (1-1/2) miles of an interchange of a limited access highway, and be served by dual railroad access. The location of any compatible commercial facility deemed appropriate shall be controlled in such a manner as to exist solely for such district. It is the intention of this district to preserve the land in the district for industrial uses while minimizing its impact on the characteristics of adjacent areas. Development standards within this district are intended to promote the appropriate use of land, protection against overcrowding of land, the compatibility of the development with adjacent land uses, the health, safety, and welfare of citizens and the aesthetics of the development to encourage good design and arrangement of facilities for the creation of an attractive and harmonious community.

##### Sec. 22-230.1. Permitted uses.

a. The following uses are permitted in the PMD, Planned Industrial District:

- (1) Agriculture.
- (2) Forestry.

b. The following uses may be permitted by conditional use permit in the PMD District, subject to the provisions of this chapter:

- (1) The manufacturing or assembly of electrical appliances, instruments and devices, communication equipment, professional scientific and control instrumentation and photographic and optical goods.
- (2) Reprocessing, rolling, drawing, extruding, casting, and forging of ferrous and nonferrous metals and plastics.
- (3) Commercial and service facilities whose function(s) are solely oriented to the needs of the industries located in the industrial district.
- (4) Underground facilities for pipelines, electrical power and energy, distribution lines, telephone and telegraph.
- (5) Dwellings for resident watchmen and caretakers employed on the premises.
- (6) Telecommunications tower.

Sec 22-230.2. General standards.

- (1) Processes and equipment employed, and materials or goods used in manufacture and/or storage, shall be limited to those which are not objectionable at the property line by reason of odor, dust, smoke, fumes, noise, vibration, refuse matter of water-carried waste.
- (2) All principal uses shall be conducted within a fully enclosed building with storage of raw, in process, or waste material, either undercover or within a containment area designed to capture fluids. Finished or semi-finished products manufactured on the premises may be stored in the open if appropriately screened from the street by landscaping, fences, walls, or berms.
- (3) Each proposed industrial occupant shall be required to submit to the zoning administrator as a part of the application for a building permit, a report by a licensed engineer describing the proposed operation, including without limitation, all machines, processes, product and by-product, stating the nature and expected levels of emission or discharge to land, air or water of liquid, solid or gaseous effluent and electrical impulses under normal operations, and the specifications of treatment mechanism and methods to be used in restricting the emission of dangerous or objectionable elements.

Sec. 22-203.3. Development standards.

- (1) Street access. The primary access to an PMD district shall be directly from either a major access road, major collector, major arterial or minor arterial roadway as designated on the county thoroughfare plan. All streets within the industrial district shall be built to Virginia Department of Transportation (VDOT) and county standards, if any, and dedicated to the county.
- (2) Public water and sewer. Any development within this district shall be served by public water and sewer. A preliminary utilities plan shall be submitted for approval to the director of planning and the Dinwiddie County Water Authority as a part of preliminary development plans. This shall show the size and the proposed location of all exterior lines and equipment. Control instrumentation and substations, which must be screened by appropriate planting or an ornamental wall.
- (3) Utility lines underground. All utility lines such as electric, gas, telephone, CATV, or other similar lines shall be installed underground. This requirement shall

apply to lines serving individual sites as well as to utility lines necessary within the project. Control instrumentation, substation and similar aboveground equipment installation must be screened by planting or by an ornamental wall.

- (4) Exterior lighting. Major structures and detached signs located in planted areas may be floodlighted or spotlighted, providing such lights are not directed toward any other districts, highways or streets. Parking lot or loading area lights, if located near screening strips adjacent to residential or agricultural districts shall be shielded to direct lights away from adjacent areas.
- (5) Parking and loading areas. Additional parking and loading space shall be provided off-street for all employees and visitors to the building in excess of the minimum requirements of section 22-237 of this chapter, if determined to be necessary by the Zoning Administrator. Loading operations shall be conducted at the side or rear of the building.
- (6) Signage. Signage should be in accordance with the provisions of article 7 of this chapter.

Sec. 22-230.4 Landscaping and buffering requirements.

- (1) Preservation of topographic features and natural amenities such as wetlands, watercourses and trees shall be required, with the objective of achieving maximum compatibility among the proposed industrial facility, the district and the surrounding areas.
- (2) A landscaped buffer at least one hundred (100) feet in depth shall be provided along the perimeter of the district, and a fifty (50) foot buffer shall be provided along both sides of all interior property lines.
- (3) No roads, parking or buildings shall be permitted within the required landscaped buffer. No storage of material or products shall be permitted in the required landscaped buffer area.

Sec. 22-230.5. Height, area and yard requirements.

Notwithstanding any other requirements in this chapter, height, area and yard requirements shall be provided in accordance with the following:

- (1) Building shall not exceed ninety (90) feet in height.
- (2) The minimum district size shall be five hundred (500) acres. Smaller parcels may be zoned and added to a PMD district where the parcel adjoins and has a common boundary with the PMD district and is at least five (5) acres in size. Such five (5) acre minimum size limit shall not apply to an addition to the PMD district with the addition is for expansion of an existing industrial facility.
- (3) The minimum ground coverage of any principal building shall be ten thousand (10,000) square feet.
- (4) The maximum ground coverage of any lot by structure, including accessory structures, shall not exceed forty (40) percent of the total area of the lot. Enclosed portions of off-street loading areas under roof shall not be included in computation of ground coverage of structure.

Sec. 22-230.6. Site plan required.

Landscaping and site plans shall be submitted and approved for each development within the PMD district. In order to ensure that the

project is being developed in accordance with the requirements of this chapter, a conceptual master plan for the entire development shall be submitted with each site plan. Each master plan shall be provided a cumulative summary of the amount and types of uses, if any, preceding the proposed development and any changes proposed for uses then in effect. Site and landscape plans shall be submitted and approved prior to the issuance of a building permit.

Sec. 22-230.7. Non-conforming uses.

Any uses in existence prior to the adoption of the division shall be considered non-conforming and are subject to article 6 of this chapter; and

BE IT ORDAINED, that in order to assure compliance with Virginia Code Section 15.1-491 (g) it is stated that the public purpose for which this resolution was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

This amendment to the zoning ordinance shall become effective immediately.

Mr. Lee stated that next Wednesday, October 8, 1997 there would be a public hearing on some of the things pertaining to this new industry coming into the County. At that time there will again be a citizens comment period and the Planning Commission has a lot of work to do getting familiar with a lot of things that are going to come if this new industry comes into the County. We will hear the concerns of the citizens in the County. Our minds have not been made up on this issue so please come to the public hearing.

IN RE: ADJOURNMENT -- PLANNING COMMISSION

Mr. Lee called for a motion to adjourn the Planning Commission.

Upon motion of Mr. Perkinson, seconded by Mr. Titmus, Mr. McCray, Mr. Perkinson, Mr. Moody, Mr. Wood, Mr. Titmus, Mr. Hamilton, Mr. Lee voting "aye" the Planning Commission voted to adjourn their meeting at 8:49 P.M.

Mr. Moody stated that the Board of Supervisors meeting was still in session and there would be a ten (10) minute recess.

IN RE: CALL BACK TO ORDER

Mr. Moody called the meeting back to order at 9:07 P.M.

IN RE: SHADOW STUDENT RECOGNITION

Mr. Moody introduced his shadow student Mr. Chris Bielmyer and welcomed him to the meeting.

IN RE: C-97-4 -- PUBLIC HEARING -- CONDITIONAL USE PERMIT --  
MICHAEL B. MAYES

This being the time and place as advertised in the Dinwiddie Monitor on September 17, 1997 and September 24, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering a conditional use permit request by Michael B. Mayes to increase the maximum density requirement for dwelling unit per acre as outlines in Section 22-142 of the zoning ordinance. The Parcels under consideration are located on the east side of Duncan Road (Route 670) approximately 1/4 mile from Route 1, adjacent to the Rohoic Woods apartments. The tax map parcels are 21-52E and a 7 acre portion of 21 (4) 4.

Mr. Guy Scheid came before the Board to present C-97-4 case.

The applicant, Michael Mayes, is seeking a conditional use permit for the purpose of increasing the number of dwelling units from six (6) per gross acre to twelve (12) per gross acre as permitted by Section 22-142 of the Dinwiddie County Zoning Ordinance The property is located on

the east side of Duncan Road (Route 670) and is identified as tax parcels 21-52E and a 7.0 + acre portion of 21 (4) 4.

#### BACKGROUND INFORMATION

Mr. Mayes has developed the Rohoic Woods Apartments which are adjacent to this property. The Planning Commission and the Board of Supervisors heard this case in the spring of 1993 and on a unanimous vote by both bodies, the conditional use permit was granted. Mr. Mayes has complied with the conditions imposed in 1993 to include the construction of a swimming pool, clubhouse, and tennis court. The property was developed in such a way as to allow continued development into the parcels under consideration. It is the applicant's desire to continue development with the same density of 12 units per gross acre. The need for this conditional use permit is stated in Section 22-142.

These tracts of land are located within the Urban Planning Area boundary. The following is a brief outline of planning strategies for this area:

- \* expected to accommodate 65% to 75% of future --and major transportation improvements, thus limiting the increase in costs for building and maintaining new facilities.
- \* public water and sewer lines will be extended in the planning area. Mandatory hook-ups to public water and sewer at the expense of the developer will be required where they are available.
- \* adequate buffers (i.e. vegetation or fencing) will be required between different land uses.
- \* basic facilities such as roads, utilities, recreation and drainage facilities are to be provided by the developer.

#### ANALYSIS

This request is a follow-up to the development of the adjacent tract upon which Rohoic Woods Apartments is located. The applicant has demonstrated the need for multi-family housing in this area of Dinwiddie County. He has complied with all conditions required by the Board of Supervisors. The recent commercial growth in the County and pending industrial developments indicate a need for additional apartments. It is reasonable to expect, as well as good planning practice to allow, the expansion of this development under similar conditions.

Letters have been obtained from the Dinwiddie County School System, Water Authority, Virginia Department of Transportation and the Sheriff's have not created a problem on community services and, in the case of water and sewer, it is highly desirable to add customers to the existing system.

#### RECOMMENDATION

It is recommended that the Planning Commission approve the conditional use permit request, C-97-4, with the following conditions:

1. Any future driveways into this development area shall be hard surfaced with materials, such as, concrete or asphalt.
2. Trash dumpsters shall be supplied on site to adequately service the apartment building and shall be enclosed within a wooden fence.
3. The developer shall preserve as much existing vegetation as feasible in the construction of this project and shall submit a landscaping plan to the Planning Department.
4. A lighting plan will be submitted with will strive to minimize the effects of all interior lighting upon adjacent property owners.

5. The number of three bedroom units will be limited to twenty (20) percent of the total number of apartments in the complex, in an attempt to somewhat minimize the effect of the complex on Route 670 and the school system.
6. The minimum setback from any property line will be thirty-five (35) feet rather than twenty-five (25) feet required in the Zoning Ordinance.
7. The developer will attempt to preserve the existing vegetation along the Cheatham boundary to the south. If any of the current vegetation is damaged or destroyed the developer will construct a three foot berm with plantings on the berm to be approved by the Planning Department.
8. All internal fire suppression system must be approved by the Building Inspector Office or their representative.

Mr. Moody asked if the Board members had any questions of Mr. Scheid.

There being none Mr. Moody opened the Public Hearing. There being no citizen wishing to speak the Public Hearing was closed.

Mr. Moody called for discussion from the Board. There being none Mr. Moody asked Mr. Mayes if he wished to speak. There was a question of the twenty-five percent (25%) of the units being three (3) bedrooms. Mr. Altman stated that the increase was from twenty (20) to twenty-five (25) percent.

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the conditional use permit request of Michael B, Mayes to increase the number of dwelling units from six (6) per gross acre to twelve (12) per gross acre as permitted by Section 22-142 of the County Zoning Ordinance is unanimously approved with the conditions recommended by the Planning Commission; and

BE IT ORDAINED, that in order to assure compliance with Virginia Code Section 15.1-491 (g) it is stated that the public purpose for which this resolution was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: AP-97-1 -- PUBLIC HEARING -- AMENDMENT OF PROFFER -- PARKER OIL COMPANY

This being the time and place as advertised in the Dinwiddie Monitor on September 17, 1997 and September 24, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering an amendment to a previous rezoning case with proffers, P-95-4, involving Parker Oil Company in which the applicant was restricted to one 30,100 gallon propane storage tank located on the southside of Weakley Road (Route 603) across from the Ingram Book Company. The applicant, Parker Oil, is seeking to amend proffer number 4 by increasing the number of 30,000 gallon propane storage tanks from one (1) to two (2). The property is designated by the tax maps as Section 21, Block 5, Lot 3A.

Mr. Guy Scheid presented the case AP-97-1 of Parker Oil Company to amend a proffer.

The applicant, Parker Oil Company, is seeking to amend proffers #4 from a previous rezoning case, P-95-4, in order to allow them to place a second 30,000 gallon propane storage tank on the premises. The property is located on Weakley Road across from Ingram Book Company and is identified as tax parcel 21 (5) 3A.

In accordance with Section 22-24 of the Code of the County of Dinwiddie, the enclosed information is forwarded for your consideration.

## BACKGROUND INFORMATION

Case Number P-95-4 was heard by the Planning Commission in August 1995 and unanimously recommended for approval to the Board of Supervisors with nine (9) proffers. The board of Supervisors heard this request at their September 1995 meeting and on a 4-0 vote (1 member abstaining) the request was approved with the nine (9) proffers accepted as part of the rezoning. As required by Section 22-24, Conditional rezoning, a public hearing must be held in order to amend the proffers. All of the proffers were complied with when Parker Oil developed their site. Since then, the landscaping evergreens have not done well. The Planning Department has notified Parker Oil, and they agreed to correct the problems. During their initial lighting phase, it was noted that the lights were too bright and the orientation of the lighting needed to be changed. They responded by reducing the wattage by and redirecting the lighting so that it was away from the public road.

During the public hearing in 1995, it was stated that there may be a problem with the radio frequency waves from Ingram Book and the propane storage tanks. I am unaware of any problems to date involving this matter.

The County adopted the revised comprehensive land use plan on June 5, 1996. This area is designated as an Urban Planning Area. As such, some of the planning strategies applicable to this case state the following:

- \* expected to accommodate 80% of future industrial and commercial development;
- \* the primary area for public facilities, water and sewer extensions and major transportation improvements, thus limiting the increase in costs for building and maintaining new facilities; and
- \* industrial development parks are preferred;

Policy Statement number 3 (page 8 of the Comprehensive Plan) state "maintain and enhance the County's ability to coordinate a balanced land-use program among various types of residential, commercial and industrial interest by encouraging development within area defined as growth centers and/or growth corridors".

Also, a review of page 12 of the Comprehensive Plan, Economic Development, supports and enhances the policy statement given above.

## ANALYSIS

This request is to allow a more intensive use of their existing operation. Parker Oil company stated to me that their business has increased to the point that an additional storage tank is needed. The site is large enough to accommodate another 30,000 gallon propane tank. During the past year and one-half, the traffic impact associated with this sit has been minimal. There have been no safety violations reported to the Planning Department. It appears that their operation has not adversely impacted on adjacent properties. Therefore, it appears reasonable that their request be granted. A few issues I believe should be addressed by the applicant relate to the service area to be served by this site, additional signage on this site and the maintenance of the required landscaping. It is staff's belief that the additional propane user should be primarily located in Dinwiddie County. Also, this site is limited in the number of tanks to be located there. No additional signage (to include on propane tanks) will be permitted. The Parker oil company is responsible for establishing and maintaining the shrubs/trees which are required for screening.

## RECOMMENDATION

Staff recommends approval of AP-97-1 by amending proffer #4 contained in the letter dated September 20, 1995 and signed by Robert Walker of Roslyn Farms as follows:

(4) A six (6) foot high, cyclone-type fence with barbed wire shall be constructed so as to enclose the entire facility which consist of (2) 30,000 gallon tanks with accessories. Said fence shall not be located closer than twenty-five (25) feet to the property line along State Route 603. The fence shall include at least one fence gate constructed and said fence and gate(s) must be completed prior to the issuance of a Certificate of Occupancy. Said gate(s) shall be closed and locked at all times when the facility is not being utilized.

Mr. Moody asked if there was any discussion from the Board.

Mr. Tickle questioned the lighting and screening. Mr. Scheid addressed this issue to the best of his knowledge.

Mr. Moody asked the applicant to come forward. Mr. Sammy Gee, representative of Parker Oil Company came before the Board. He stated he had a statement to read before questions from the Board were taken. The statement was as follows:

Parker Oil Company proposes to add an additional 30,000 gallon propane storage tank on our property off Weakley Road, Dinwiddie County. This tank will be installed according to the National Fire Protection Association Code which helps govern our industry. This additional storage is needed to help keep adequate supply for our rapidly growing customer base in Dinwiddie County. The additional tank will also help us to maintain supply balance when product is in short supply or when increment weather may temporarily stop us from replenishing our existing storage. We respectfully request that you to grant us approval for this additional storage since we are in an industrial zoned area and we have had no safety infractions. We stand ready and willing to work with the County of Dinwiddie.

Mrs. Everett asked if they granted permission to place the second 30,000 gallon tank on this sight, would they be back to request a third and fourth?

Mr. Gee responded by stating that two (2) tanks had been requested in the original hearing. He further stated that there would be no further request for additional tanks at this site.

There was some discussion between Mr. Gee, Mrs. Everett, Mr. Tickle and Mr. Bracey regarding screening and lighting.

Mr. Moody opened the Public Hearing. There being no citizens in attendance wishing to speak Mr. Moody closed the Public Hearing.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody, voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that case AP-97-1 be approved as recommended by the Planning Commission for Parker Oil Company to place a second 30,000 gallon propane tank on their site located on Weakley Road across from Ingram Book Company with conditions as requested by the Planning Commission; and

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.1-491(g) it is stated that the public purpose for which this resolution was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: P-97-13 -- PUBLIC HEARING -- REZONING OF PROPERTY -- THOMAS BATES

This being the time and place as advertised in the Dinwiddie Monitor on September 17, 1997 and September 24, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering a rezoning application submitted by Thomas J. Bates seeking to change the district classification on tax map parcel 45-105 from Agricultural, General, A-2 to Business, General, B-2. The

property is located on the east side of Boydton Plank Road (Route 1) adjacent to the Olive Branch Church in the Rowanty Magisterial District.

The applicant, Thomas J. Bates, is seeking a rezoning of the property from Agricultural, General, A-2 District to Business, General, B-2 District. There is an existing building on the property which has been used for business purposes in the past. The applicant wishes to rezone the property because the types of commercial uses under B-2 are more flexible for utilization of this property. The property is located on the east side of Boydton Plank Road (U. S. Route 1) adjacent to Olive Branch Church which is appropriately one (1) mile south of the Southside Elementary School.

#### BACKGROUND INFORMATION

This property has been used for commercial purposes for many years. The applicant purchased the property within the past few years. The building has been improved. There has been some interest in the use of this building, but it appears the current zoning does not provide the flexibility needed for new tenants. Rezoning to a general business, B-2, category would appear to give more flexible use of the building. The properties immediately adjacent to this site are developed for residential purposes as well as a church. It appears there are no vacant lots on the east side of Boydton Plank Road, therefore, it does not appear the rezoning of this property will create other applications on parcels in the immediate vicinity.

The Dinwiddie County Comprehensive Plan designates this property for agricultural use. The property is located within the Rural Conservation Area, as designated by the Dinwiddie County Comprehensive Plan (see page 106 of the Comp-Plan for characteristics of this area). A brief outline of the applicable strategies for this planning area follow:

Rural Conservation Area (approximately 290,000 acres; 90% of the County)

- \* expected to accommodate 5% to 10% of future residential development;
- \* all developments within the rural conservation areas are expected to help maintain the long-term viability of the rural characteristics, with a minimum of land use conflicts between residential and agricultural uses;
- \* development in these areas will be of a very low density and thus very minimal increases in public services will be needed; and prime agricultural land will be identified and preserved.

There was considerable discussion of this request at the September 10, 1997 meeting of the Planning Commission by residents in the community and members of the Olive Branch Church and the Planning commissioners themselves. Areas of concern were the number of residents adjacent to the property and in near proximity, some of the undesirable uses permitted in the B-2 area which would adversely impact on the adjacent properties and there are already a number of permitted uses in the existing zoning district which are of commercial nature and should satisfy the needs of the property. With this in mind the Planning Commission voted 5-0 with 2 members being absent to recommend denial of the rezoning request.

Mr. Bracey questioned what was allowed in General Business B-2 and what was allowed in Agriculture A-2. Mr. Scheid and Mr. Altman read from the Code of the County of Dinwiddie the permitted uses in each category.

There was discussion about the changes that the property owner would be required to make should the property be rezoned.

Mr. Moody requested that the applicant, Thomas Bates, come forward to present his case.

Mr. Bill Addison, a realtor, came forward representing Mr. Bates. There was discussion about the type of business that Mr. Bates wished to place in this building. There was also discussion regarding the houses that are located on the same property.

Mr. Moody opened the Public Hearing for case P-97-13. The following persons addressed the Board:

1. Ms. Denise Lamm, no address given, came forth and requested that the Board deny this request. She lives behind this property and is concerned about the type of business that Mr. Bates will put in if this rezoning is approved.

2. Ms. Lillian Stewart, representative of the Olive Branch Baptist Church, came forward to ask the Board to do what is best for the Church. There were numerous Church members present that stood while Ms. Stewart spoke, showing their support. She stated their presence was mainly over the fear of the unknown; they did not know what possibly could be put in this building. The Church has been in the same place for 130 years and she felt that history was on their side. She hoped that the County and property owner would appreciate their dilemma and not disturb their environment. They are opposed to a billiard/pool hall bar environment being placed next to the Church property. The Church has activities happening not only on Sunday but every day of the week. Please do what is best for the Church.

There being no other citizens wishing to speak, Mr. Moody closed the Public Hearing.

Mr. Thomas Bates came forward stating that he did not wish to hurt anyone. He just wanted to be able to rent the building in order to pay the taxes and insurance. He stated that he did not know what to do anymore. He was no longer sure if he wanted to have the property rezoned after hearing the changes that would have to be made. He did not understand everything about the rezoning. If they, the citizens and neighbors, do not want the B-2 zoning, then turn it down. He stated he just wasted \$150.00!

Mr. Tickle asked Ms. Stewart how she felt after hearing all the information about the rezoning. Ms. Stewart responded with after listening to the discussion she was somewhat like Mr. Bates, she didn't know what to do. Ms. Stewart further stated that the congregation only wanted to protect the environment of the Church and do what was best for the Church.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that P-97-13 request of Thomas Bates for rezoning from A-2 to B-2 is denied.

BE IT FURTHER RESOLVED, that in order to assure compliance with Virginia Code Section 15.1-491 (g) it is stated that the public purpose for which this resolution was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: P-97-14 -- PUBLIC HEARING -- REZONING OF PROPERTY -- HARRY MILLIS

This being the time and place as advertised in the Dinwiddie Monitor on September 17, 1997 and September 24, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering a rezoning application submitted by George Whitman on behalf of Harry Millis seeking to change the district classification of tax map parcel 86-9 containing approximately 120 acres from Agricultural, General, A-2 to Residential, Conservation, R-R. The property is bounded on two sides by Walker's Mill Road (Route 665) and Flatfoot Road (Route 626) near the intersection with Black Branch Road (Route 665 and Route 681).

Mr. Scheid came forward to present case P-97-14. The applicant, George Whitman, is seeking a rezoning of the property on behalf of Harry Millis, from Agricultural, General, A-2 District to Residential, Conservation, R-R District. Mr. Whitman has made this request for the purpose of developing the property for large lot single-family homes which will be served by a private road with a few lots fronting onto Walkers Mill Road (Route 665) and Flatfoot Road (Route 626). The property is located on the south side of Walkers Mill Road (Route 665) and the west side of Flatfoot Road (Route 626); and is identified as tax parcel 86-9.

#### BACKGROUND INFORMATION

The main soil groups contained within the property are: Mattaponi (12B & 12C); Roanoke (16A); and Slagle (17B). Generally, the soil characteristics for the aforementioned soils are as follows:

|                        |                        |
|------------------------|------------------------|
| Mattaponi (12B & 12C)  |                        |
| home site construction | - moderate limitations |
| road construction      | - severe limitations   |
| septic fields          | - severe limitations   |
| Roanoke (16A)          |                        |
| home site construction | - severe limitations   |
| road construction      | - severe limitations   |
| septic fields          | - severe limitations   |
| Slagle (17B)           |                        |
| home site construction | - moderate limitations |
| road construction      | - moderate limitations |
| septic fields          | - severe limitations   |

The timber (soft wood) has been cut within the past several years. There is a large creek that runs through this property. A large portion of the property drains via this creek. Flatfoot Road is a secondary road that is well traveled, and provides good access to the Courthouse area and Route 40.

The Dinwiddie County Comprehensive Plan designates this property for agricultural use. The property is located within the Rural Conservation Area, as designated by the Dinwiddie County Comprehensive Plan. A brief outline of the applicable strategies for this planning area follow:

Rural Conservation Area (approximately 290,000 acres; 90% of the County)

- \* expected to accommodate 5% to 10% of future residential development;
- \* all developments within the rural conservation areas are expected to help maintain the long-term viability of the rural characteristics, with a minimum of land use conflicts between residential and agricultural uses;
- \* development in these areas will be of a very low density and thus very minimal increases in public services will be needed; and prime agricultural land will be identified and preserved.

#### ANALYSIS

Recently, the subdivision ordinance was amended, and the definition of subdivision changed. Additionally, Section 18-12 required the rezoning of A-2 property to a residential category if the property is intended to be subdivided into three (3) parcels or more. It is further mentioned that the number of use contained in R-R is significantly less than those in A-2.

The Planning Commission recommends APPROVAL of P-97-14 in changing the district classification of section 86, parcel 9, from agricultural, general, A-2 to Residential, Conservation, R-R.

Mr. Moody asked if the Board had any questions for Mr. Scheid regarding this rezoning.

Mr. Bracey asked if the owner or representative of the property WAS present. Mr. Scheid stated that he did not see them. Mr. Scheid stated that Mr. Whitman was representing Mr. Millis. He was present at the last meeting.

Mr. Bracey was concerned about a statement made by Mr. Whitman in the minutes of the Planning Commission on September 10, 1997 as follows:

"Mr. Whitman stated that this was a parcel of land primarily agricultural with probably 1/2 of the 113 acres in wetlands and not usable. He said there were going to be large lots (five acre and larger) and so far they have found only 1 perk site. He stated that there would probably be only one house built on this property because of the problems finding perk sites. He added that there would be two roads to serve this property with 12 to 13 sites. Due to the wetlands situation, very few lots have been found at this time."

He wanted to know exactly what this was saying. If they are going to only build one house then why do they need rezoning.

Mr. Scheid stated that he did not know why he made that statement; he was not present but in his conversations with Mr. Whitman he had indicated that he could get about twelve (12) to thirteen (13) homesites.

Mr. Moody opened the Public Hearing on case P-97-14. The following person addressed the Board.

1. Ms. Mildred Tucker, 21613 Flatfoot Road, came before the Board requesting that this property not be rezoned and left as agriculture. She asked if her property would remain zoned as it is presently. The Board replied that there would be no change in her zoning.

There being no other citizen wishing to speak Mr. Moody closed the Public Hearing.

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that case P-97-14, the rezoning requested by Mr. Whitman for Harry Millis is unanimously approved.

BE IT FURTHER RESOLVED, that in order to assure compliance with Virginia Code Section 15.1-491(g) it is stated that the public purpose for which this resolution was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: COUNTY ADMINISTRATOR COMMENTS --CHANGE ORDER NUMBER EIGHT  
-- COURTHOUSE PROJECT

Mr. Long stated that the Board had before them two (2) change orders, Number Eight (8) and Number Nine (9), on the Courthouse project.

The first change order Number Eight (8) is as follows:

|                        |                              |             |
|------------------------|------------------------------|-------------|
| Proposal Request No 1  | Domestic Water Pump          | \$8,441.00  |
| Proposal Request No 31 | Delete Trees at South        |             |
|                        | Parking Area                 | ( 1,200.00) |
| Proposal Request No 40 | Signage Allowances 1,2 and 3 | ( 5,928.00) |
| Proposal Request No 47 | Change Drinking Fountains    | ( 1,077.00) |
|                        | TOTAL ADD                    | \$ 236.00   |

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Change Order Number Eight (8) on the Courthouse Project is approved with a total net add of \$236.00.

IN RE: COUNTY ADMINISTRATOR COMMENTS --CHANGE ORDER NUMBER NINE  
-- COURTHOUSE PROJECT

Mr. Long continued by stating that Change Order Number Nine (9) consists of the following:

Extend Construction time for completion eleven (11) days for rock excavation (Proposal Requests Number 14 and Number 24). Adjust Contract cost amount for fifteen (15) days of General Conditions costs at the rate of Four Hundred Sixty Two and 00/100 Dollars (\$462.00) per day for a total cost of Six Thousand Nine Hundred Thirty and 00/100 Dollars (\$6,930.00). This cost includes the four days granted for Proposal Request Number 35 in Change Order Number 7.

Upon Motion of Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Change Order Number Nine (9) in the amount of \$6,930.00 for time extension is approved.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- GASOLINE, DIESEL AND FUEL  
OIL CONTRACT

Mr. Long continued by stating that we have had a contract with Parker Oil Company for the County on gasoline, diesel and fuel oil requirements. The way the current contract reads you can renew annually, if you so choose, once Parker gives you its proposals for the coming year. As you will note it is proposed that the regular fuel remain the same price, the diesel and fuel oil are both dropping. The diesel from \$.729 to \$.699 and fuel oil from \$.719 to \$.689. You also have the option to request a bid.

Mrs. Ralph stated that she had just given them a comparison that was worked up to show the Board that they were getting a good price. The first one would be if you had to pay taxes.

After some discussion on the grades of fuel used by the County, Mr. Moody called for a motion.

Upon motion of Mr. Tickle, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the gasoline (\$.6790 per gallon), low sulfur diesel fuel (\$.6990 per gallon) and #2 fuel oil (\$.6890 per gallon) contract for the year beginning October 1, 1997, ending September 30, 1998 is hereby renewed with Parker Oil Company on a fixed price basis.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long noted that there was information in the Board packets on the Jim Gilmore personal property tax elimination program.

IN RE: BOARD MEMBER COMMENTS

Mr. Clay -- He stated that he was very disappointed to hear the people speak about the industry. Everybody tells you, what we need is some industry to pay some taxes so we can hold the property tax and tonight everybody is opposed to it. He stated that he did not know what we can do to get some money into the County unless we do allow industry in. If we can get this industry to locate here their taxes would be more than most other industries.

Mr. Bracey -- He stated that he was really surprised to find out that we are only advertising in one (1) newspaper. By law that is

probably right but a weekly newspaper - he felt that when we have these Public Hearings that we need to go to a daily paper.

Mrs. Ralph stated that in times past it was cut because of economical reasons. The Monitor was declared a paper of general circulation. She stated if the Board wished to change this she would certain respect their wishes.

Mr. Bracey stated that it was upsetting to him because the gentleman who spoke must not have been into taking a weekly paper and he hoped that we would correct this situation.

Mrs. Everett stated that she would like to see this issue advertised in both papers - that was the pleasure of the Board.

Mr. Tickle -- He would like for someone to research the circulation of newspapers in the County. Be sure that the best paper is being used for the advertisement and choose the one that will reach the most citizens.

Mrs. Everett -- She just wanted to remind the Board that Friday, October 3, 1997 was the inauguration of Dr. McNeer at Richard Bland College of William and Mary. She wanted the Board to attend as a group. The time and place to meet was set at 9:45 A.M. at the Administration Building.

Mr. Moody -- He stated he had no comments tonight.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344 (a) 1 - Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body. The meeting moved into Executive Session at 10:37 P.M. A vote having been made and approved the meeting reconvened into Open Session at 10:54 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby, certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the meeting adjourned at 10:55 P.M.

/pam

ATTEST: R. Martin Long  
County Administrator

Harrison A. Moody  
Chair, Board of Supervisors