

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 4TH DAY OF NOVEMBER, 1998, AT 7:30 P.M.

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

OTHER: BEN EMERSON COUNTY ATTORNEY

IN RE: INVOCATION – PLEDGE OF ALLEGIANCE – AND CALL TO ORDER

Mr. Edward A. Bracey, Jr., Chairman, called the regular meeting to order at 7:32 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Bracey asked if there were any amendments to the agenda.

Mrs. Wendy Weber Ralph, Assistant County Administrator, requested that under Agenda Item Number 3 we add an additional claim for Public Facilities - Requisition Number 2.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that under Agenda Item Number 3 we add an additional claim for Public Facilities - Requisition Number 2.

IN RE: MINUTES

Mr. Tickle stated he would like to have the minutes edited to spell out what the abbreviation VRA represented (Virginia Resource Authority).

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the October 21, 1998 Regular Meeting were approved with corrections.

IN RE: CLAIMS

Mr. Tickle stated he would like for staff to investigate and report to him if we have contracts with area businesses that we purchase from on a day to day basis (i.e. the Department of Waste Management) which allows the County to receive a discount or a reduced price.

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey 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 numbered 1012645 through 1012835 (void check(s) numbered 1012645 through 1012729 and 1012805); for Accounts Payable in the amount of

\$106,176.25: General Fund \$83,129.32; E911 Fund \$368.00; Self Insurance Fund \$73.50; Law Library \$2,015.67; Forfeited Asset Sharing \$419.62; CDBG Fund \$785.79; and Capital Projects Funds \$17,383.90; and County Debt Service \$2,000.45. Payroll in the amount of \$325,876.56: General Fund \$323,1002.47 and CDBG Fund \$2,774.09 were also approved and funds appropriated.

IN RE: COURTHOUSE CONSTRUCTION – REQUISITION #30

Mrs. Ralph stated the following invoice is included in Requisition Number 30:

GULF SEABOARD GENERAL CONTRACTORS	<u>\$93,218.25</u>
TOTAL OF REQUISITION NUMBER 30	\$93,218.25

Mrs. Ralph stated this is the final retainage, all moneys owed to the general contractor.

There was discussion among the Board and Mr. Donald W. Faison, Building and Grounds Superintendent, regarding the punch list items at the new Courthouse and how the repairs are progressing.

Mr. Faison assured the Board that he felt the situation at the Courthouse had improved and that all items would be completed.

Mr. Tickle voiced concern about season changes and wanted to see a legal document drawn up stating if a problem occurred it would be addressed within X number of days. He felt this way since it seemed his prior recommendation to replace the entire unit would not be honored.

Mr. Faison stated there was a difference between warranty and paying the contractor for the work they had performed. He felt we should pay the contractor the moneys owed and address the warranty situation with the equipment manufacturer.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 30 in the amount of \$93,218.25 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: REFUNDING BONDS – REQUISITION #2

Mrs. Ralph stated the following invoice is included in Requisition Number 2:

THE ARBITRAGE GROUP, LLC	<u>\$2,500.00</u>
TOTAL OF REQUISITION #2	\$2,500.00

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 2 in the amount of \$2,500.00 be approved and funds appropriated for CIP expenses for the Refunding Bonds Fund.

IN RE: PUBLIC FACILITIES (ACCESS ROAD) – REQUISITION #2

Mrs. Ralph stated the following invoice is included in Requisition Number 2:

COUNTY OF DINWIDDIE \$750,000.00
TOTAL OF REQUISITION #2 \$750,000.00

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 2 in the amount of \$750,000.00 be approved and funds appropriated for CIP expenses for the Public Facilities Fund.

IN RE: CITIZEN COMMENTS

Mr. Bracey asked if any citizens had signed up to speak during the citizen comment portion of the meeting.

The following person came forward to address the Board:

1. Anne Scarborough – (a) She voiced her embarrassment over an article which had appeared in the newspapers regarding the Freedom of Information Act and Dinwiddie County's failure to respond. She stated she felt the citizens of the County deserved an apology. (b) She spoke against secret meetings – Executive Sessions – stating she felt things should not be discussed in secret and kept from the citizens of the County. (c) She was opposed to retreats out of the County and meeting and/or eating out of the County and/or stated she was opposed to feeding the Board at any time out of taxpayer funds. (d) She stated she was opposed to having the lights on at the new Courthouse at night. She felt this was a waste of taxpayer dollars.

The Board addressed the newspaper article stating that no employee in Administration had received a request for any information and a letter was being drafted to defend the County on these false accusations.

**IN RE: PUBLIC HEARING – VIRGINIA DEPARTMENT OF
TRANSPORTATION – SIX YEAR IMPROVEMENT PLAN
1999 - 2005**

Mr. Ronald H. Reekes, Resident Engineer for the Virginia Department of Transportation, came forward to present the proposed Six-Year Plan. He gave a brief synopsis of the plan and provided copies for the citizens.

Mr. Bracey opened the Public Hearing for the Virginia Department of Transportation Six-Year Plan.

The following citizens came forward to speak:

1. Floyd Baird, 14810 Brick Road, came forward to ask the Board to consider repairs on Halifax Road.
2. Walter Love, 27921 Perkins Road, also spoke on Halifax Road asking the Board to consider moving it up on the priority list.
3. Jeri Orton, 26726 Perkins Road, came forward to speak about the condition of Halifax Road. She presented Mr. Reekes with a petition asking for repairs to Halifax Road from the entrance to Richard Bland College to the Prince George County line. She asked the citizens present regarding Halifax Road to please stand and be acknowledged.
4. John Boswell, 7303 Church Road, came forward to ask if anything could be done about trees in the road ditch.

Mr. Bracey closed the Public Hearing on the proposed Six-Year Plan.

There was discussion from the Board regarding the desire to repair all the roads in the County but agreed lack of funding was their main problem. There is just not enough to go around.

Mr. Reekes stated any trees within the right of way would be taken down by VDOT.

Mr. Bracey asked that Boisseau Road be considered for improvements.

Mr. Tickle asked the citizens to contact their representatives and ask for additional highway funds. He also asked that the minutes reflect that he had requested improvements for his District.

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

WHEREAS in accordance with Section 33.1-70.01 of the Code of Virginia, 1950 as amended, the Board of Supervisors of the County of Dinwiddie jointly held a public hearing with representatives of the Virginia Department of Transportation; and

WHEREAS the purpose of the public hearing was to receive comments from interested citizens concerning the Six-Year Plan for secondary roads construction for Dinwiddie County for FY 99-00 through FY 04-05; and

WHEREAS the public hearing was held at 7:30 P.M. on the 4th day of November 1998, in the Dinwiddie County Board of Supervisors' Meeting Room;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Dinwiddie County, Virginia that they officially adopt the FY 99-00 through FY 04-05 fiscal budget for the Six-Year Plan for Secondary Systems Construction Program for Dinwiddie County as presented this date.

IN RE: PUBLIC HEARINGS – GENERAL STATEMENT

Mr. William C. Scheid, Director of Planning, came forward reading the following general statement prior to the scheduled Public Hearings.

As previously requested by the Board of Supervisors DRAFT copies of the Planning Commission meeting minutes have been made available to the public prior to this meeting as well as copies on the table at the rear of this meeting room. The purpose of doing so is to expedite the hearing process without compromising the publics' access to pertinent information. It is noted that the Board has been given various information on all of the hearings, to include, the application, zoning map, adjacent property owner list, locational map(s), proffers (if applicable), soils data, comprehensive land use maps and references, etc. with this information noted, he stated he would proceed with the cases.

IN RE: PUBLIC HEARING P-98-11 – LAWRENCE AND LINDA ROLLEY

This being the time and place as advertised in the Dinwiddie Monitor on October 21, 1998 and October 28, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for P-98-11, for the purpose of considering a rezoning application submitted by Lawrence and Linda Rolley seeking to change the district classification of Tax Parcel 57-93 containing 5.03 acres from Residential, Limited, R-1 to Business, General B-2. The property is located on the east side of Route 1 approximately ¼ mile south

of Nash Road. A restaurant is proposed. There are no density standards set forth in the zoning or land use plan. The land use plan identifies this area for agricultural-residential purposes.

Mr. William C. Scheid, Director of Planning, came forward to present P-98-11. He presented a brief synopsis of the case and read the following proffers:

1. We will be using the existing entrance that is now directly in front of the property. We will have space provided to the side and to the back of location, we will have to have so many spaces paved and marked off depending on seating required by the Health Department.
2. We will have the front landscaped by professional landscapers, we will be doing extensive work to the inside and outside of the property and we have no intentions of spending thousands of dollars to remodel and not have a nice looking business.
3. We will also have the back of the property filled in and do whatever is necessary to have additional parking for trucks, entrance shown on drawings.
4. No storage of vehicles or equipment to be stored on outside of the property.
5. We will meet all building and health department codes that will be needed for us to relocate our existing business from 19606 Carson Road, Dinwiddie, VA 23841.
6. We will follow what ever course is necessary to assure safety.

He stated the Planning Commission voted to recommend approval of P-98-11 to the Board of Supervisors with proffers; however, the following items were of concern and interest to the Planning Commission members:

1. Feelings of support for a restaurant but a great deal of concern that this might become a truck stop in the future.
2. Concern that this blanket rezoning would allow 40 or more additional businesses which would not be conducive to this area.
3. Suggested that the blanket rezoning concern be addressed prior to presentation to the Board of Supervisors.

Mr. Scheid noted certain items that had occurred since the Planning Commission meeting: 1) A letter from VDOT, signed by Mr. Reekes, addressing the traffic issue; 2) Mr. Schied had met with Mr. & Mrs. Rolley, at the site, with Mr. Reekes and several other matter were discussed; and 3) He had met with Mrs. Rolley, this week, to discuss the proffers as to any additions, deletions, corrections or whatnot to the proffers. Mrs. Rolley indicated to Mr. Scheid she wished the proffers to remain the same.

Mr. Scheid, assisted by Mr. John M. Altman, Jr., Zoning Administrator provided visual aids during the presentation.

There was discussion from the Board requesting information on the other uses listed under B-2 and regarding the acreage being requested for rezoning.

Mr. Scheid read, from the Code of Dinwiddie County, the 40 uses listed in a B-2 area. Mr. Scheid stated he had asked Mr. and Mrs. Rolley if they wished to add any additional proffers and they stated they did not.

Mr. Bracey asked Mr. and Mrs. Rolley, for the record, if this was correct.

Mr. and Mrs. Rolley both responded that was correct.

Mr. Bracey asked the applicants if they would like to address the Board at this time.

Mr. and Mrs. Lawrence Rolley, the applicants, along with Mr. George P. Eliades, their attorney, came forward to address the Board.

Mr. Eliades spoke briefly on behalf of the applicants.

Mrs. Linda Rolley and Mr. Lawrence Rolley spoke stating they intended to use this property for a restaurant and no other use; however, they wanted the B-2 blanket zoning because if the restaurant did not work they did not want to have to go through this procedure again. They hoped the Board would grant this request.

Mr. Bracey opened the Public Hearing for P-98-11.

The following citizens addressed the Board:

1. Polly Winfield came forward stating she was Arthur Richardson's sister. She stated he was unable to attend because of his health. She stated Mr. Richardson was opposed to this rezoning request because he felt it would devalue the property he has which borders this property. She stated she was not opposed to this rezoning because she frequents That's a Burger and feels it is a good family restaurant.
2. William C. Adkins, 14608 Boydton Plank Road, came forward speaking in opposition of this rezoning. He was concerned about the noise, litter, vehicle traffic, and large trucks.
3. Mark Waddell, 14506 Boydton Plank Road, came forward voicing opposition to this request. He echoed Mr. Adkins concerns.
4. John Scarborough came forward stating he was a property owner approximately 300 yards to the northwest of the property considered for this rezoning. He stated the applicants have proposed a good family sit down restaurant which would seat approximately 100. This sounded good. He wanted to know what assurance they had if this rezoning is granted this will materialize. A change of mind or ownership could mean one of the other 40 other permitted uses. He questioned why the property owners, if they are as serious as they appeared to be of wanting a restaurant, will not come forth and request this rezoning based on the condition of a restaurant and a restaurant alone. In summary, Mr. Scarborough stated he felt an attractive family style sit down restaurant, not a truck stop, would create minimum opposition from those owning property nearby.
5. Robert Mengel, P O Box 300, came forward stating he owned parcel 57-79A which is approximately 200 feet from 57-93 which is in question. Mr. Mengel stated he and his wife were present to voice their support in favor of this request to rezone. He stated this location, on Route 1, was in the business corridor of the Courthouse area. A four lane highway is not a place to raise children. It was designed to handle traffic. He cannot believe property values will drop. The six acres he purchased next to the Homeplace Restaurant went up 322% after he purchased it. This was in the first reassessment after the purchase! He asked how many people who live and work in the Courthouse area, including County employees, travel to Brunswick County to eat. Isn't traveling to Brunswick County a major cause of noise and traffic? Maybe that's ok as long as it is in somebody else's community. There is a definite need for both restaurants in the Courthouse area. He eats in both of the restaurants and there are times he has to go elsewhere because these places are full. They would like to see this request granted for rezoning. Mr. Mengel asked about the property owners as shown on the County records. He stated this was in error – his property was still listed on the maps as B-2. Six years ago he stated he had spent a lot of money to have it changed to A-2, why are these records still that way?

Mr. Bracey stated he felt Mr. Mengel should address that to Administration and they would investigate it. He asked Mr. Scheid to address this issue with Mr. Mengel and see if the error could be corrected.

6. Sherry J. Grizzard, Chief Magistrate for Dinwiddie County and several other communities, 20418 Mitchell Avenue, came forward and spoke in favor of this rezoning. She stated she did not believe this restaurant would cause that much more traffic or noise than the Homeplace Restaurant. She stated as Magistrate she knew this was not a trouble spot in the County. She stated they run a family business, it is a quiet business.
7. Anne Scarborough came forward to speak about the growth corridor. She did not understand why the applicants would not come forth and state they would agree to just say they want it rezoned for a restaurant only. She did not feel from the old Courthouse to Nash Road could be considered a growth corridor. There was no land available in that area.

Mr. Bracey closed the Public Hearing for P-98-11 and requested comments from the Board.

Mr. Clay stated his only concern was there are too many things in B-2 that could be used and he had been on the Board long enough to know that some people came in got B-2 zoning and they did not put what they said they were going to put. He stated if they think they want to put a restaurant there then he did not understand why they would not proffer that.

Mrs. Everett stated she would also like to see that proffer but on the same token she supported the request.

Mr. Moody asked if the Rolley's would like to make a statement before they finished.

Mrs. Rolley and Mr. Eliades came forward. Mr. Eliades addressed a couple of items that citizens had questioned. His main concern was if the Rolley's proffered this property to be used only for a restaurant and that venture failed then where would they be. They would then have a piece of land that would only allow a restaurant, who on earth would buy it. He stated he did not feel traffic and noise would be a major issue. The Virginia Department of Transportation had examined the area and stated they saw so problem with placing a restaurant of this size on the property.

Mrs. Rolley stated she had contacted all adjoining land owners asking each to call or come to see her and she would address all issues regarding the proposed restaurant with them. She stated the reason she wanted B-2 was because she qualified for B-2, my intended purpose of the property is a restaurant and that falls under B-2. She hoped to be there until retirement and pass the restaurant on to her daughter. She stated she felt like she was being red-lined. She asked the Board to please grant her the B-2 zoning so she could move her restaurant and get on with business in the County.

Mr. Moody stated a lot of zoning has its limits. He further stated he would agree to almost all the uses in B-2 except a few and it would work so much better if a proffer could be made. He stated he would love to see a restaurant. He stated he would be willing to postpone this to see if the applicant would be willing to maybe listen to what some of the Board members have stated.

Mr. Tickle stated Mrs. Rolley had made a statement we have done blanket zonings in the past. That statement is exactly right; however, some of those have been good and some of these have been bad. Just because we did those in the past does not mean that we have to continue to do that in the future. Once you find out that you have made a mistake you need to try to transition into something that is better. He stated Mrs. Rolley is very adamant about the fact she should have that just because it is B-2 and she wants to have that zoning. That is not necessarily true. The reason for that is that the people in that community – usually when zoning changes it changes in a transition over time. In this particular case this is a very residential area and he would hate to see a garage or anything else go in there. Mr. Tickle stated he is in favor, as one Board member, to put a restrictive zoning on this. Mr. and Mrs. Rolley have had every opportunity, to proffer a restaurant only. We had made mistakes in the past. He stated he sits on the Board to make a recommendation that benefits the community first and he wants to support a restaurant because Mrs. Rolley has assured him that she is going to do great things there and do whatever is correct. Mr. Waddell brought up the issues of noise, also Mr. Atkins, about noise, buffering, limiting operation hours, no speakers outside, etc. There are great concerns and we should address each of them. Mr. Tickle still had concerns about truck traffic and them having to slow down without a deceleration lane. If they would like to rethink this and come back, he stated he would be in support. If not then he would have to be against this issue.

Mr. Bracey stated he would love to have a restaurant. He had no problems with a restaurant. He thought the County needed another restaurant. However, there is a thing called being a good neighbor. It is a mixture there, business and residential, and he was thinking what the neighbors and some of the Board members were saying is that we have no problem in saying yes to a family type restaurant, not because the restaurant fails I want to put a whatever. If for some reason that particular venture fails, maybe not this Board but another Board will be sitting right here and you go through another process of getting something done. At the present time he stated he wanted to say yes, and he stated he would say yes to a restaurant but if he just gave them a blank check you can walk out the door, turn around and tell him just where to go. If you say restaurant, Mrs. Rolley you've got it because he felt all of us need to live together. He felt the whole issue was people are afraid that maybe there would be a billiard hall. Some months ago we had the Church people here about a young man who wanted to put a billiard hall down there by the Church. It was just rejected. He stated he would hope that they would come forth and say restaurant. He stated if you can do it tonight or we can do it later or what have you. He stated where they are planning to locate the property should reflect the area.

Mrs. Rolley came forward to readdress the Board. She stated the Board wanted assurance that she was going to have nothing but a restaurant. She stated to Mr. Bracey that she was going to have a restaurant there. She continued this was her full intention of doing – a restaurant.

Mr. Bracey stated put it in writing.

Mrs. Rolley repeated put it in writing. She asked if she puts that in writing and tells them she is not going to do anything but a restaurant and that restaurant fails then she has got to come back and go through this same thing again.

Mr. Bracey stated all you have to do is come back and take five (5) minutes to fill out the papers and do what you have to do.

Mrs. Rolley asked Mr. Bracey and the Board if they could tell her what they wanted her to proffer that they do not want in the area. She stated there would be no truck stop, no overnight parking, --

Mr. Bracey stated he felt we could solve this issue in half a second if your attorney will poke his head over there with our attorney and say restaurant we can move on to a five (5) minute recess and take on the other public hearings. He asked if he was hearing that or was he hearing something else.

Mrs. Rolley stated if he would tell her what he wanted her to proffer she will proffer. She stated what she thought she was being told was you have a restaurant or you are not going to get what you want. She stated that was what it boils down to, it was cut and dry.

Mr. Bracey stated he would like to see this.

Mrs. Rolley stated she would to.

Mr. Bracey stated this was to be sure that Mrs. Rolley, her neighbors, and the neighbors in the surrounding area of Dinwiddie will live happily ever after. He stated he would hate to see a neighborhood fall apart because of something. He also stated he did not want Mrs. Rolley to think that her neighbors there are so evil and mean that they do not want her there. That is not the issue. We are trying to get together and love one another. A restaurant, he would vote yes, that is all he had to say.

Mr. Moody stated he was not so sure that we can do that at this point. He thought the proffer had to be made prior to the Public Hearing.

Mr. Emerson stated the proffers needed to be made, in writing, prior to the Public Hearing. We have had the Public Hearing. We can postpone a decision, have another Public Hearing once proffers have been submitted. This would have to be an advertised Public Hearing and have it at a later date. The point is you can not do it tonight.

Mr. Bracey stated but it does not have to go back to the Planning Commission.

Mr. Emerson stated that is correct, it does not have to go back to the Planning Commission.

Mr. Eliades stated he felt one of the concerns these people have, that needs to be expressed to the Board, is everyone here, including the members of this Board, are asking for an assurance that this be a restaurant and a restaurant only and if anything happens you should repeatedly come on back. He stated he thought the issue was what is the assurance that a new zoning would be granted in order that the property could be used for something else. This is should another fit and proper purpose be found for this property other than a restaurant. He stated he did not think they were saying that out of the forty (40) potential uses of B-2 a restaurant is the only one that is fit and proper. Clearly there are more uses that are fit and proper and acceptable.

Mr. Bracey asked if he was asking what other things in the zoning he, not the Board, would say yes to.

Mr. Eliades stated no sir, he was not asking that but he was asking – you are saying if ever we need a change come on back. His thought was if there was to be assurance from the applicants that there would only be a restaurant what assurance was there the necessary changes that may be needed in the future would be granted.

Mr. Bracey asked if Mr. Eliades was asking that this be put off.

Mrs. Everett stated if she was not willing to proffer for a restaurant there is no sense in doing that and there are other uses that are fit and proper on that list. She stated she could see both sides of this situation and felt we needed to look at both sides carefully.

Mr. Eliades stated it may be productive if we pass this momentarily and speak with the County's attorney and see if what resolution, if any, we can reach.

Mrs. Everett stated we were talking about passing and now we are talking about delaying it.

Mr. Eliades stated hoping to resolve it this evening.

Mrs. Everett repeated resolve it this evening.

Mr. Eliades stated yes. We may pass this issue to move on to other business, speak with the County's attorney and see if we may dispose of it this evening.

Mrs. Everett stated she thought we were just told that we could not do that.

Mr. Eliades stated because of the proffer procedure.

Mr. Emerson stated the problem is you can make proffers - you can change - if the Board delays making a decision either yes or no on the application then you can amend the proffers and they can hold another Public Hearing and then make a decision on the amended application. You can not amend the proffers and ask them to make a decision tonight. The other problem that you should be aware of, well not a problem but a thing that might impact you under the County's ordinance, is that if they deny the application you are prohibited from resubmitting it for six (6) months. You can request that they not make a request tonight if you want to consider amending the application.

Mr. Long stated in that case he believed we could have it back in four (4) weeks. Because of advertising requirements it would not make it back for the November 18th meeting but would make the December 2nd meeting.

Mr. Eliades stated he felt that would be acceptable to the applicants and that they ask that this Board withhold a finding or decision at this time until the December 2nd.

Mrs. Everett asked if this meant we had to go through all of this again.

Mr. Bracey stated life is very - none of us get everything in life.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that P-98-11 be tabled until December 2, 1998.

IN RE: RECESS

Mr. Bracey called for a recess at 9:45 P.M.

Mr. Bracey called the meeting back to order at 10:00 P.M.

IN RE: PUBLIC HEARING - P-98-7 - JOHNNY BAIN FOR BEAR

ISLAND TIMBERLANDS

This being the time and place as advertised in the Dinwiddie Monitor on October 21, 1998 and October 28, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for P-98-7, for the purpose of considering a rezoning request submitted by Johnny Bain on behalf of Bear Island Timberlands, seeking to change the district classification of Tax Parcel 73-7, containing 95 acres from A-02, Agricultural, General, to RR, Residential, Conservation. Said parcel is located on Old Stage Road (Route 609) about ½ mile south of Olde Bole Road (Route 682). A residential subdivision is proposed. The RR district allows a maximum density of 1 unit per gross five (5) acres. The Land Use Plan recommends a maximum density of 1 unit per gross five (5) acres.

Mr. Scheid presented a brief synopsis of the case and read the following proffers:

1. No Lot shall be used except for the purpose of a single-family residence. Not more than one single-family residence, together with such outbuildings as may be appurtenant to such single-family residence, shall be erected on any Lot. The minimum area of any residence built on the Property shall be 1,500 square feet, exclusive of garages, porches and any outbuildings. Up to 300 square feet of such 1,500 square feet may be unfinished space. The foregoing shall not be deemed to prevent timber harvesting or other timber management function on the Property.
2. No use shall be made of any Lot, or any part thereof, that will constitute a nuisance or violate any law, regulation or ordinance.
3. No manufactured housing, whether or not permanently attached to the Property shall be allowed on any Lot. No structure of a temporary character including without limitation any trailer, tent or shack, shall be allowed on any Lot. In addition, no garage, barn or other building shall be used on any Lot as a residence temporarily or permanently at any time. Construction trailers will be exempt from this restriction during the construction of a residence or outbuilding on a Lot, provided such construction is completed within one year of the issuance of a building permit for such construction.
4. No Lot shall, at any time, be used or maintained as a dumping ground for rubbish, hazardous waste, or toxic substance of any nature. Trash, garbage, hazardous wastes, toxic substances, or waste of any kind shall not be kept except in appropriate containers which shall not be visible from any road through the subdivision.
5. No swine or poultry shall be raised, kept, or bred on the Property.
6. No inoperable or unlicensed motor vehicles shall be stored on any Lot except within a fully enclosed garage.
7. Lots fronting the state maintained road and adjacent to the private road shall use the private road as access to the lot.
8. The sight distances for private roads and driveways which intersect with the existing state road or roads bordering the property (the "Existing Roads") shall conform to Virginia Department of Transportation (VDOT) standards. Any improvements to the Existing Roads required to meet VDOT standards for intersections between private roads and state roads shall be at the expense of the developer. The developer shall obtain a road entrance permit from VDOT.
9. Prior to recordation of any subdivision plat for the property, the developer shall record a road maintenance agreement (1) notifying purchasers of lots in such subdivision that neither Dinwiddie County nor the Commonwealth of Virginia shall be responsible for the maintenance of any private roads within the subdivision, and (ii) providing for the sharing, by the owners of lots in the subdivision, of

the cost of maintenance and improvement of all private roads within the subdivision. Such maintenance shall be paid for from a maintenance fund to be established under the terms of the road maintenance agreement (the "Road Maintenance Fund"). The Road Maintenance Fund will be supplemented annually by assessment of the owners of lots in the subdivision. Prior to the issuance of the first building permit for each lot, the developer shall furnish the County with evidence that the developer has contributed \$500.00 to the Road Maintenance Fund with respect to such lot.

10. Prior to the recording of any subdivision plat for the property, the developer shall furnish evidence reasonably satisfactory to the County Health Office that there exists on each lot shown on such subdivision plat a safe and effective site for a well for potable water and a safe and effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
11. Prior to the recording of any subdivision plat for the property, the developer shall submit for the approval of the County an erosion and sediment control plan meeting all County standards for the clearing and grading of the Property.

Mr. Scheid stated the Planning Commission voted 5-2 to recommend disapproval of rezoning case P-98-7.

Mr. Tickle asked about this Public Hearing and the others also he understood there is going to be no dwelling that will actually have access to a public road. He asked if that was true or not true.

Mr. Scheid stated that would not be true on all of the cases in front of the Board. It will be true of most all of the cases in front of them.

Mr. Tickle asked in this case right here.

Mr. Scheid stated in this case there will be no lots that will have direct access. In this Case 2 lots will have direct access to a state maintained road. All other lots will access off of a private road.

There was additional discussion regarding the number of lots and access to state maintained road. It was stated it could be designed by easements that no proposed lot could or would have access to the state maintained road.

Mr. Johnny Bain, representative for Bear Island Timberlands, came forward stating the overhead maps are just generalizations drawing of a timber map. It does not mean that the number of lots shown are the number that will actually be. This will be the same for all cases. This is the number we would like to get should everything be perfect. It will depend on the lay of the land and if the property will perk. We determined this number of lots by dividing 5 acres into the total acreage of the tract.

Mr. Bracey opened the Public Hearing on P-98-7.

There were no citizens signed up to speak.

Mr. Bracey asked if there was any citizen present who had not signed up but wished to speak for or against P-98-7. There being none Mr. Bracey closed the Public Hearing for P-98-7.

Mr. Bain came forward presenting pictures to the Board of a representation of the properties in close proximity to the subject property. He continued by stating in the interest he would like to make one statement that will cover all the rezoning requests he had before them tonight. He made the following statement:



- ◆ In reference to the rezoning requests before the Board tonight Bear Island had worked with Planning staff to meet all the requirements necessary for approval by the Board. These rezonings not only meet zoning regulations in effect at this time but by use of proffers and subdivision restrictions they far exceed what has been the norm in the past cases by them and others that have been passed. He continued by stating he hoped they would judge each case on its individual merits and hoped they would see fit to approve all of them.

Mr. Bain stated he would now proceed with the individual case.

Mr. Bain stated in answer to Mr. Tickle's question he would certainly try to get all lots to enter from the private road, if that is necessary. The subject property is located in a rural, fairly densely populated area. It is bordered on one side by Stony Creek. It is located about seven (7) miles from Interstate 85 at the 703 exit. About the same distance from Dinwiddie Courthouse. It is about the same distance from Interstate 95 to Carson. These are not proffers but they are things that were talked about today that we would do because there has been some concern about this. 1) no dwelling shall be constructed within 300' of Stony Creek; 2) no dwelling will be within 150' of Old Stage Road or external properties; 3) and all residents will have recreational access to Stony Creek.

Mr. Bracey called for comments from the Board.

Mr. Tickle wanted to be sure Mr. Bain would make every effort to see that no direct access to the state maintained public roadway.

Mr. Bain stated he would do that.

Mr. Tickle further explained the reason for that was he had two telephone calls yesterday, continuing they were probably related, but they only gave me one of their names but he assured the person that —

Mr. Bain there would be two — the person that is across the road there has been concerned about someone being across the road from them. He stated he had showed them the same thing that he had showed Mr. Tickle that this person unless they decided to clean up all the trees in front of their house, which would probably be 4 or 500 feet off of the road, they would never know anybody is over there.

Mr. Tickle stated the reason he had asked that was because he assured the person that if you did not do that then he would not support it.

Mr. Bain again stated they would do that.

Mr. Tickle stated he had already given his word to both of them of that one so I do not want to have to go back on either one of them.

Mr. Bain stated he would do that. He further stated that was the intention for it to be that way.

Mr. Moody stated Mr. Bain said he would do it but it is not a proffer. It is just like the previous rezoning you can say you will do it and he believed Mr. Bain would do it but if the lots turn out the way — it is possible that you could have some frontage.

Mr. Bain stated Mr. Scheid had to approve the plat and he thought he would handle that because they have done that in the past.

Mr. Bracey asked if that was what—

Mr. Scheid stated he would like to be able to say yes he could disapprove something but unless there is – if a person meets the code requirements and in this particular case they possibly could meet the code requirements for two (2) lots, he would be duty bound to allow two (2) lots, no more than two (2) lots, to access onto the state maintained road. He hoped that answered the Board's question. He did not legally know of any way that he can now tell him no he can't on those two (2) lots. He did however know that he had worked in this situation in the past with Mr. Bain, and he could give a specific example which Mr. Tickle was familiar with, it is on Claiborne Road, as soon as you go across the creek, between White Oak Road and Sutherland. There was one lot that was right by that creek and if you are familiar with how people heading toward the High School, again as you were saying, they use that road to get to Boisseau Road. The way the traffic flows on that and the orientation of the bridge and the way that the hill, the washboard, goes up that hill it would be extremely dangerous for a driveway to be located there. He felt certain in the case of lot number 6 that he would work with VDOT and VDOT would concur with him that they would deny any driveway access for lot number 6. He further stated he was not so certain that if it turned out that lot number 3 materialized to be a lot that he could work with VDOT to deny access there. He felt that one of the two (2) lots that they were looking at that he could deny. The point he was making on the other one, the one on Claiborne, while he did not have to go to actually get VDOT to support him, Mr. Bain voluntarily put in that fifty (50') foot right of way to the rear of the lot, as he had mentioned so they come in off of a private road and go down a fifty (50') foot right of way to their lot and they enter the lot from the back.

Mr. Bracey polled the Board at this time for additional questions.

Mr. Tickle, Mr. Moody, and Mr. Clay had no additional questions at this time. Mrs. Everett asked if they had looked into the drainage of this property to see if there were any environmental concerns there might be with regard to Stony Creek.

Mr. Bain stated yes, they had to meet all the specification that we do anytime with regard to runoff. The water is suppose to leave just like it came. He stated he was not trying to be aversive. He further stated they are looked at by Soil and Erosion Control Plan which must be implemented before they disturb the soil and they have to take care for the silt not to get carried into the streams and this kind of thing. The only way they had gotten by in the past without doing it and it is not really getting by, it is just timber companies are able to do whatever they want to do about timber. In some cases there hadn't been a soil and erosion case.

Mrs. Everett asked if there was an area of that which would be in a flood plan and would get high water.

Mr. Bain stated certainly. There are located right next to Stony Creek and the answer is yes. Mr. Bain stated it rises sharply from Stony Creek. He would estimate a forty (40 to fifty (50) foot rise in 3 to 400 ' there. The bridge is thirty (30') feet off the creek. They are planning for the water to leave there just as it came there.

Mr. Clay stated he was concerned about the impact on the school system. If you take 16 lots then that could mean 32 children and we just spent 25 million and we are still running over. He was really concerned about any more subdivisions. He was also concerned about the fact this property was located in an agricultural situation. We are currently trying to preserve some agricultural land here in Virginia, in Dinwiddie.

Mr. Bain stated he spoken about the school situation. He stated he had seen people come up there with 120 apartments and get them passed and he did not see where there was any difference in kids coming from big lots down on Stony Creek then it is people coming from apartments over here next to Petersburg. Mr. Bain stated he did not know how to address this. You are multiplying seventeen (17) lots time two (2) saying thirty-four (34) children coming from there. He stated he did not have any way to refute that. There might be 3 times that many or 4 times that many or there might not be one. He again stated he did not have any way to refute that but he sees people getting 120 unit in one place and they could have 240 kids or 360 kids or 480 kids. The only thing he can go by when he comes up here is to ask Mr. Scheid what he needs to do for this piece of land. There is nothing in there about any impact on the schools and he again stated he did not know how to address that. He can't ask people how many kids they have. If he did ask this he would be in violation of his credentials as a real estate person. He stated we might as well get it out of the way now because he could not answer about impact on schools. He stated he was not trying to be short but he did not know how to address things that he could not control.

Mr. Clay stated we were getting into a situation we do not know how to adjust things on building more schools.

Mr. Bain stated how about the apartments or the two-hundred seventy (270) houses on one tract over on River Road?

Mr. Clay stated the main building should be in the northern end of the County because we are trying to preserve some agricultural out here.

Mr. Bain stated this place is seven (7) miles from the Courthouse that is in the center of the County sir.

Mr. Bracey stated he hoped this was not getting into a debate here.

Mr. Moody stated he would like to make a statement. He continued Mr. Bain had seen him several times already. This was the third time through he thought and he already knew what he was going to say. It was back before these came before us that we had some other ones that he was concerned about with the growth in the County and also with protecting agricultural and forestry lands. He thought this -- at that time he made the statement that there is a point in time where you have to really stop and take a reality check to see what is going on in the County and he felt like now was the time that we really need to look at what growth is going on in the County. We need to try to structure our zoning to take care of this growth.

Mr. Bain asked if he was suppose to respond to that because it meets all the codes and regulations that we have right now. That is what he has told the Board time and time again.

Mr. Moody stated at most of the Public Hearings the applicant has a rebuttal at the end and then each Board member has a comment.

Mr. Bracey stated at this point if there be no further comments and concerns we will entertain a motion P-98-7.

Motion to accept P-98-7 with proffers was made by Mr. Tickle.

Mr. Bracey called for a second. There being none Mr. Bracey, as Chairman, called for the vote.

Mr. Tickle, Mrs. Everett, Mr. Bracey voting "aye", Mr. Moody, Mr. Clay voting "nay",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the Zoning Map of the County of Dinwiddie be amended by changing the district classification of Tax Parcel 73-7, containing 95 acres from A-02, Agricultural, General, to RR, Residential, Conservation. This rezoning shall include the following proffers:

1. No Lot shall be used except for the purpose of a single-family residence. Not more than one single-family residence, together with such outbuildings as may be appurtenant to such single-family residence, shall be erected on any Lot. The minimum area of any residence built on the Property shall be 1,500 square feet, exclusive of garages, porches and any outbuildings. Up to 300 square feet of such 1,500 square feet may be unfinished space. The foregoing shall not be deemed to prevent timber harvesting or other timber management function on the Property.
2. No use shall be made of any Lot, or any part thereof, that will constitute a nuisance or violate any law, regulation or ordinance.
3. No manufactured housing, whether or not permanently attached to the Property shall be allowed on any Lot. No structure of a temporary character including without limitation any trailer, tent or shack, shall be allowed on any Lot. In addition, no garage, barn or other building shall be used on any Lot as a residence temporarily or permanently at any time. Construction trailers will be exempt from this restriction during the construction of a residence or outbuilding on a Lot, provided such construction is completed within one year of the issuance of a building permit for such construction.
4. No Lot shall, at any time, be used or maintained as a dumping ground for rubbish, hazardous waste, or toxic substance of any nature. Trash, garbage, hazardous wastes, toxic substances, or waste of any kind shall not be kept except in appropriate containers which shall not be visible from any road through the subdivision.
5. No swine or poultry shall be raised, kept, or bred on the Property.
6. No inoperable or unlicensed motor vehicles shall be stored on any Lot except within a fully enclosed garage.
7. Lots fronting the state maintained road and adjacent to the private road shall use the private road as access to the lot.
8. The sight distances for private roads and driveways which intersect with the existing state road or roads bordering the property (the "Existing Roads") shall conform to Virginia Department of Transportation (VDOT) standards. Any improvements to the Existing Roads required to meet VDOT standards for intersections between private roads and state roads shall be at the expense of the developer. The developer shall obtain a road entrance permit from VDOT.
9. Prior to recordation of any subdivision plat for the property, the developer shall record a road maintenance agreement (1) notifying purchasers of lots in such subdivision that neither Dinwiddie County nor the Commonwealth of Virginia shall be responsible for the maintenance of any private roads within the subdivision, and (ii) providing for the sharing, by the owners of lots in the subdivision, of the cost of maintenance and improvement of all private roads within the subdivision. Such maintenance shall be paid for from a maintenance fund to be established under the terms of the road maintenance agreement (the "Road Maintenance Fund"). The Road Maintenance Fund will be supplemented annually by assessment of the owners of lots in the subdivision. Prior to the issuance of the first building permit for each lot, the developer shall furnish the County with evidence that the developer has contributed \$500.00 to the Road Maintenance Fund with respect to such lot.
10. Prior to the recording of any subdivision plat for the property, the developer shall furnish evidence reasonably satisfactory to the County

Health Office that there exists on each lot shown on such subdivision plat a safe and effective site for a well for potable water and a safe and effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.

11. Prior to the recording of any subdivision plat for the property, the developer shall submit for the approval of the County an erosion and sediment control plan meeting all County standards for the clearing and grading of the Property.

This ordinance shall become effective immediately and in all other respects, said zoning maps remain unchanged.

IN RE: PUBLIC HEARING – P-98-8 – JOHNNY BAIN FOR BEAR ISLAND TIMBERLANDS

This being the time and place as advertised in the Dinwiddie Monitor on October 21, 1998 and October 28, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for P-98-8, for the purpose of considering a rezoning request submitted by Johnny Bain on behalf of Bear Island Timberlands, seeking to change the district classification of Tax Map parcel 48-8, containing 114 acres from Agricultural, General, A-2 to Residential, Conservation, RR. Said parcel is located on the west side of Halifax Road (Route 604) near its intersection with Butler Branch Road (Route 607). A residential subdivision is proposed. The RR district allows a maximum density of 1 unit per gross five (5) acres. The Land Use Plan recommends a maximum density of 1 unit per gross five (5) acres.

Mr. Scheid presented a brief synopsis of the case and stated the proffers as the same as P-98-7. Mr. Scheid stated the Planning Commission voted 4-3 to recommend disapproval of rezoning of P-98-8.

Mr. Altman again provided visual aides while Mr. Scheid presented the Case.

There was discussion regarding the curve and a cut back of this property to provide a safe entrance to the highway.

Mr. Bracey opened the Public Hearing on P-98-8.

The following citizens came forward to address the Board:

1. Gloria Crowder, 11310 Halifax Road, came forward to speak in opposition to P-98-8. Ms. Crowder was concerned about the condition of Halifax Road and the speed limits on this road.
2. Gary Karp, 1172 Old Stage Road, came forward to speak in opposition to P-98-8. He was concerned about the roads, school system, liability factors with regard to a pond, illegal dumping, trespassing, response times for police, fire and medical and property values in this area.

Mr. Bracey closed the Public Hearing for P-98-8.

Mr. Bain again provided the Board with photographs of surrounding properties within the subject area. Mr. Bain made reference to the General Statement made at the beginning of the first Case and also made reference to the proffers, which are the same as the first Case. He proceeded to stated this met all the code requirements. He stated there is a curve in the road and we have handled it before and we will handle it in this case, if it is approved. We do not want to clean up any more of the trees than necessary but they will clean them up on the entire frontage if they had to. Mr. Bain stated these are not proffers but are in the restrictions: no structure will be erected within 150' of

Halifax Road on 150' of any external property lines, which would be on boundaries next to Mr. Carp, in other words there would be a 150' buffer there; all the private roads have to have asphalt entrances, which they will have; this property is within four (4) miles of Petersburg City limits, he thought he was right on that he was guessing because he has not been down there in – well he had not clocked it, approximately six (6) to seven (7) miles from Squirrel Level Road Exit, about the same distance from I-95; there are four (4) subdivisions of like kind in this area one (1) of them being the Warwick Swamp, three (3) being Stage Meadow I, II, and III. This is an area of rapid growth. He stated he knew Halifax Road was not the best road but he could not remedy that. Construction is expected to begin April 1999 and they believe these will sell out quickly because stuff in that area has been of great demand.

Mr. Bracey asked about the number of lots.

Mr. Bain stated approximately 18 lots.

Mr. Bracey asked out of those 18 lots they would use approximately how many.

Mr. Bain stated once again this is the optima. This is just a generalization. Mr. Bain stated the soil is good there but the water table is high. You have to have, in order to get your drain field passed, you have to have at least an 18" standoff. That means the water table have to be at least 30" deep. In some cases they are not going to be. If we can get ten (10) good lots out of this property we will be doing good but if we can get sixteen (16) then we will try to. Again Mr. Bain stated he did not know how to address schools. Mr. Bain jokingly stated all the roads in the County need improvement and if this passes they will pave the road all the way to Richmond.

The Board responded by get it in writing!

Mr. Tickle stated one of the reasons he took a tour of the properties in question today is because Mrs. Crowder and Mr. Karp had come in and spoke at the Planning Commission. He stated he had listened to their entire presentation at the Planning Commission and was very – they had a lot of data and a lot of information and it caught his attention when they spoke about the traffic numbers. Mr. Tickle stated to Mr. Bain that he liked what they were doing by cutting it back but a concern he had thought about while he was listening to Mrs. Crowder was that where you create the butterfly when you allow people to come into the subdivision, where it just spreads out at turning lanes. He stated he used the word butterfly because that was the thing that it looks like to him. When you are turning, you know the width that you turn into your private roads, that you are asphaltting. Mr. Tickle stated to Mr. Bain on Claiborne Road they had done a nice job on the apron which butterflies out and made it easier to turn into the subdivision. One of the things that he was thinking about, while Mrs. Crowder was talking, is that because of the 1456 traffic count that she had, is it possible to increase that apron a little bit and it sort of works like a deceleration lane. It makes it much easier to turn in because when it is sort of squared off it makes it to where you almost have to stop before you make your turn.

Mr. Bain stated this was something that was new to him. The aprons on Claiborne Road are the first two (2) that he has been affiliated with. He did not see any reason that it could not be any bigger. The size the aprons were constructed is the size Mr. Bain was instructed to make them.

Mr. Tickle stated when they went over there it appears that the depth of that apron is like one car length and he knew that was probably all that VDOT will offer but if out of the kindness of his heart if you can extend it one car length more and that will prevent the gravel from migrating back from your private road onto the public road.

Mr. Bain stated this conservation took place when they actually put the aprons in and he himself wished they had gone further. The only thing that is required to be done is to get to the right-of-way but it is not that much more money to go another 15 or 20 feet. He hoped that the next time they would go the extra distance. This was their first shot at this and he did not like the way they turned out because they thought it should be extended.

Mr. Tickle stated it made it better than what we had in the past and if out of the goodness of your heart you can work with Mr. Scheid and VDOT –

Mr. Bain stated this is something he is new at and VDOT standards were what they use but like he said it does not cost anymore – it costs more to go there and start doing it then it does to put extra asphalt down. He thought that would be better too and they have already talked that they plan to do that on future sites.

Mr. Bain stated he did not know what to say about the Board's concerns except this is what they have been doing, it meets the regulations and he knew they have to stop sometime but it looks like the proper time to stop is when the regulations change and he thought that might happen tonight if he ever stopped talking.

Mrs. Everett stated the traffic count was 1995 and she felt the traffic in that area had increased since that time.

Mr. Tickle stated he had a statement to make. He stated he made the motion last time and no one seconded the motion. He stated he would like to say a little bit about what was going on here. Number one is that Mr. Bain had been coming before the Board in the past, as Mrs. Crowder said, and in the past he has fought him tooth and nail and he had challenged him the past couple of time to enhance some of the things that he was doing as representative of Bear Island. One of his concerns were the square footage of these subdivisions at 11 and 1200 and many times Mr. Bain had some use of trailers in those subdivisions. He stated he was not an opponent of private roads at all but he had met his challenge and he is in a little bit of dilemma he challenged Mr. Bain and Mr. Bain went forth and went further than what his challenge was. We have the asphalt overlay, he has gone from 1100 to 1200 to 1500 square feet, and he has done a few other things that have surprised him by not having any access on the road frontage. Again Mr. Tickle stated he was in a bit of a dilemma because he is in support of Mr. Bain due to the fact that he challenged him and met his guidelines. When someone meets your guidelines in the past then he is somewhat supportive of this and he will continue to be unless he changes any of those conditions.

Mr. Moody stated he just wanted to reiterate the statement from the last Case. He stated he had the same concerns. Also it was talked earlier tonight about Halifax Road and it was stated earlier about the increased traffic and he would also like to say each rezoning that they look at is judged on its own merits. Just because Mr. Bain has done everything by the book as far as applying for this rezoning doesn't mean that we have to rezone it. Each one is on its own merits. He would like to say that we have spent money on schools, they are full now, it is going to take more money to build more schools, and those acres of land out there aren't really costing the County a whole lot of money right now, of course it won't be bringing in as much but he would guarantee it would be costing more than they are bringing in when you put all the houses on there. That is just a fact of nature of what it costs to educate the children. There comes a time when you just have look at your zoning and study it a little bit more. He thought it was back a month or two ago but we need to take a hard look at what we are doing.

Mr. Clay stated he was not against Johnny or anything of that type. He thought if he was in Johnny's shoes he would be doing the same thing he is doing. He felt like his job was to do what was best for Dinwiddie County and he felt like too much growth is not good for Dinwiddie County at this time. We can not handle it. That was his reasoning for voting no on this rezoning.

Mr. Clay asked for the recommendation of the Planning Commission.

Mr. Scheid stated the recommendation of the Planning Commission on a 4-3 vote was to recommend disapproval of this case.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that rezoning request P-98-8 is hereby denied; and

BE IT FURTHER 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: PUBLIC HEARING – P-98-9 – JOHNNY BAIN FOR BEAR ISLAND TIMBERLANDS

This being the time and place as advertised in the Dinwiddie Monitor on October 21, 1998 and October 28, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for P-98-9, for the purpose of considering a rezoning request submitted by Johnny Bain on behalf of Bear Island Timberlands seeking to change the district classification of 90 acres of Tax Map Parcel 49-13 containing 121 acres, from A-2, Agricultural, General, to R-R, Residential, Conservation. Said parcel is located on the north side of Oak Grove Road (Route 606) near the Prince George County line. A residential subdivision is proposed. The RR district allows a maximum density of 1 unit per gross five (5) acres. The Land Use Plan recommends a maximum density of 1 unit per gross five (5) acres.

Mr. Scheid presented a brief synopsis of the case and again referenced the above proffers.

Mr. Bracey opened the Public Hearing on P-98-9.

Mr. Bracey asked if there were any citizens present who wished to speak for or against P-98-9. There being none Mr. Bracey closed the Public Hearing for P-98-9.

Mr. Bain again came forward and presented photographs of the subject property and surrounding area.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the Zoning Map of the County of Dinwiddie be amended by changing the district classification of 90 acres of Tax Map Parcel 49-13 containing 121 acres, from A-2, Agricultural, General, to R-R, Residential, Conservation. This rezoning shall include the following proffers:

1. No Lot shall be used except for the purpose of a single-family residence. Not more than one single-family residence, together with such outbuildings as may be appurtenant to such single-family residence, shall be erected on any Lot. The minimum area of any residence built on the Property shall be 1,500 square feet, exclusive of garages, porches and any outbuildings. Up to 300 square feet of such 1,500 square feet may be unfinished space. The foregoing shall not be deemed to prevent timber harvesting or other timber management function on the Property.
2. No use shall be made of any Lot, or any part thereof, that will constitute a nuisance or violate any law, regulation or ordinance.
3. No manufactured homes, whether or not permanently attached to the Property shall be allowed on any Lot. No structure of a temporary character including without limitation any trailer, tent or shack, shall be allowed on any Lot. In addition, no garage, barn or other building shall be used on any Lot as a residence temporarily or permanently at any time. Construction trailers will be exempt from this restriction during the construction of a residence or outbuilding on a Lot, provided such construction is completed within one year of the issuance of a building permit for such construction.
4. No Lot shall, at any time, be used or maintained as a dumping ground for rubbish, hazardous waste, or toxic substance of any nature. Trash, garbage, hazardous wastes, toxic substances, or waste of any kind shall not be kept except in appropriate containers which shall not be visible from any road through the subdivision.
5. No swine or poultry shall be raised, kept, or bred on the Property.
6. No inoperable or unlicensed motor vehicles shall be stored on any Lot except within a fully enclosed garage.
7. Lots fronting the state maintained road and adjacent to the private road shall use the private road as access to the lot.
8. The sight distances for private roads and driveways which intersect with the existing state road or roads bordering the property (the "Existing Roads") shall conform to Virginia Department of Transportation (VDOT) standards. Any improvements to the Existing Roads required to meet VDOT standards for intersections between private roads and state roads shall be at the expense of the developer. The developer shall obtain a road entrance permit from VDOT.
9. Prior to recordation of any subdivision plat for the property, the developer shall record a road maintenance agreement (1) notifying purchasers of lots in such subdivision that neither Dinwiddie County nor the Commonwealth of Virginia shall be responsible for the maintenance of any private roads within the subdivision, and (ii) providing for the sharing, by the owners of lots in the subdivision, of the cost of maintenance and improvement of all private roads within the subdivision. Such maintenance shall be paid for from a maintenance fund to be established under the terms of the road maintenance agreement (the "Road Maintenance Fund"). The Road Maintenance Fund will be supplemented annually by assessment of the owners of lots in the subdivision. Prior to the issuance of the first building permit for each lot, the developer shall furnish the County with evidence that the developer has contributed \$500.00 to the Road Maintenance Fund with respect to such lot.
10. Prior to the recording of any subdivision plat for the property, the developer shall furnish evidence reasonably satisfactory to the County Health Office that there exists on each lot shown on such subdivision plat a safe and effective site for a well for potable water and a safe and effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
11. Prior to the recording of any subdivision plat for the property, the developer shall submit for the approval of the County an erosion and

sediment control plan meeting all County standards for the clearing and grading of the Property.

This ordinance shall become effective immediately and in all other respects, said zoning maps remain unchanged; and

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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: PUBLIC HEARING – P-98-10 – JOHNNY BAIN FOR BEAR ISLAND TIMBERLANDS

This being the time and place as advertised in the Dinwiddie Monitor on October 21, 1998 and October 28, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for P-98-10, for the purpose of considering a rezoning request submitted by Johnny Bain on behalf of Bear Island Timberlands seeking to change the district classification of Tax Map Parcel 54-12, containing 72 acres, from Agricultural, General, A-2 to Residential, Conservation, RR. Said parcel is located on the east side of Old White Road (Route 610) north of its intersection with Scotts Road (Route 645). A residential subdivision is proposed. The RR district allows a maximum density of 1 unit per gross five (5) acres. The Land Use Plan recommends a maximum density of 1 unit per gross five (5) acres.

Mr. Scheid presented a brief synopsis of the case and referenced the proffers, as previously read. Mr. Scheid stated that the Planning Commission voted 4-3 to recommend disapproval of rezoning case P-98-10.

Mr. Bracey asked if there were any questions for Mr. Scheid from the Board. There being none Mr. Bracey moved forward.

Mr. Bracey opened the Public Hearing on P-98-10.

Mr. Bracey asked if there were any citizens present who wished to speak for or against P-98-10.

The following citizen came forward to address the Board:

1. Daniel Lee, 15104 Scotts Road, came forward stating he was apprehensive about coming forward to speak but after the first hearing he had wanted to come forward on the last two. On this case, which is in Mr. Clay's district and his district also, he felt the Board needed to look at this case strictly as the zoning that is on this piece of property is developed for the County keep the existing zoning that is on it now which will mean it can only be divided twice, such as it is, for two more houses to be built on this piece of property or either take what Mr. Bain is going to do to it and have it cut up like that and the impact that it will have on the County. He felt the existing zoning would be better for Dinwiddie County then the zoning that Mr. Bain is proposing.

There being no additional citizens wishing to speak Mr. Bracey closed the Public Hearing for P-98-10.

Mr. Bain came forward and presented a brief synopsis regarding this parcel of land stating this was a slow growth area of the County. He felt they had worked with Planning to make it more palatable to the Board. He stated they had several requests for lots in this area and that was their reasoning for

moving forward with this rezoning request. There is another development, about a mile down the road, that has been previously approved. It is about the same size as this request and has a paved road. It is in the same area and he did not see why or what would be the difference in the same thing on a paved road or on an unpaved road. It meets all the County's criteria. He felt it would be 5 or 6 years before all the lots were sold and felt the impact on the schools would be minimal. Lots will be less expensive which means the homes will be less expensive and the tax income would not be great but this is the reason they have these lots so people who cannot afford the others can afford these. These lots will allow modular homes but will not allow manufactured.

Mr. Tickle asked about the giant lots 1, 2 and 3 are they on the road or not.

Mr. Bain stated these were already done before and these two have already been.

Mr. Tickle stated only the shaded lots are the ones in questions.

Mr. Bain responded yes.

Mr. Scheid stated the lots on Scotts Road were subdivided in 1995 which was prior to an ordinance change requiring rezoning of a piece of property once you went into three parcels or more. That was permitted and signed off administratively. Since then you will see lots 4 and 5 that are down there that are not within the rezoning. Under the current subdivision ordinance you are allowed to have two (2) split offs without coming for a rezoning but on a third one you must come forward. He did sign off on a plat today for number 4 and number 5 which they were permitted by ordinance. They are not seeking rezoning on those two (2) parcels because they have been approved.

Mr. Bain stated they did not do that to circumvent one of those roads. They just did not know whether this would be approved and they had people who wanted those lots and they felt like they needed to move forward with it so they could enter into contract. We have met all the other criteria and set the proffers.

Mr. Clay asked about the new house in that area.

Mr. Bain proceeded to point out on the map where that dwelling was located.

Mr. Tickle asked Mr. Bain when this was incorporated into a subdivision you are going to put the asphalt overlay up the front.

Mr. Bain stated we have to.

Mr. Tickle stated he assumed there is an existing – there is no existing road in there.

Mr. Bain stated oh yea.

Mr. Tickle stated you are going to put a road in there. Mr. Tickle said when he heard a statement from one of the individuals that spoke about being farm land, the whole County has private roads in there. If you going to accept private roads in one area then you should be able to accept private roads in all areas. You can't buy that.

Mr. Bain stated he was not going to dispute that. Mr. Bain stated Mr. Moody believes what he believes and he was not going to dispute it.

Mr. Tickle stated if it meets certain criteria then he did not understand how he can say just because it is farm land that it can not accept a private road.

Mr. Bain stated as he said this is slow. He stated he would like to sell them all next week but he thought maybe a couple of lots per year up there. He stated some people like to be up there. The five (5) acres lot will probably sell for \$13,500.00. Where a five (5) acre lot on the previous acreage would probably be \$23,000.00 or \$24,000.

Mr. Tickle stated the square footage will be 1500 correct.

Mr. Bain stated 1500 square feet.

Mr. Moody again wanted to voice the same concerns. Just because private roads are allowed, that is fine, they are allowed if it is rezoned to allow private roads. He again stated we do not have to rezone every property that comes before the Board. Again we need to look at each one individually. He again stated we need to preserve agricultural and forest land and look at the big picture before we go on with a whole lot of development.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that rezoning request P-98-10 is hereby denied; and

BE IT FURTHER 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: RECESS

Mr. Bracey called for a recess at 11:17 P.M.

Mr. Bracey called the meeting back to order at 11:30 P.M.

IN RE: PUBLIC HEARING – A-98-7 – AMENDMENTS TO CODE OF DINWIDDIE COUNTY – SECTIONS 18 AND 22

This being the time and place as advertised in the Dinwiddie Monitor on October 21, 1998 and October 28, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for A-98-7, for the purpose of considering PROPOSED AMENDMENTS TO Section 18-3, Definitions (subdivision and through street); Section 18-13, Processing fees; Section 18-96, Access to arterial and collector streets; Section 18-98, Construction requirements; and Section 18-101, Private streets; of the Subdivision Ordinance and Section 22-72, minimum lot area in A-2; Section 18-74 of Frontage in A-2; Section 22-87; Frontage in RR; of the Zoning Ordinance.

Mr. Scheid read the proposed amendments to Section 18 and 22 of the Code of Dinwiddie County as follows (filling in dates where necessary):

An Ordinance To Amend The Code Of The County Of Dinwiddie, Virginia, As Amended, By Amending Section 18-3, Definitions; Section 18-13, Processing Fees; Section 18-96, Access To Arterial or Collector Streets; Section 18-98, Construction Requirements/Inspections; Section 18-101, Private Streets; and Section 22-72, Minimum Lot Area; Section 22-74, Frontage; and Section 22-87, Frontage.

1. amend the definition of subdivision contained in Section 18-3 such that it will read as follows:

Subdivision: any division of a parcel of land into three (3) or more lots or parcels, from a land parcel of record prior to¹ 199, any one (1) of which contains an area of less than twenty (20) acres for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land, except that the following divisions of land shall be exempted from this definition:

- 1) The division or partitioning of land in an estate by court order or among heirs of the original owner unless or until development of the land is proposed.
- 2) A bona fide division of a tract of land made so that one or more of the resulting parcels may be used as part of a public utility right-of-way; provided, that if a parcel resulting from such a division is ever to be used as a building site for other than such right-of-way, before a building permit may be issued for such other use, the owner shall comply with the minimum requirements of this chapter and Chapter 22 of this Code.
- 3) The sale or exchange of parcels of land between owners or adjoining properties for the purposes of small adjustments in boundaries; provided, that none of the original lots, portions of which are sold or exchanged, shall be reduced below the minimum sized required by this chapter or Chapter 22 of this Code.
- 4) A single division of land into parcels where such division is for the sale or gift to a member of the immediate family of the property owner. Only one (1) such division shall be allowed per family member and shall not be for the purpose of circumventing this chapter. A member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner. All lots resulting from such division of ~~less than five (5) acres shall have a reasonable right-of-way of not less than ten (10) feet providing ingress and egress to~~ shall have frontage on a dedicated recorded public street or thoroughfare. (In the case there is insufficient land abutting (fronting) a state maintained road, the lot (s) shall have a Right-of-way of not less than ? (50) feet providing ingress and egress.)²

The term "subdivision" shall include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two (2) lots or parcels, a plat of such division shall be submitted for approval in accordance with Section 18-24 of this Code.

All plats showing the division of land into one (1) or more parcels to include the exemption categories stated herein shall be subject to the processing fees set forth in Section 18-13 of this Code.

2. Amend Section 18-3 by adding the following definition:

Street, through: A street or road that carries a large volume of through traffic and is also used as a public access to abutting properties, the anticipated volume of traffic is less than five hundred (500) vehicles a day.

¹ Suggested date of November 4, 1998

² Suggested at October 14, 1998 Planning Commission Meeting

3. Amend Section 18-13, processing fees, by deleting the verbiage lined through and inserting the verbiage underlined:

Sec. 18-13. Processing fees.

The fees for processing subdivision or land developments by the county shall be payable upon submission of the plats to the county for preliminary or final review and shall be equal to the following:

(1) Preliminary review:

- a. Subdivision plat containing ~~two (2)~~ one (1) or more lots - \$10.00 per lot.
- b. Subdivision plat containing ~~two (2)~~ one (1) or more lots and served by proposed private street - \$125.00 plus \$10.00 - per lot.
- c. Subdivision plat containing ~~two (2)~~ one (1) or more lots and served by a proposed public street - \$250.00 plus \$10.00 per lot.
- d. Land development, \$250.00 plus \$10.00 per acres.

(2) Final Review:

- a. Subdivision plat containing ~~two (2)~~ one (1) or more lots - \$10.00 per lots.
- b. Subdivision plat containing ~~two (2)~~ one (1) or more lots and served by a proposed private street - \$125.00 plus \$10.00 - per lots.
- c. Subdivision plat containing ~~two (2)~~ one (1) or more lots and served by a proposed public street - \$250.00 plus \$10.00 per lot.
- d. Land development, \$250.00 plus \$10.00 per acre.

~~An annual review of these fees shall be conducted by the Planning Department. Such indexes as the Consumer Price Index shall be used to determine if the fee schedule should be adjusted. A separate charge will be made for the review of public water and/or sewage plans. Such charge will be due upon submission of the plans for review and the amount shall be determined by the authority as established by ordinance and/or set forth by its rules and regulations.~~

(Ord. of 10-19-83, Sec. 15-13; Ord. of 6-15-88)

State law reference—Authority for above fees, Code of Virginia, Sec. 15.2-2241.

4. Amend Section 18-96 by deleting the verbiage lined through and inserting the verbiage underlined.

Where a subdivision borders on or contains an existing or proposed arterial, ~~or~~ collector or through streets, the Planning Commission may require that access to such streets be limited by one (1) or more of the following means:

- (1) The subdivision of lots so as to back onto the arterial, ~~or~~ collector or through street and screen planting shall be provided on a strip of land along the rear property line of such lots.
- (2) A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial, ~~or~~ collector or through streets.

- (3) A marginal access or service road, separated from the arterial, ~~or~~ collector or through street by a planting or grass strip and having access thereto at suitable points.
- (4) Keeping the number of residential streets entering an arterial, ~~or~~ collector or through streets to a minimum. Such residential street shall be separated by a minimum of six hundred ('600) feet.

5. Amend Section 18-98 by adding the following paragraph (c) :

Owners of property, who have recorded approved subdivision plats in Clerk's Office of the Circuit Court prior to ³ _____ -shall have one (1) year to construct a private street in accordance with the requirements of Section 18-101 as in effect immediately prior to ⁴ _____.

6. Delete Section 18-101, Private streets, and in its place adopt the following:

Section 18-101. Private Street

- (a) A private street shall not be allowed in any subdivision. All parcels within a subdivision shall be served from a publicly dedicated street that is constructed in accordance with this chapter.
- (b) Owners of property, who have recorded approved subdivision plats in the Clerk's Office of the Circuit Court prior to ⁵ _____ shall have one (1) year to construct a private street in accordance with the requirements of Section 18-101 as in effect immediately prior to ⁶ _____.

7. Amend Section 22-72 by deleting the verbiage lined through and inserting the verbiage underlined:

Sec. 22-72. Minimum lot area.

The minimum lot area for permitted uses in agricultural , general district A-2 shall be ~~three (3) five (5)~~ five (5) acres or more. ~~Any lot recorded prior to July 1, 1988 with a preexisting site to include water and septic facilities, upon which manufactured housing previously existed may waive the lot size requirements for replacement manufactured housing for said site only, provided that the current setback requirements are met. Any lot properly approved and recorded prior to July 1, 1988⁷ may be utilized for a single-family dwelling unit provided the current setback requirements are met and a health permit issued.~~

8. Amend Section 22-74 by deleting the verbiage lined through and inserting the verbiage underlined:

Sec. 22-74. Frontage.

The minimum frontage for permitted uses in agricultural, general, district A-2 shall be ~~three~~ five hundred ~~(300)~~ (500) feet, at the building setback line. When a subdivision contains a new internal road for the subdivision that is built to the higher of the State or County standards then lots fronting onto this new internal road shall be allowed to have minimum frontage along this new internal road of 300 feet.

³ Suggested date of February 28, 1999
⁴ Suggested date of November 4, 1998
⁵ Suggested date of February 28, 1999
⁶ Suggested date of November 4, 1998
⁷ Suggested date of November 4, 1998

9. Amend Section 22-87 by deleting the verbiage lined through and inserting the verbiage underlined:

Sec. 22-87. Frontage.

The minimum frontage for permitted uses in residential, conservative, district R-R shall be ~~three~~ five hundred ~~(300)~~ (500) feet. When a subdivision contains a new internal road for the subdivision that is built to the higher of the State or County standards then lots fronting onto this new internal road shall be allowed to have minimum frontage along this new internal road of 300 feet.

This Ordinance shall become effective on the date of its adoption. In all other respects, Chapters 18, Subdivision and 22, Zoning are hereby reordained.

Mr. Scheid made reference to a fax received this date from Griffin Land and Timber Products which the Board should now have a copy. Mr. Scheid stated the residential growth study committee were strong in their feelings that they wanted him to mention this next item to the Board and he felt obligated to do so. They feel the Board ought to look to having such resolution or whatever is in the appropriate mechanism that all Department Heads that charge fees, user fees or whatnot, report on an annual basis the fee structure that they charge and any changes that they feel are appropriate.

There was discussion regarding private roads, division of property between family members and use of same driveway and division of property with other than relatives and use of same driveway. There was also discussion regarding the cost of the contractor putting in a state maintained road.

Mr. Bracey opened the Public Hearing on A-98-7.

The following citizens came forward and addressed the Board:

1. Forrest P. Clay, Jr., 18603 White Oak Road, came forward to speak in opposition to A-98-7. He stated five (5) acres lot size was probably desirable but felt the five hundred feet (500') of road frontage was going to work a hardship on many landowners. He stated he thought this was an outrage.
2. Thomas F. Green, 19312 Namozine Road, came forward stating he was the Chairman of the Residential Growth Committee and took this time to introduce the committee members; Daniel Lee, Edward Bracey, Jr., Jack Eubank, Dean McCray, Tom VanPelt, Mark Moore, and Michael Tickle. He gave a brief overview of the Committee's work and the ordinance.
3. R. S. Mayes, 6706 Church Road, came forward to speak in opposition to the amendments as presented tonight. He stated he respected the amount of time that had been put in on this study and agreed that there are changes that need to be made. He stated he hesitated to endorse the amendments as they are presented tonight and he also felt the 500' was not necessary. He requested the Board to further review these amendments before taking action.
4. Ronald Gordon, 14331 Courthouse Road, came forward voicing his opposition to the proposed amendments. He stated the private road standards had not been given a fair chance. He further questioned the need for the five (5) acres five hundred (500') foot requirement. He stated he agreed with Mr. Mayes and felt this needed to be tabled and reviewed further.

5. Jerry Cook, came forward asking the Board to consider tabling any action on this tonight. He felt there are a lot of things in there that need further review before action is taken. He was very much opposed to the private road and frontage requirements.
6. Paul Walk, 5819 Trinity Church Road, came forward asking the County not to delay regarding the private road issue. He spoke on the condition of the private roads currently in place within Dinwiddie County.
7. Gerry Brown, 24216 Gaydell Drive, a volunteer for the Namozine Volunteer Fire Department/EMS, stating many of the private roads in the County are poorly maintained and felt they should be done away with.
8. Johnny Bain came forward to voice opposition to the proposed ordinances. He spoke on the increase in size of lot required for building. He spoke on family division, road frontage, and the number of lots he has developed in this County and surrounding localities. He stated private roads are the landowners business. With this proposed ordinance if you have 5,000 acres you can only divide twice and then you will have to spend \$75,000.00 on a road according to Mr. Scheid. He did not feel this was fair. He felt this needed to be thought about some more. He had concerns about the impact on school on paved roads versus private roads and square footage restrictions. He stated what he would like to see was for the County to put some type of freeze on this thing until we can get an ordinance that people can do something with.

Mr. Bracey closed the Public Hearing.

Mr. Bracey called for comments and discussion from the Board.

Mr. Tickle stated he had sat through the Planning Commission and he had sat through this and hears a lot of people say that people want to move out to the County and that they want to live on a private road and they want to have five (5) acres on a private road. He road on Claiborne Road just the other day private road and when he goes in that private road he sees four (4) houses 75' setback and the people who cleared a little section maybe 4/10 or 1/2 acre and had a minimum driveway. To him we were talking about oxie morons here, it seems if you have five (5) acres and you wanted to be out in the middle of no where and you wanted to have the extra land you would put your driveway that you would put your driveway 150-200' off the road and you would add that privacy. Why would you go back and do something very similar to what a paved subdivision has. He stated he had listened the whole time and it does not make sense to him. This committee worked very hard on a lot of things. The other thing we missed with the 500', is that he lives in District 2, which is River Road. He stated he would like to ask everyone in the room to ride down River Road. If you come back here next meeting and 50 plus 1 tells him that they are satisfied with River Road then he will back off of the 500'. He for one, as a Supervisors, gets tired of doing the curb and cut number one, every 100, 200, 300 feet and he is loosing his green space in District 2. Very shortly what you see on River Road is going to happen in Mr. Clay's District, Mr. Moody's District, it is already happening in Mr. Moody's District because he has midway, it is eventually going to take over on Courthouse Road area where Mr. Bracey lives and it is already happening in New Hope where Mrs. Everett is. So to him the 500' means more than just cutting 500'. When you get to Mr. Moody and Mr. Clay's Districts where they have farm land, so is it ok not to do 500' in their area and don't do anything for our area where we are suffering now. Something has to be done. The issue of private roads. Private roads are not a problem in his District. The private roads they had have already come and gone and there are probably not a lot more in his District. He has five (5) on his road near the lake. He did not realize that until he started looking and if you as the citizens in this group start looking for a private road on the road you drive home everyday you are going to

see an unbelievable number. The third thing he would ask to have done is within the last two or three weeks, along with Mr. Scheid and other people, he has ridden 70 to 100 private roads. He wanted to tell them that some of those roads were in awful shape. He could also tell them that a lot of houses have 1100 to 1200 square feet. Somebody had said private roads are upscale. The majority he had seen were not upscale. He asked them to show him. He stated he came from the old Missouri, show me. He stated he was willing to ride with anyone in the room who could show him a majority of the houses 50 plus one are upscale. Frontage – devalue my property! Once again Mr. Tickle stated I live on a farm and I feel my farm is valuable. I do not want to cut it, I don't want to put a subdivision there but I don't want to protect my road frontage. He stated he did not understand that either but once again he is willing, in Mike Tickle's District Number 2, to allow us to destroy my green space. He stated he had a problem with not turning down but going forth with this but he would like to hear other comments from fellow Board members and why can't we support this and why can't we support the committee.

Mrs. Everett stated she was very concerned about the private roads. She stated she felt that we had to give some attention to this and do something about it. If the Board did not take action on this tonight she would hope that you would give more study to it and come back here and definitely take some action. Someone had asked why doesn't the Board delay any further private roads in the meantime. Is there anyway we can put a moratorium on them until we can take action.

Mr. Bracey stated no the State Code would not allow that.

Mrs. Everett stated ok. She continued in reference to the 500' to her it kind of sounded excessive but she can see where Mr. Tickle was coming from. Maybe that needs to be looked at a little further but she can see both side of that issue.

Mr. Clay stated he felt five (5) acres was a little excessive and that it might work a hardship on some people wanting to build a house. As far as the private roads were concerned he felt as far as this Board was concerned and for the County we have to do something with the private roads. If fire and rescue equipment cannot travel these private roads and are expecting service that will cause a hardship on the citizens. He stated he was definitely in favor of doing away with the private roads and he thought maybe we need to study the 500' a little more.

Mr. Moody stated he was very much in agreement with Mr. Clay. He felt like the private roads were an issue the Board needed to deal with. Some of the other portion of this proposed amendment changes need further study. He stated it was late, a late hour, and he would like to think about all the situations that these amendments would affect before he really votes on all the rest of them.

Mr. Tickle stated his question to the Board was who is going to go back and readdress this. It is not going to do anybody any good to go back and send it back to committee to make headway. It means that the five (5) Board members need to get together with the Planner and talk about this. The committee sat and talked about it. If the Planning Commission read every word of this and talked about it in great detail just prior to just an open meeting perhaps they would have come up with some suggestions. He stated he had sat there and listened to a lot of comments from the citizens and everyone else and he does not hear anybody giving suggestions. He had spoken to several people here that are in favor of private roads and are in favor of doing away with the 500' but he asked each and everyone he talked to give him some suggestions of how we can have a happy compromise. There should be a happy compromise. He stated he believed in a happy compromise. His idea in concept is that they

bring in some of these people who have great concerns, which they do, and they are good concerns and let them work with the Board members and Planning Commission and what we come up with we will live with. Don't just sit back there spending three (3) to five (5) minutes skimming this document because you can not skim it in five (5) minutes. It took this committee hours to just read over the document and then fine tune it and then someone comes and reads it in half an hour or in an hour and we sit here and discuss it a few minutes we are not going to do it justice. His suggestion, a very strong suggestion, is that we as a Board put up and let the Planning Commission put up and put the time necessary to do it and do it right. We need to ask four (4) or five (5) of these people to come and join us. He Tickle stated he was very adamant about the situation in his District and he did not want it to happen next year or two (2) years from now.

Mrs. Everett stated the committee did devote countless hours and she felt that they acted in good faith and she felt that we ought to respect the recommendations of the committee. We may need to look and study them closer. They have done a tremendous job in bringing forth what they have.

Mr. Bracey stated he understood the comments. The 500' issue, needed further studied, and he really took his hat off to the committee for working on this. He felt that the Planning Department needs to come up with some alternatives concerning this. This 500', 5 acres thing just might put a hardship on some people. He felt that portion should go back to Mr. Scheid and what ever Mr. Scheid and his Department felt needed to be done, should come and get whomever and work with it.

Mr. Tickle stated he did not want to be involved in that part of it because he believed if the Board members do not get in there and put their teeth in it and we will never solve this issue because we are second or third hand. We are sitting here today, and he is not going to ask him point blankly, but did he take an hour or hour and half to read this stuff. He stated he talked to one member who was against this and he asked him several questions—

Mr. Bracey stated he was trying to give Mr. Tickle what he was asking for.

Mr. Tickle stated he was trying to get Mr. Bracey to give him what he wants!

Mr. Bracey stated we have got to be fair. He stated we need to study the five acre five hundred foot situation.

Mr. Tickle stated he agreed.

Mr. Bracey stated when he said study he meant put some intellectual brains and all in it, some figures and the whole nine yards.

Mr. Tickle stated he wanted his fellow Board members to do the same thing.

Mr. Bracey stated yes but as far as the private road situation is, he was in favor of removal of private roads in Dinwiddie County for many many reasons. Someone alluded or spoke just a while ago about people coming, he thought all of the them had sat there through VDOT and so forth and citizens have come and citizens had called him concerning the private roads and he wanted the State to take it in now. A young man called a few months ago, very concerned, stating the developer told him the State was going to take it in. He felt that we need to be fair about it and as far as he was concerned we could take care of the private roads in a minute but the other part of the 500' and 5 acres we need to study that. He felt the committee was broad minded enough not to say that the Board was throwing something back at them or that we did not like their work. His suggestion was that tonight we act on the private road situation and

would have to ask counsel for assistance on the other part. How can we sit the other part down for a particular time.

Mr. Ben Emerson, County Attorney, stated the Board could simply approve whatever part of the ordinance that they wish to approve, or the proposed ordinance, and the other would not be. Then either send it to the committee to work on it or send it to the Planning Commission or ask Staff to work on it. If the changes are extensive, and he thought it may depend a little bit on the timing, of what to do. If you are asking for a specific minor sort of a change relatively quickly then he was not certain another Public Hearing would need to be held but if it is going into a major sort of a reworking or if it is going to take them more than another meeting or two(2) in terms of time then the Board would probably want to have another Public Hearing.

Mr. Bracey stated he thought it was going to take more than one meeting, more than two (2), because it took more than that to get to this point. Mr. Bracey stated he thought it would take several month but when it comes back there will be some agreement or something that we can vote on and everybody will leave happy. We know that is not going to happen but--- He would personally put it back in the hands of Mr. Scheid and his staff along with the Administration to work it out and get the necessary people or persons or what have you to work on the document.

Mr. Tickle asked when would the Board of Supervisors going to actively sit down in a working committee meeting on an afternoon, when we redo the document, when we cross the T's and dot the I's and that the people who want to come and watch it, when can that take place and if that going to take place.

Mr. Bracey stated that he understood what he was saying but Mr. Scheid and Mr. Long would be the ones to establish that. These people are here in a professional capacity to handle it. If Mr. Scheid calls him as says you need to come to a workshop such and such a day, then he as an official, if he is true to his constituents he is going to have to be here.

Mr. Tickle stated that was all he was asking.

Mr. Bracey stated if Mr. Long calls, then he has got to be there.

Mr. Tickle stated he had answered his question.

Mr. Bracey stated let's move on, it is quarter to one, 10 minutes to one or whatever. Are we together now? We are going to send that back to Mr. Scheid, whatever Mr. Scheid sets up with the committee, the citizens, the Board members, or what have you—

Mrs. Everett stated those citizens with the concerns, she would like to see them write out some recommendations that they think of and report them to the Board so the Board can study them also:

Mr. Bracey stated they should send them straight to Mr. Scheid. Mr. Bracey stated Mrs. Everett was right, absolutely right.

Mrs. Everett stated she would like for each of the persons who spoke regarding this issue to write down their concerns and suggestions.

Mr. Bracey asked if this was agreeable with the citizens.

The citizens felt that it should be made know publicly that input is being requested so everyone will have a chance to contribute ideas and suggestions.

Mr. Bracey stated when you let it be known – when you sit here – you will never do anything if you sit with an open meeting with two hundred people to work out what we are trying to do.

The citizens wanted to continue to be involved after they submit their suggestions.

Mr. Bracey stated he intended them to continue to be involved. He asked if that was agreeable.

There was discussion between Mr. Bracey and the citizens in attendance regarding what they wished to be acted on this evening. Mr. Bracey stated we would be acting on the private roads tonight and the remainder of the proposed changes would be going back for further study.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of Dinwiddie County, that the Code of the County of Dinwiddie, Virginia be amended by adding the following article to Section 18-98 and Section 18-101 of the Code of the County of Dinwiddie, Virginia:

Section 18-98

Owners of property, who have recorded approval subdivision plats in Clerk's Office of the Circuit Court prior to May 1, 1999 shall have one (1) year to construct a private street in accordance with the requirements of Section 18-101 as in effect immediately prior to November 5, 1998.

And

Section 18-101, Private Street

- (a) A private street shall not be allowed in any subdivision. All parcels within a subdivision shall be served from a publicly dedicated street that is constructed in accordance with this chapter.
- (b) Owners of property, who have recorded approved subdivision plats in the Clerk's Office of the Circuit Court prior to May 1, 1999 shall have one (1) year to construct a private street in accordance with the requirements of Section 18-101 as in effect immediately prior to November 5, 1998, and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with Virginia Code Section 15.2-2286 (A) (7) 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.

In all other respects, said zoning ordinance is hereby reordained.

Mrs. Anne Scarborough asked the Board to be sure this was placed in the minutes. She stated the street lights the Board voted on years ago did not get into the minutes, she did not think, until very recently.

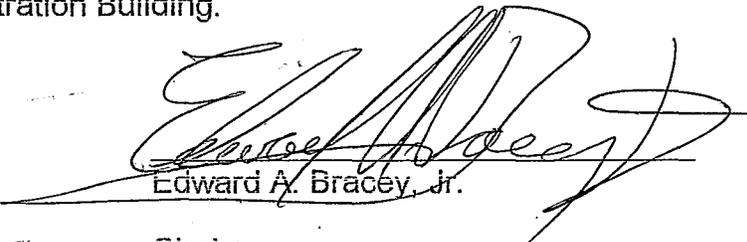
IN RE: ADJOURNMENT

Mr. Bracey stated due to the lateness of the hour we need to move the County Administrator Comments and other personnel reports until next meeting which will be November 11, 1998, with the Planning Commission.

Mrs. Everett stated she had one item to present. She stated the Airport Authority wanted to have the Board out on a day in December for a briefing and

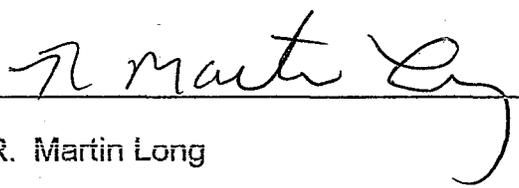
a tour. They would like to have to Board set a date. She asked that the Board think about a date.

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mrs. Everett, Mr. Tickie, Mr. Bracey voting "aye", the meeting adjourned at 1:00 A.M. to be continued at 7:00 P.M. November 11, 1998 in the Board Meeting Room of the Pamplin Administration Building.



Edward A. Bracey, Jr.

Chairman

ATTEST: 

R. Martin Long

County Administrator

/pam