

**AT A MEETING OF THE GLOUCESTER COUNTY PLANNING COMMISSION
HELD THURSDAY, JUNE 5, 2008 IN THE COLONIAL COURTHOUSE, 6504 MAIN
STREET, GLOUCESTER, VIRGINIA**

THERE WERE PRESENT:

**Thomas Arnold
Phillip Bazzani, Chairman
Keith Belvin, Vice Chairman
Kenneth Richardson
William Rodgers
Mark Strawn
Michael Winebarger
Laurence Wilkinson
Hal McVey III
Natalie Johnson
Michelle Ressler**

THERE BEING ABSENT:

Eric Weisel

ALSO IN ATTENDANCE:

**Anne Ducey-Ortiz, Interim Planning Director
Emily Gibson, Planner II
Christopher Perez, Planner I**

IN RE: MEETING CONVENED

Phillip Bazzani, Chairman, called the June 5, 2008 meeting of the Gloucester County Planning Commission to order at 7:30 P.M. Roll call established a quorum was present.

IN RE: CONSENT AGENDA

The Consent Agenda consists of 1) Minutes of May 1, 2008 Meeting; 2) Application(s) before the BZA in June 3) Housing Report

A motion to accept the Consent Agenda was made by Mr. Rodgers, seconded by Mr. Wilkinson and carried by a unanimous voice vote.

IN RE: PUBLIC COMMENT

There being no concerns or comments expressed by the public, the Chairman closed the floor to public comment.

IN RE: OLD BUSINESS

Ms. Ducey-Ortiz stated that she first had an announcement: Sarah Gibson, the secretary, had gotten married so her name was now Sarah Thompson.

The Commission congratulated Mrs. Thompson.

A. Draft Comment Letter Regarding Regulations

Ms. Ducey- Ortiz stated that the comment letter that was prepared by the Sub-Committee established by the Planning Commission, is in this month's packet. She summarized the comments for the Planning Commission. She informed the Commission that the letter had not been sent out yet so if they had any questions or comments to make, there was still time.

Ms. Ressler recommended that the letter be sent forward so the Commission could see what kind of feed back they are going to get from VDOT.

Mr. Bazzani stated that he agreed, the letter should be sent.

A motion to proceed with sending the comment letter to VDOT was made by Ms. Ressler, seconded by Mr. Wilkinson and carried by a unanimous voice vote.

IN RE: NEW BUSINESS

A. Timberneck Farms

Ms. Ducey-Ortiz introduced Ben Williams of Timberneck LLC. She stated that he is making this presentation pre-application.

Mr. Williams stated that he is the president of Timberneck LLC and a licensed attorney. Mr. Williams gave a brief history of his work experience. He also gave a brief history of the Noland family and their projects. He introduced all of the people that have been working on the Timberneck project. He stated that in addition to his team, a land designer named Steven Fuller out of Atlanta, is working with them on the project.

He passed out a copy of Steven Fuller's resume for the Commission to view.

He stated that Steven Fuller has been to the site four times already and is working on his conceptual plan. He noted that in the letter that was sent to the Commission he outlined some of the things that Timberneck LLC wants to do to the property. He stated that they are calling it a preservation development. He noted that they purchased eleven hundred acres, there are six hundred and fifty acres of high land, and there are approximately four hundred and fifty acres between the York River and the high land. He stated that Timberneck LLC does not own the last island at the bottom, VIMS does. He stated that the Catletts put a conservation easement on the islands in 1990 to ensure that the property would be used for research and development as it has been for many years with VIMS. He stated they have had ongoing discussions with Willie Raey, who heads up the coastal management plan. He noted that even though they do not have a final agreement, he could represent that by July of 2009, VIMS will own those islands. He stated that would ensure that they will remain undisturbed and they are working on a deed restriction to make sure that the land remains undisturbed forever. He stated that having the islands would allow for some walking trails down to the ravines out to the up-land border of the marshland and

have some observation decks. He stated that yesterday he meet with Willie, the people from VMRC, and the Chesapeake Bay Foundation and they are working on getting an oyster reef on the property as well. He stated that the one issue that they have had a hard time dealing with is Timberneck Hall, they worked with planners as to whether they could use it as a community building or a residence. He noted that the sub-flooring foundation is really bad off. He stated that John Catlett had it restored to some extent by having cinderblock put under the beams but the floors are sagging and the main support beam is like paper because of boars and termites. He noted that the bricks are turning to powder. He stated unfortunately after Mrs. Garnett-Catlett put it into the National Register in 1979, she died in 1980 and very little work was done on it after that. He stated that the water has come through the windows to the point where all the window sills and the glazing is gone. He noted that this has also caused the inside plaster to fall off in a lot of places. He stated it has no central heating or air, the plumbing is minimal, and the electrical is minimal. He noted it is an example of a mid-sized farm home built in 1805 with a wing added on in 1858. He stated Timberneck LCC's idea to move it is so it will be put it in a place where the public will have access to it and would be able to come see it. He noted that they would be able to get a new foundation built and the windows fixed so it would be protected by the elements. He stated that they have met with the Historical Society and they concluded that they would accept it, if Timberneck LLC would keep up some of the maintenance. He noted that they concluded that if they were to move it they would take care of all the exterior work as part of the homeowners' association. He stated that he went to the county's Historical Committee on May 14th and they voted unanimously to support moving the structure. He stated that the estimate to fix and restore it would 1.5 million dollars. He noted that they have tested the market for anyone who would like to buy it and restore it, but have been unsuccessful in finding anybody. He stated that they would still be spending almost a half a million dollars to move it, build the foundation, fix the windows, and restore the porch.

He showed a picture of how the porch will be restored and described some of the renovations to be done. He also used a map to show the location of where Timberneck Hall will be moved to.

He stated that the inside of the road is roughly 250 acres, and they will encumber that with a conservation easement to ensure that it will continue to be agricultural in perpetuity. He noted that they think the recipients of the easement will be The Middle Peninsula Land Trust and The Nature Conservatory. He stated that the 250 acres will be farm land and forestry land with only recreational uses. He stated that right now Clem and Keith Horsley have farmed the farm for 12 years and they will continue farming it, it will be owned by the homeowners association through a deed, and any revenue from it will go to the homeowners association. He noted that Clem and Keith Horsley are very competent farms that use a no till technique and they do a good job with the land. He stated that on the plat that was given to the Planning Commission, in the left hand corner there is place called the helipad. He stated that it would be appropriate to have a helipad to be used primarily for medical evacuations. He noted that there is a portion on the map that the Catlett's had timbered and sold before Timberneck LLC bought the property. He stated the timber cutter that did it, did an awful job, and it is now in awful shape. He stated that their plan with it is, under the supervision of the Department of Forestry and two certified burners, to burn it and replant it in Long Leaf Pines. He noted that the Long Leaf Pines grow about 30 to 40 higher than Loblolly Pine and had great air and light coming in. He stated that they planned to plant 75 acres of Long Leaf Pines and build the forest back up. He stated that he had some articles with information about the Long Leaf Pines if the Commission is interested.

He stated that Timberneck LLC is proposing, on Timberneck Creek, a private boat landing only for the residents that do not have water access, of not more than 20 slips. He noted that there have already been concerns about the length of this boat slip so they are redesigning it try to take care of that issue. He noted that it will not be a marina, there will be no gas facilities, it is just for boats no longer than 25 feet.

He stated that the circle road will be a gated community but it will built to the VDOT residential street standards. He noted it will be a 18 foot pavement, brown stone asphalt that is used in Yorktown and Williamsburg, with wide swales. He stated it will be approximately 120 feet wide and on the agricultural side which is the inside, it will have landscaping with indigenous trees and a riding trail. He stated on the residential side there will be swales, landscaping and then a walking trail and approximately two miles of the four rail black horse farm fence. He stated that in the common area at the top of Poplar Creek, there will be walking paths through the open space, not paved trails but paths. He noted that there will also be a path and a small observation deck on the Timberneck Creek side, just for residents.

He stated that Timberneck LLC will have architectural controls on every house and each lot will be restricted on where the house can be built. He noted that even though there are straight lines on the plat, the lots have made themselves. He stated that they are proposing to not have more than 50 lots, on this plat given there are 47 lots, with the smallest lot being 3 acres. He noted that most of the lots average between 8 and 9 acres but they have all different sized lots, ranging from 3 acres to 14 acres. He stated that Timberneck LLC is planning on proffering that there would not be more than 50 lots and no lot would be less than 3 acres.

He stated that they have done the RPA delineation and it has been accepted, they have done the Corps of Engineers delineation and it has been accepted. He noted that on the Cedarbush Creek end, the RPA area was grown over with dense briars, that were killing everything, they have had hand laborers go in cut out the infiltrating weeds and non-acceptable under growth to enable the natural farm to come back. He stated that above the RPA, they have gone in and selected all the best trees in the different tree sizes, marked them, and had their logger come in and remove the unmarked ones to open it up some.

He stated that Timberneck LLC has done a archeological survey under the purview of the VDHR and there was a report by William & Mary archeology department done in 1993. He noted that they marked 35 potential sites on the property, including some in the wetlands. He stated in the report William & Mary stated that further studies would be needed and should include visual inspections and shovel tests. He stated that Timberneck LLC's archeologists have recommended having the farmers disc those sites, let it rain and then do a visual inspection. He noted when it was done it turned up virtually nothing. He stated that they went in after that, even though they found nothing, and dug 2,800 shovel test holes. He stated very few artifacts or anything turned up. He stated all of this information has been sent to Virginia Department of Historical Resources for their review, and they are prepared to sign off as far as the archeology.

Mr. Bazzani stated that one of the issues in the Comprehensive Plan is affordable housing, is Timberneck LLC proposing any kind of affordable housing on this property?

Mr. Williams stated no, they are not. He noted that they could have gotten two units per acre, but by cutting down to a maximum of fifty lots, there is no affordable housing. He stated that for the price that they paid for it and the investment they are making they were not able to.

Mr. Richardson asked, in between lots 13, 14, and 15 where the open space is, there is a cemetery, are there any plans for that?

Mr. Williams replied that for some reason the Catlett Family has taken no interest in preserving that. He stated that Timberneck LLC invited them to come in and help with identification of the people. He stated that they are going to do one more scraping of the area to see if there are any more gravesites that haven't been identified and then they will fence are with an attractive brick and rod iron fence with parking right beside it for visitors.

Mr. Richardson asked if the existing house was on the Historic Register.

Mr. Williams replied, yes.

Mr. Richardson asked if it is just the house or the house and the land.

Mr. Williams replied the house and the lot. He stated that Mrs. Garnet-Cattlet put it in in 1979 and then she did little to keep it up. He stated it also can be withdrawn at any time. He noted that there plan is to re-register it after they move it.

Mr. Richardson asked if there is only one house on the property.

Mr. Williams replied that there is a small cape cod type house across the creek, which is where the caretaker lives at this time.

Mr. Richardson asked what the plans for those homes would be.

Mr. Williams replied that there has been discussion about moving it but he thinks it will eventually be torn down. He noted that it is not an historical building.

Mr. McVey stated that he is disturbed by the fact that the house is going to be moved and he does not see how it can be less expensive to move the house than to restore it where it is. He stated that in his opinion the other parts of the plan are wonderful but he is disturbed by the discussion to move the house and he does not know whether he can vote for it with that in mind.

Mr. Williams replied that he would glad to provide the Commission with all of the back up information.

Mr. Rodgers asked for Mr. Williams to point out on the map where the Catlett House is and where he is proposing to be moved to.

Mr. Williams showed the Commission those two locations.

Mr. Rodgers asked how much it is going to cost to move the house.

Mr. Williams replied that it will cost a half of a million dollars to move it and put it into a condition to which it can be safely kept. He noted that the estimate just to restore the house in place is 1.5 million plus. He stated that in a perfect world, he would have the house restored and somebody would live in it, but he is not sure anyone would live in it. He stated that it is not a

plantation house like Warner Hall. He invited the Planning Commission to come by at any time and have a tour of the house and see the condition in which it has been left in.

Mr. Rodgers asked if this proposal is limited to 50 lots because if you go over that you have to have two entrances.

Mr. Williams stated that really didn't have anything to do with it, it is really the number because that is where the sites created themselves. He stated that after everything gets worked he thinks that this development will be a very big tax revenue generator for the County that will require very little services that we can be proud of and the County can be proud of.

Mr. Rodgers asked Mr. Belvin if this is the development that he had spoken about a few months ago.

Mr. Belvin replied yes, he had seen this presentation given at a meeting of the Historical Society and he is excited about it setting a precedent as a preservation development. He stated that he thought the magnitude of land that is being set aside in a conservation easement, was a way to allow development to maintain rural character.

Mr. Wilkinson asked what is the size of the lot which the historical house is located.

Mr. Williams replied 14.65 acres.

Mr. Bazzani asked Ms. Ducey-Ortiz if the piece of property would need to be rezoned in order to accommodate what Timberneck LLC would like to do.

Ms. Ducey-Ortiz replied yes, due to the flexibility that they are asking for, rezoning to a PUD would be the best solution. She noted that this is a lot different from PUDs that the Commission has seen before, where this is actually asking for high density. She stated that what Timberneck LLC is proposing would not fit in any one category we currently have in our zoning. She clarified how this proposal will fit into the Comprehensive Plan.

Mr. Bazzani asked if water and sewer were near this property.

Mr. Williams replied no, but all the sites out there do perk.

Ms. Ressler asked Mr. Williams if he does not move the house, what is he planning on doing with it.

Mr. Williams replied that his options for the house are to; ask the Historical Committee to demolish it, if they say no, he can ask the county for fair market value, he can keep trying to sell it to a person that will contractually agree to restore it, or he can try to save it as a relic. He stated that the suggestion of making it an inn was made but that building really cannot be restored to be an inn.

Ms. Ressler asked who made that determination.

Mr. Williams replied it was the architects, the land planners and the historical architect. He stated that another issue with that is water pressure. He stated to run an inn you have to deal with fire

suppression and it would not be able to be supported by a well. He stated that making it into a building for the homeowners was also suggested as a possibility, but again the condition is such that he could not justify spending a million and a half dollars to have it for such a limited use. He stated that he is still open for any suggestions from the Commission on what to do with the house.

Ms. Ressler asked Mr. Williams if he had considered taking part of it or where the land is sitting and putting that into the conservation easement and donating it to the historical society and allowing for access via the water and making it like a public museum.

Mr. Williams stated that he did not to bring a public marina to the property. He noted that also that would interfere with the security of being a gated community.

Ms. Ressler asked if the house is moved, does it maintain its landmark status as long as you are working with VDHR to get their approval.

Mr. Williams stated that he has met with Joanna Wilson and shown her this same presentation and she is on board with it.

Ms. Ressler asked to be provided with a copy of the power point and all of the information that has been passed around today. She also asked him about the endowment that he had mentioned.

Mr. Williams stated that his plan was to take a percentage but at least \$50,000. He noted that Timberneck LLC was going to take care of the maintenance of the yard but once Timberneck has fixed it up they would have to take care of the building. He stated that the people he has talked to at the Historical Society have said that they would try to turn it into a project that it would be something that could be seen on the inside. He stated that he could not promise what the Noland family will do but they have been very generous, and he could probably talk Mr. Noland into making a monetary contribution because he does support things like that.

Ms. Ressler stated that her concern is that this endowment could be a set amount but then the cost could turn out to be more for what ever reason. She asked if there would private helicopters using the helipad that was mentioned.

Mr. Williams stated that there could be private helicopters for people that might buy in the Northern Virginia area and then come down here, but the purpose of it really is more for security.

Ms. Ressler asked if he has considered opening it as a drop off station like they do at the hospital.

Mr. Williams stated yes, all of the rescue stations or fire departments will have access to it.

Ms. Ressler asked how far off the waterfront does the original house set.

Mr. Williams replied around 600 - 700 feet from the point and about 300 from each water side.

Mr. Ressler stated that she would like to talk Mr. Williams up on his offer to visit the property.

Mr. Williams stated that he would be able to coordinate with her personally, take her out there, and give a tour.

Ms. Ressler would like to have a representative from the Historical Committee and Historical Society come here.

Mr. Williams stated that he has spoken with them already and they stated they would gladly come and discuss this project.

Mr. Bazzani stated he would like to coordinate a date as well to survey the property and any other Commissioners that would like to come.

Mr. Richardson stated that it would need to be advertised as a public meeting.

Mr. McVey asked if the lots have been priced yet and for what Mr. Williams is going to sell them for.

Mr. Williams stated that they have not been individually priced, the total revenue, not counting whatever is going to be done with VIMS, is right at 30 million dollars. He stated that some of the lots will be in the \$400,000 range and some will be in the million to a million and half range.

Mr. McVey asked if the lot that the historic house is on would be in the million to a million and a half price range.

Mr. Williams replied yes, it is the best lot out there, with its view and size.

Mr. Bazzani asked what sizes of homes are being planned.

Mr. Williams replied that he thinks they will probably all be in the million-dollar range. He stated that they are going to have strict architectural control and at the next meeting he will have Steven Fuller here, who is drawing a lot plan for every lot. He stated that Mr. Fuller says that there are three zones to the lot; the public part of the lot, the residential zone where the foot print of the house can go, and the conservation zone where there will be limited disturbance. He described in detail the plan that Steven Fuller is developing.

Mr. Bazzani asked Ms. Ducey-Ortiz how the site visit is going to be accomplished.

Ms. Ducey-Ortiz stated that it would be a public meeting and transportation would need to be arranged.

Mr. Bazzani asked if she could make that happen.

Ms. Ducey-Ortiz said that she would coordinate with Mr. Williams. She asked the Commission if there is a specific time, like the weekend, that they would prefer.

The Commission discussed when to have the public meeting.

Mr. Rodgers asked if, the land in the middle of the property that is going to be conserved as farm land, is buildable land.

Mr. Williams replied yes it is all buildable. He described the different crops that are farmed on that part of the property and the farm road and its location.

Ms. Ducey- Ortiz stated that if the Commission wanted to pick a Saturday now, this meeting can be continued to that Saturday and that would avoid advertising problems. She noted that anyone that could not make the meeting could set up a later time with Mr. Williams.

Mr. Williams suggested the 28th of June at 9:30.

The Commission agreed to meet on the site on June 28th 2008 at 9:30.

Ms. Johnson asked if Mr. Williams knew what the square footage of the houses were going to be.

Mr. Williams replied the houses should be no bigger than 5500 square feet. He noted that he will have a better idea once he gets the drawing from the land planner. He stated that houses are supposed to blend in with the rural setting of the property. He stated that the farmers will have a caretaker that will be there to help with the owners horses.

Ms. Johnson asked how close to the houses will the farming be done.

Mr. Williams showed Ms. Johnson on the map the distance from the houses to the farm land. He noted that the farmers are no-till farmers, meaning they do not disc up the land.

Mr. Winebarger asked if this is rezoned to a PUD, is there any special exception that will have to be done for the horses.

Ms. Ducey-Ortiz stated that when you create a PUD, you actually create your own zoning district.

The Commission thanked Mr. Williams for his presentation.

B. Draft Code Amendment for Special Exceptions

Ms. Gibson stated that the Commission was given two addition handouts that were not in the packets, one is specifically from the ordinance on Special Exceptions and the other is the Special Exception Criteria listed alphabetically. She noted that the Commission was given the draft code amendment in the packet, along with a memo that tried to detail the process that the Planning Department went through. She stated that the process for the contractor storage was that the Planning Department met with staff from Codes Compliance and talked about what was discussed and what the Planning Commission had asked be done at the May 1st meeting and put together a strong draft. She noted that afterwards the staff met with Mr. Miller and Mr. Wills to prepare the draft that the Commission has before them tonight. She stated that one of the first things that was looked at were the zoning districts and where this might fit in and as you can see on the code amendment staff selected the RC-1, B-1, and B-4 districts. She noted that they also examined the definitions in order to make this something that will not only work for this particular case but would benefit more of the county. She stated that the Planning Department looked at expanding the current definition because once the staff looked at it closely even Mr. Miller's current septic business would not be permitted under contractor storage. She noted that

the staff tried to open it up for not only people in the building trades but people that do landscaping and clearing and grading of land. She stated that staff also included the Special Exception Criteria :

G. Activities are required to have a minimum right of way of fifty feet to a state maintained road.

H. The lighting should not create a nuisance.

I. The equipment should be operated in a manor to minimize dust, noise, odor and vibration.

Ms. Gibson explained that “J” was actually another part of this amendment, after speaking with Mr. Peaks, the Zoning Administrator. She noted that it currently reads “*shall establish and maintain a landscaped and seeded front yard for the full frontage of the lot incorporating visitor parking.*” She stated that in several cases that has not worked out, if it is currently wooded we would not want them to take down the trees and landscape it and plant grass. She noted that has been modified to read :

“J. Shall maintain a wooded front yard or establish a landscaped and seeded front yard for the full frontage of the lot incorporating visitor parking.”

Ms. Ressler asked if “G” has also changed.

Ms. Gibson replied yes, it has also been expanded. She stated it was expanded for several reasons, one being staff did not want a private road that many people had access to and/or ownership of a contractor storage facility set up on it, and create a maintenance issue for all the owners. She stated it was expanded to:

“Where the means of access from the subject property to a state road is by way of an existing or proposed right –of –way or easement over property not owned by the applicant, the applicant shall provide verification that they have the expressed legal right to use the right-of-way or easement for the purpose of the proposed use.”

Ms. Gibson continued with the Special Exception Criteria:

K. The employee parking lot shall be to the rear or the side of the building.

L. Outside storage areas shall be appropriately screened from view on all sides.

Mr. Bazzani asked what “appropriately screened” meant.

Ms. Gibson replied that is a determination of the Zoning Administrator, typically it is wooded, either landscaped evergreen or existing wooded. She noted that that specifically is a question for Mr. Peaks. She continued with the Special Exception Criteria, starting with “S” which has also been slightly modified:

S. It shall be the responsibility of the applicant to provide all of the appropriate information to the board of zoning appeals for it consideration, This shall include but not be limited to noise levels, transportation impacts, distance from residence or businesses, etc. Such information shall be accompanied by a complete plan of the site.

Ms Gibson stated that “*transportation impacts*” was added here because staff felt like a lot times a lot of applications have been reviewed with traffic impact studies to help the BZA make a better determination. She stated that “*plan*” was also removed from the very end after the word “*site*” because the intent is not that it is an engineered site plan but an actual plan of the site showing the layout, where things will be located. She continued with U, which is the all encompassing criteria is included on almost every special exception:

U. The BZA may impose any additional requirements it may deem necessary for the protection, health, safety, and welfare of the residents of the county.

Ms. Gibson stated that Y is a new item that staff found out, after speaking with Mr. Peaks, comes up a lot with the BZA:

Y. On-site activities shall be limited to the hours between 6 a.m. and 10 p.m.

Ms. Gibson stated that those are all of the specific special exception criteria. She noted that also for this use in the zoning district for RC-1 there is a minimum lot size, that was determined because that is our residential lot size. She stated that if anyone was going to create a lot to live on in RC-1 it would be a minimum of five acres. She stated there is also some wording associated with the set backs. She noted that there is no minimum lot size for the B-1 and B-4 zoning districts. She stated that staff has spoken with the EDA they are in support and will be either sending a representative to our public meeting or putting something in writing.

Ms. Gibson finished with her presentation.

Mr. Rodgers asked what was meant by “visitor parking” in J. He stated he thought it meant contractors and their employees.

Ms. Gibson stated it is contractor “office” and storage facility so they would be permitted to have an office, there for customers.

Mr. Rodgers asked why there is nothing about signs written.

Ms. Gibson stated that currently signs are already allowed in these zoning districts and it would be determined based on current ordinance.

Mr. Rodgers stated that he had envisioned something more stringent as for the landscaping and yards from the yard. He gave an example of a contractor yard just north of Adner. He also discussed how, in his opinion, this should not have been done as a special exception but as a re-zoning.

Mr. Richardson asked if the parking of vehicles and equipment is considered an activity.

Ms. Gibson stated yes, it is.

Mr. Richardson asked if that would then fall within the hundred foot set back.

Ms. Gibson stated yes, the yard dimensions which are given are 100 foot front, 50 feet foot on each side and 100 from the rear. She noted that if the property is located in the B-1 or the B-4

district they would have to meet Highway Corridor landscaping, otherwise there is the screening requirement.

Dr. Belvin asked in the Highway Corridor Overlay when the full frontage of the lot is landscaped, what depth is landscaped.

Ms. Ducey-Ortiz stated that the Highway Corridor Overlay is pretty specific in terms it is based on the linear feet that there is from the road, and there has to be so many large deciduous, small deciduous.

Dr. Belvin asked if all of these locations reside in the Highway Corridor Overlay.

Ms. Ducey-Ortiz stated not necessarily.

Dr. Belvin stated that there needs to be something in this that talks about the depth of the landscaping. He also asked if letter V is requiring the applicant to fence the area.

Ms. Gibson stated that only the letters listed in the table apply to contractor storage.

Dr. Belvin asked if once this amendment is approved, the BZA will grant these exceptions without any involvement of the Planning Commission.

Ms. Gibson stated yes, on a case by case basis, the same way they do now.

Dr. Belvin asked what happens if one of these criteria is not being kept by the applicant after the BZA approves them.

Ms. Gibson stated that it would become a code violation.

Ms. Ducey-Ortiz discussed the memo that was given to the Planning Commission on the process of the BZA.

Ms. Ressler stated that the minutes were not very clear on why the Planning Commission decided to go through the special exception process to deal with this situation. She stated that appears to her that the reason the Commission decided to go through a special exception was so that it could be a public process.

Ms. Gibson stated yes is would be reviewed on a case-by-case basis.

Mr. Bazzani stated that part of the reason was also expediency as well.

Mr. Ressler asked if there is a policy written for the Zoning Director to follow when it comes to determining “*appropriately screened*” or it is up to the Director’s discretion.

Ms. Gibson stated that it is up to his discretion, as it is whenever his ordinance is vague, but if the Commission would like for staff to modify this as was done with the other letters, they can.

Ms. Ressler stated that she thought it would be a good idea to put more in writing.

Mr. Bazzani stated that it would prevent any public official from over stepping their boundaries in respects to interpreting any of these situations.

Ms. Ressler asked about the section in the memo to the Commission that discussed Waste Management.

Ms. Gibson stated that had to do specifically with wood recycling not contractor storage.

Ms. Ressler asked what will happen if Waste Management already does wood recycling and do not what anyone else in the county to do it.

Ms. Gibson replied that Waste Management and the County Attorney's Office are currently reviewing the contract. She stated that if there are any problems with that, the Planning Department is willing to separate wood recycling from contractor storage.

Mr. Richardson stated that another reason the Commission decided to go the way of a Special Exception is that it could be handled on a case-by-case basis.

Mr. Rodgers stated in reply to Dr. Belvin's question about the amount of input we have with the BZA, on rare occasions we have given the BZA some input. He stated that the Planning Commission sees what is going to the BZA every month and if the Commission feels that it is something they need to address the BZA on, they can.

Mr. Bazzani asked what the next step would be with this special exception draft.

Ms. Ducey-Ortiz stated first it needs to go to a public hearing, and then make a recommendation to the board for them to schedule a public hearing.

Mr. Wilkinson asked about a timeline of having this done.

Ms. Gibson stated that everything was right on schedule. She asked if there were any questions concerning the definitions before she went on to the Wood Recycling section.

Mr. Winebarger asked if there were any other rules or regulations for businesses that the hours are restricted.

Ms. Gibson replied that would be a question for Mr. Peaks or someone in his office.

Ms. Ducey-Ortiz stated that the reason that had been added was because the BZA already often imposes that condition.

Mr. Winebarger asked if there are any businesses now that are restricted on what time they can go to work.

Ms. Ducey-Ortiz stated that she believes there are some special exceptions that were approved with that as a condition. She stated that if that is an issue that the Commission is concerned with, it can be taken out and go back to being left up to the BZA.

Mr. Winebarger stated that he would rather do that, have it reviewed on a case-by-case basis, then have it written in stone.

Ms. Ducey-Ortiz stated that one of the reasons it was in was for consideration of any residential areas.

Ms. Ressler discussed why she agrees with Mr. Winebarger. She also asked what the definition of “*moderate external effects*” means, from the Article 2 Definitions – Manufacturing, medium.

Ms. Gibson stated that item is a housing keeping item, it has come up in the past because there is no a definition for Medium Manufacturing. She stated that this definition was created from what other localities use, what is considered a standard definition, and what works for Gloucester County. She noted for the “*moderate external effects*” definition, there is light and heavy manufacturing and this will fall in between.

Mr. Wilkinson asked who would make the determination between light, medium, and heavy.

(No Answer was given)

Ms. Ressler asked if there is any examples or definitions written for light, medium, and heavy manufacturing.

Ms. Gibson stated that Planning Staff could find out what if anything is currently used by the Codes Compliance office.

Ms. Ducey-Ortiz stated that light manufacturing essentially there is no outside activity, everything is done indoors. She stated that adding “medium manufacturing” was an attempt to look at other ordinances and come up with a definition, which is currently permitted use, but not defined. She stated that ultimately the determination is made by the Zoning Administrator, but the Planning Staff could put some performance standards in there.

Ms. Ressler stated she would like to see examples of what is considered moderate as a guideline.

The Commission discussed what types of examples they would like to see.

Mr. Winebarger asked if this code amendment is going to public hearing next month, how is the Commission going to approve the changes that are being discussed.

Ms. Ducey-Ortiz stated that one way would be by email but also the definition that is being discussed does not have to be included.

Mr. Winebarger stated that he would like to see the definitions for “appropriately screened” and “medium manufacturing” changed.

Ms. Ducey-Ortiz stated that the definition for “appropriately screened” could be fixed rather easily because her office does have examples for that.

Mr. Winebarger asked what happens if when this goes to public hearing and the Commission is still not happy with it.

Ms. Ducey-Ortiz stated that the Commission could make a change and then recommend the ordinance as changed to the Board.

Mr. Strawn stated that he likes the definitions as they are, they give Mr. Peaks the ability to use his best judgment. He noted that he thinks it would be best to leave the definitions the way they are.

Mr. Bazzani stated that he would not want decisions being made because of personality issues.

Ms. Ressler stated that the Commission should leave the definitions as they are and if it comes up at the Board level, it should be dealt with then. She stated that it is her understanding that the Commission cannot make a decision as a board and have it available for the next meeting.

Ms. Ducey-Ortiz stated that if the Commission gives the Planning Staff different wording to put in tonight then the changes can be made, but if they choose to let the Staff come up with something and bring it back, then, no, it would not be ready for the public hearing.

Ms. Gibson stated that there is a two week time period from now until when the advertisement needs to be in that the Commission could comment via phone or email to make changes and make sure everyone one is in agreement with those changes.

Mr. Wilkinson suggested that the Commission wait until June 28th when the meeting is going to be continued and discuss it then.

Mr. Richardson stated that waiting until then would not give staff enough time to advertise.

Ms. Ducey-Ortiz suggested that the Commission continue with the Public meeting in July and any changes can be made then.

Ms. Ressler stated that if the changes are significant then the Commission would have to redo the public hearing.

Mr. Richardson asked if a change in definition would be considered a substantial change. He stated that in his opinion it was not.

Ms. Johnson asked, related to the time issue, have there been specific complaints made in residential areas?

Ms. Ducey-Ortiz stated Ron Peaks, the Zoning Administrator, would be the best person to answer that. She noted that he was the person to bring up this issue because the BZA has restricted the time for several businesses that are in residential areas.

Ms. Johnson asked if that issue is already being considered by the BZA.

Ms. Ducey-Ortiz replied yes, that is one of the issues that comes up all the time and the BZA will put restrictions on the times.

Col. Arnold stated that in Article 2 where the Commission is arguing about the words “moderate external effects” but in Supplemental Regulations Article 9 it already says “minimal”. He noted he would like to just keep the one definition. He also recommended switching the word “appropriately” to “limited”.

Mr. Bazzani stated that if the Board of Supervisors has a problem with any of the wording, it can be discussed then, at the board meeting.

Mr. Winebarger stated that he would like to revisit Article Y. He emphasized the fact that this means that the time stipulation would be for every Special Exception and the BZA can not change it per their discretion. He stated that is his opinion this is too restrictive and it should be done on a case by case basis.

Mr. Bazzani made a motion to have roll call vote on whether to include Article Y a voice vote followed; Mr. Richardson, Yes; Mr. Rodgers, Yes; Ms. Ressler, No; Mr. Bazzani, No; Mr. Strawn, No; Mr. Wilkinson, No; Mr. Winebarger, No; Col. Arnold, No; Ms. Johnson, Yes; Dr. Belvin, Yes; Mr. McVey, Yes; Dr. Weisel, Absent.

Mr. Bazzani stated that the draft should be amended to show the changes from tonight and then be taken to a public hearing next month in July.

Ms. Ducey-Ortiz confirmed with the Commission about removing the word “appropriately” from Article L.

The Commission agreed.

Mr. Strawn stated that he believes it is important to have some limitation on the hours that these places can operate but it is more appropriate to take it on a case by case basis depending on the different sites.

Dr. Belvin stated that he had brought up the issue of full frontage landscaping.

The Commission discussed adding a minimum footage for landscaping.

Ms. Gibson confirmed that the Commission would like to add a minimum depth of 50 feet.

Ms. Gibson stated that Wood Recycling Facilities is another task that has been on the Planning priorities list that staff has decided to try tackle with this task. She noted that staff went through the same process that was done with the contractor yard special exception and met with Mr. Leiffer who initially had brought the issue to the Planning Commission. She explained this process and read the special exception criteria:

“A. All structures and activity areas, including parking, shall be located at least one hundred (100) feet from all property lines.

B. All activities shall be conducted at least five hundred (500) feet from any watercourse.

C. Activities shall be conducted at least five hundred (500) feet from any residential district.

G. Activities are required to have a minimum right of way of fifty (50) feet to a state maintained road. Where the means of access from the subject property to a state road is by way of an existing or proposed right-of-way or easement over property not owned by the applicant, the applicant shall provide verification that they have the expressed legal right to use the right-of-way or easement for purposes of the proposed use.

H. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

I. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, odor, and vibration.

J. Shall establish and maintain a wooded front yard or establish a landscaped and seeded front yard for the full frontage of the lot incorporating visitor parking.

L. Outside storage areas shall be appropriately screened from view on all sides.

M. All parking and loading areas shall be screened from any adjacent residential use.

S. It shall be the responsibility of the applicant to provide all of the appropriate information to the board of zoning appeals for its consideration. This shall include but not be limited to noise levels, transportation impacts, distance from residences or businesses, etc. Such information shall be accompanied by a complete plan of the site plan.

T. The applicant shall secure all appropriate permits required by federal, state, and local agencies.

U. The BZA may impose any additional requirements it may deem necessary for the protection, health, safety, and welfare of the residents of the county.

Y. On-site activities shall be limited to the hours between 6 a.m. and 10 p.m.”

Ms. Gibson stated that Wood Recycling in this capacity is basically a large tub grinder situation, which can be very noisy and that is why Article Y was included in this draft as well but can be done on a case by case basis as with the Contractor Office and Storage Facility.

Mr. Winebarger asked if these two code amendments can be heard at the same Public Hearing.

Ms. Gibson replied yes, if the Commission decides to do so and the County Attorney agrees that it is ready to go.

Mr. Winebarger asked if a formal vote was needed to remove Article Y from Wood Recycling also.

Ms. Gibson stated no. She also discussed the reasoning behind this Special Exception and why it is needed.

Mr. Wilkinson asked if the EDA has given any opinion on this issue.

Ms. Gibson stated yes, Mr. Meredith is reviewing this draft and should be giving planning staff comment shortly.

A motion to move this draft to a Public Hearing on July 3rd, the next regularly scheduled Planning Commission meeting was made by Ms. Ressler, seconded by Mr. Wilkinson and carried by a unanimous voice vote.

IN RE: STAFF COMMENTS

A. Update on Comprehensive Plan

Ms. Ducey-Ortiz stated that the update on the Comp Plan has slowed down quite a bit because of the loss of a staff member. She noted that the Steering Committee had set a very aggressive schedule but it probably will not be able to be met. She stated that the Planning Staff has gotten input from other departments to help with the updates of different sections in the plan.

B. VDOT 527 Requirements

She stated that Jay had given a presentation about all the different changes that are going on with VDOT, these changes are starting to be implemented July 1st. She noted that 527 is the requirement to have a traffic impact analysis done on certain projects if they meet certain thresholds. She discussed the process involving the 527 requirement. She stated that access management regulations are going into affect July 1st 2008, basically VDOT has new ideas for access management. She discussed how this will affect Gloucester County.

C. Update of Fire Ordinance

She stated that the work session was held in June. She noted that the Public Hearing is scheduled for August at the Board level.

IN RE: COMMISSORERS COMMENTS

Ms. Ressler requested that the minutes be more specific. She noted that she liked it when the Commission had verbatim minutes.

Ms. Ducey-Ortiz stated that there is a policy that was adopted by the Commission that essentially says that anything said by the public is verbatim and any motion and discussion after the motion is verbatim.

Mr. Bazzani asked Ms. Thompson if she has a Dictaphone running during the meetings.

Ms. Thompson stated yes.

Mr. Bazzani asked if a specific question is raised could the response be clearly written.

Ms. Johnson stated that reason behind her not being at the last meeting was because she had to attend a Commission meeting in another county for the purpose of the CPEAV course she was taking.

Mr. Strawn stated that he would like to express his disappointment that Dr. Weisel was not appointed for another term. He noted that Dr. Weisel served on this commission with distinction and he was known to act in a way that was consistent with what he believed was in the county's best interest. He stated that in his opinion the Board members that voted not to reappoint him have again acted fatuously and vindictive. He stated petty politics have prevailed yet again in Gloucester.

Mr. Richardson stated that he will also miss Dr. Wiesel's opinion but this Commission does serve at the pleasure of the Board. Mr. Richardson stated that he would like to recognize him at the next meeting.

Mr. Bazzani agreed.

Mr. Rodgers stated that he was very disappointed to see that in 14 years of watching the Board he has almost never seen anyone that was appointed be turned down. He stated that he feels like the Petsworth District has again been slapped in the face and denied their representation.

Mr. Bazzani stated that it was the Board's decision to do so and it should be left at that.

IN RE: ADJOURNMENT

Mr. Rodgers moved to continue the meeting to Saturday, June 28th 2008 at Timberneck Farms at 9:30, seconded by Mr. Wilkinson and carried unanimously by voice vote.

The meeting adjourned at 10:15 P. M.

Phillip Bazzani, Chairman
Gloucester County Planning Commission

Anne Ducey-Ortiz, Secretary
Gloucester County Planning Commission