#### VIRGINIA:

At a recessed meeting of the Washington County Board of Supervisors and a regular meeting of the Washington County Planning Commission conducted jointly and held Monday, July 30, 2001, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

## PRESENT:

Joe W. Derting, Chairman
John B. Roberts, Sr., Vice Chairman
Bobby D. Ingle
Phillip B. McCall
Anthony S. Rector
Jack H. Barker
Dulcie M. Mumpower

Mark K. Reeter, County Administrator Lucy E. Phillips Bright, County Attorney Sandra M. Hatfield, CPS, Administrative Supervisor

## **ABSENT**:

Mark W. Seamon, Accounting/Purchasing Manager

The following Planning Commission members were present:

Mickey E. Tyler, Chairman Walter F. Doss, Vice Chairman J. Ruddy Duty Joe Hutton W. D. Young, Jr. Dr. Stephen Fisher William Canter W. D. Young

Cathie Freeman, Zoning & Subdivision Official

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#### 1. <u>Call to Order</u>

## a. Recessed Meeting of the Washington County Board of Supervisors

The recessed meeting was called to order by Mr. Joe W. Derting, Chairman of the Board, who welcomed everyone in attendance.

# b. Regular Meeting of the Washington County Planning Commission

The regular meeting of the Washington County Planning Commission was called to order by Chairman Mickey E. Tyler noting that all members were present.

# 2. <u>Invocation and Pledge of Allegiance- Supervisor Dulcie Mumpower</u>

Board Member Dulcie Mumpower gave the Invocation and led in the Pledge of Allegiance.

# 3. **Approval of Agenda**

# a. Washington County Board of Supervisors

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to approve the Agenda, modified as follows:

#### Removed:

The following Application was withdrawn due to a discrepancy of lot identification and adjoining property owner notification:

<u>Highlands Log Structures, Inc.</u>: Request for a Special Use Permit for a processing operation related to the construction of log homes on property located on the north side of State Route 11 near the intersection of State Route 11/869 in a B-2 (Business, General) zone, Wilson Magisterial District.

The vote on this motion was as follows: (7-0)

Mr. Derting	Aye	Mr. Roberts	Aye	Mr. McCall	Aye
Mr. Ingle	Aye	Mr. Rector	Aye	Mrs. Mumpower	Aye
Mr. Barker	Ave			_	

# b. Washington County Planning Commission

On motion of Mr. Doss, second by Mr. Canter, it was resolved to approve the Agenda as modified by the Board of Supervisors.

The vote on this motion was as follows: (7-0)

Mr. Tyler	Aye	Mr. Young	Aye	Mr. Hutton	Aye
Mr. Duty	Aye	Dr. Fisher	Aye	Mr. Canter	Aye
Mr. Doss	Aye				

# 4. <u>Applications for Public Hearings for Planning and Zoning</u>

In explaining the agenda format and the public hearing process, Chairman Derting stated that hearings and action before the Planning Commission would proceed first, with the Board of Supervisors then hearing and acting upon each matter. Mr.

Derting further explained that it would not be necessary or required for the same speakers to address both the Planning Commission and the Board of Supervisors unless there was additional information not originally presented before the Planning Commission to convey. He stated all speakers were welcomed to make comments.

The following action was taken on Planning and Zoning Public Hearings:

## **Intent to Rezone:**

(1). Abingdon Church of Christ: Request to rezone approximately 6.42 acres of property located on the South side of Service Road F024 near the intersection of F024/State Route 647 from R-1 (Residential, Limited) to B-2 (Business, General), Madison Magisterial District.

# a. **Public Hearing**

Chairman Tyler opened the public hearing to receive comments in support of and in opposition to application of Abingdon Church of Christ to rezone approximately 6.42 acres of property from R-1 to B-2.

Janet Dutton, member of the Abingdon Church of Christ, addressed the Board of Supervisors requesting rezoning from Residential to Business for educational purposes. She stated the Church of Christ intends to establish a preschool for children of years 2-4 with the hours of operation from 9:00 a.m. to 1:00 p.m. Monday to Friday.

There being no other speakers, Chairman Tyler closed the public hearing.

# b. Washington County Planning Commission Recommendation

On motion of Mr. Hutton, second by Mr. Young, it was resolved to recommend to the Board of Supervisors approval of Abingdon Church of Christ request to rezone approximately 6.42 acres of property located on the South side of Service Road F024 near the intersection of F024/State Route 647 from R-1 (Residential, Limited) to B-2 (Business, General), Madison Magisterial District.

The vote on this motion was as follows: (7-0)

Mr. Tyler	Aye	Mr. Young	Aye	Mr. Hutton	Aye
Mr. Duty	Aye	Dr. Fisher	Aye	Mr. Canter	Aye
Mr. Doss	Ave				

#### c. Washington County Board of Supervisor Action

Chairman Derting opened the public hearing to receive comments in support of and in opposition to application of Abingdon Church of Christ to rezone approximately 6.42 acres of property from R-1 to B-2.

There being no speakers, Mr. Derting closed the public hearing.

On motion of Mr. McCall, second by Mr. Roberts, it was resolved to follow the recommendation of the Planning Commission and approve request of Abingdon Church of Christ to rezone approximately 6.42 acres of property located on the South side of Service Road F024 near the intersection of F024/State Route 647 from R-1 (Residential, Limited) to B-2 (Business, General), Madison Magisterial District.

The vote on this motion was as follows: (7-0)

Mr. Derting	Aye	Mr. Roberts	Aye	Mr. McCall	Aye
Mr. Ingle	Aye	Mr. Rector	Aye	Mrs. Mumpower	Aye
Mr. Barker	Aye				

## **Review and Request of Special Use Permit:**

(2). George F. Pollack: Request for a Special Use Permit to construct and operate a small business in general, more specifically, a mechanical repair workshop and candle crafting on property located on the east side of State Route 735 near the intersection of State Route 735/11 in an A-2 (Agricultural, General) zone, Monroe Magisterial District.

## a. **Public Hearing**

Chairman Tyler opened the public hearing to receive comments in support of and in opposition to request of George F. Pollack for a Special Use Permit to construct and operate a small business in general, more specifically, a mechanical repair workshop and candle crafting on property located on the east side of State Route 735 near the intersection of State Route 735/11 in an A-2 (Agricultural, General) zone, Monroe Magisterial District.

In opening comments, Mr. Tyler explained that the request of George F. Pollack was before the Planning Commission in April 2001. He stated that after the Board of Supervisors had approved Mr. Pollack's application the County received complaints from owners of adjoining properties that they did not receive prior notice of the public hearings scheduled. Therefore, he stated the Planning Commission has been asked to review the request again.

Steve Hodges, Attorney speaking on behalf of George F. Pollack, addressed the Planning Commission.

Mr. Hodges explained that Mr. Pollack purchased 44 acres in Meadowview where he plans to build a family home on a portion of the land. He stated that Mr. Pollack plans to graze a part of the land. In connection with the public hearing, Mr. Hodges explained Mr. Pollack is requesting permission to construct a metal, multi-use building, several hundred feet from his home. He stated the metal building would be 70' x 100', and would have a candle shop, an area to store a general use trailer and motorhome, and will use a part of the premises for a mechanical repair workshop where he would work on farm equipment and various home and auto projects. The auto projects, he stated, includes midget racing cars, adding that is what has generated controversy. Along with uses listed above, Mr. Hodges stated Mr. Pollack wants to build a personal office and general workshop.

Mr. Hodges presented a historical overview of the process Mr. Pollack has followed and the steps that were taken from February 2001 when he made contact with the County Building Inspection Department, the application process, the public hearings before the Planning Commission and the Board of Supervisors that followed, the written communication he received containing official approval for the special use permit, his purchase of a building, and his financial commitment for delivery of the building to his property. He explained 31 days after the Board of Supervisors approved the special use permit, a law suit against the County and the Pollacks's was filed by eight neighbors (four couples) alleging they did not receive proper notice of the application and public hearing proceeding. He stated only one of the four couples that filed the suit is an adjoining land owner and entitled to receive notice. Mr. Hodges stated the law suit filed by the one couple contends that the County did not consider whether this facility would have noise, dust and odor of objectionable levels.

Mr. Hodges expressed Mr. Pollack's interest in participating in the proceedings and his desire to present information to help citizens and neighbors to understand his request. On behalf of Mr. Pollack, Mr. Hodges stated, should the special use permit be granted, Mr. Pollack is agreeable to a restriction in the special use permit that any noise resulting from his operation in the building would not exceed the noise from other equipment allowed in the A-2 district, i.e. trucks, tractors, or agricultural equipment..

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Mr. Hodges stated that the persons filing the law suit would not be able to see the building from their homes or their properties. In providing a visual image of the Pollack property, he stated the house and building are several hundred feet away, there is a rise in the topography and a bank of trees separating the Pollacks from the neighbors. In conclusion he stated sight, dust, and odor are not problems anticipated with the activities subject to the special use permit.

Mr. George F. Pollack appeared before the Planning Commission. He presented a sketch of his property, explaining in detail from an aerial view the proposed location of the family home, the building he proposes to construct, the topography, and neighboring properties. He described the contents of the proposed building. He explained he and two of his sons have raced go carts. The auto projects he is providing space for in the building will include maintenance and housing of two midget racing cars which are 4 cylinder, 151 cu in engines weighing approximately 200 lbs, and the cars weigh about 900 lbs. He emphasized the midget racing cars are a hobby for him and his sons, and that he has no crew.

From a sketch, he pointed out in the building the location of candle crafting shop, the drive through section for the motorhome, and the location where his farm equipment will be stored.

Mr. Pollack stated the building has been perceived as a professional racing car shop, but he emphasized that it is not.

Mr. Pollack spoke of making personal contact with several neighboring property owners to discuss his intended use for the building, and he reported they have expressed no objection. He affirmed there will be no dust, fumes or odor coming from the building, however, he stated there will be some occasional noise. Mr. Pollack presented letters from his former neighbors in Ohio where he had a similar building giving testimony of his operation there and of their satisfaction. He provided an aerial view of the Ohio property explaining the layout.

In concluding his remarks, Mr. Pollack emphasized he reaffirmed his desire to be a good neighbor, and feels he has demonstrated that he does not wish to cause the neighbors' property values to suffer. He requested the Planning Commission and Board of Supervisors to approve his request for a special use permit.

Dr. Fisher questioned Mr. Pollack inquiring about his intentions of moving up to a different classification of racing cars with bigger automobiles to race. Mr. Pollack explained that it is the desire of the children to move up to higher forms of motorsports; however, he stated he is at the financial limit of what he can do. He stated he cannot take them to the next level. He stated that he may have a racing car to work on in the future that runs the local tracks; however, all the work is inside the building. Dr. Fisher inquired if Mr. Pollack foresees himself operating a mechanical repair business. Mr. Pollack explained he is employed full time and does not intend to run a racing car or automotive repair business. He re-emphasized that the operation he has is a family hobby, and that he has no crew to work on the vehicles.

Discussion ensued relative to the size of the building.

Dr. Fisher pointed out for discussion purposes that at the first public hearing, there was no mention of racing cars. Mr. Pollack responded the reason is that the building is not a racing car shop, that it is a large workshop for family activities. Responding to other questions, Mr. Pollack stated that his work in the shop will be evenings and weekends.

Mark Thomas, speaking, introduced his wife Evelyn. Mr. Thomas addressed the Commissioners about his appearance before the Commissioners during the prior public hearing explaining he spoke in opposition to the special use permit because of concerns of possible trash, abandoned vehicles and tires stored around the building. However, he stated after meeting with Mr. Pollack, seeing his plans, and that the intended use will be as a hobby for him and his sons, he stated he is now in favor of the special use permit.

Jack Chaffin, neighbor to Mr. Pollack, addressed the Commissioners. He stated he understands the intended use of the property. Mr. Chaffin addressed the concern of neighbors' about odor and the anticipated noise level coming from the building because of repairs to the midget racing cars. He used the analogy he did not believe the noise would be louder than cows and calves bawling for days or weeks when they are separated for weaning. He explained that with the farm operation he has creates odor from manure. He explained he herds his cows with a four wheeler which is noisy. He made the point that in agriculture there is a lot of noise and smells. He concluded he does not have an objection to issuance of the special use permit to the Pollacks.

Karen Baker, resident of Bellmont Lane and adjoining property owner, addressed the Commissioners stating strong objection to the mechanical repair business for the midget racing cars. She expressed concern that the sons will move up to larger racing cars. She requested Mr. Pollack be denied the special use permit.

Cindy Fields, resident of Bellmont Lane, Meadowview, Va. addressed the Commissioners. She stated she does not oppose the building; however, she expressed concern over anticipated noise factor that could occur from building midget racing cars or other cars with larger engines. Additionally, she expressed concern over the permit terminology of mechanical repair, and giving examples stated it is limitless as to what it would allow. Mrs. Fields questioned if the cars are a hobby or something more than that. She asked the Commissioners to consider whether the placement of manufacturing midget racing car activity on SR 735 is appropriate. She asked if a special permit is granted placing no type of restrictions on the uses of the building relative to building/repair of racing cars, what would prevent others in the future from seeking similar type permits on other parcels of land in the same area. She expressed her view that issuing the special use permit would have an adverse effect on property values in the subdivision where she lives.

Mrs. Field commented to the Commissioners that when she received notification that a special use permit was issued, there was a map included in the original packet signed by Mr. Pollack highlighting the 40+ acres he purchased. She stated that is why all four couples on Bellmont Lane felt they were adjacent and adjoining property owners who should have been notified.

Karen Gobble, resident of Bellmont Lane, Meadowview, Va. Addressed the Commissioners. She expressed opposition to granting a special use permit to the Pollacks because of the racing car shop, however, she stated she does not object to the other uses of building. She expressed concern about property values becoming devalued because of a racing car shop. She claimed that Mr. Pollack misled the Supervisors when the permit was granted.

Harvey Clark explained that he is not a neighbor; however, he had questions to pose to the Planning Commission about the future development of a go cart track on the Pollack property. He expressed concern about the noise factor coming from the mechanical repair operation, and the potential for accumulation of trash around the building.

Patrick Mannix, Wilson District, expressed his view that Mr. Pollack has a special use permit and should not be put through this second hearing. He cited the Washington County Code and reading from it, stated the only thing that could be done is to revoke the special use permit issued.

Lacy Love expressed his view about how the special use permit was issued and questioned Mr. Pollack's statement about noise, fumes or dust in the building.

There being no further comments, Chairman Tyler declared the public hearing closed.

## b. Washington County Planning Commission Recommendation

Dr. Fisher addressed the Commissioners and audience about the Pollacks, the Planning Commission and the Board of Supervisors going through the public hearing process again, and apologized to Mr. Pollack and to the neighbors about the inconvenience to all involved.

On motion of Dr. Fisher, second by Mr. Hutton, it was resolved to recommend to the Board of Supervisors issuance of Special Use Permit to George F. Pollack to construct and operate a small business in general, more specifically, a mechanical repair workshop and candle crafting on property located on the east side of State Route 735 near the intersection of State Route 735/11 in an A-2 (Agricultural, General) zone, Monroe Magisterial District, with the following stipulations:

- (1) That this special use permit will replace the permit issued on May 8, 2001:
- (2) That there will be no mechanical repair or business use in the building that would cause noise levels in excess of what is generally permitted in the A-2 zoning district;
- (3) That there be no manufacturing or mechanical repair on racing cars larger than midget racing cars that Mr. Pollack described in this public hearing.

The vote on this motion was as follows: (7-0)

Mr. Tyler	Aye	Mr. Young	Aye	Mr. Hutton	Aye
Mr. Duty	Aye	Dr. Fisher	Aye	Mr. Canter	Aye
Mr. Doss	Ave				

## c. Washington County Board of Supervisor Action

Chairman Derting opened the public hearing to receive comments in support of and in opposition to request of George F. Pollack for a Special Use Permit to construct and operate a small business in general, more

specifically, a mechanical repair workshop and candle crafting on property located on the east side of State Route 735 near the intersection of State Route 735/11 in an A-2 (Agricultural, General) zone, Monroe Magisterial District.

Steve Hodges, Attorney representing Mr. George F. Pollack, appeared before the Board of Supervisors commenting on the restrictions that the Planning Commission placed on the special use permit. He stated there is no objection to the noise limitation, however, the restriction on the size of the vehicles is arbitrary and does not get to the problem. He expressed concern if a friend brings a car to the building that is larger than the midget racing car, Mr. Pollack would be found in violation of the special use permit, the zoning ordinance, and then subject to sanctions that come along with it. Mr. Hodges asked the Supervisors to consider adopting only the restriction on noise levels that are already permitted in the A-2 zone.

Frank Buchanan, neighbor, addressed the Board of Supervisors expressing his view that the special use permit should be approved with the restriction on noise levels only.

Scott Gobble addressed the Board of Supervisors expressing his view that the restriction on noise levels should be the only one.

There being no further comments, Mr. Derting declared the public hearing closed.

Mr. Rector commented that the matter has been confusing to all parties involved. He reported meeting together with Dr. Fisher, the Pollacks, and neighbors. He stated the concern is the racing car factor. He expressed his view that there is a need to protect the residents in the area, and that when the County considers future planning, the Supervisors should consider imposing restrictions on a special use permit.

Mr. Rector apologized to the Pollacks for the error that was made requiring this second hearing process to be held and to the neighbors for the breakdown in the procedure.

Mr. Rector made a motion, second by Mr. Barker, to approve Special Use Permit for George F. Pollack to construct and operate a small business in general, more specifically, a mechanical repair workshop and candle crafting on property located on the east side of State Route 735 near the intersection of State Route 735/11 in an A-2 (Agricultural, General) zone, Monroe Magisterial District with the following restrictions:

- (1) That this special use permit will replace the permit issued on May 8, 2001;
- (2) That there will be no mechanical repair or business use in the building that would cause noise levels in excess of what is already permitted in the A-2 zoning district;
- (3) That there be no manufacturing or mechanical repair on racing cars larger than midget racing cars that Mr. Pollack described in this public hearing.

Discussion ensued. Mr. Ingle whether if the County can legally restrict the exact type of cars on which Mr. Pollack does mechanical repair work.

In responding, for legal purposes, Ms. Bright suggested that the motion be stated with clarity and that it include the purpose for restricting the type of vehicle being worked on.

Mr. Rector expressed his view that restrictions are needed so that the type of engine Mr. Pollack runs is no larger than what he already has, that the noise level is no greater than a farm tractor, and that if Mr. Pollack goes to a bigger engine with more noise, the Board of Supervisors will review the permit and take action accordingly.

Further discussion ensued relative to the size of the car engines and the noise level.

Mr. Roberts asked Mr. Pollack for confirmation of his statement that he does not plan to go beyond the level of racing he is presently in. Mr. Pollack responded that if he had an opportunity to get a Busch car or Hooters Cup car, he stated they could show up in his shop, but as long as he meets the noise requirements of his neighbors and is a good A-2 citizen, he felt it didn't make a difference what he does behind the closed doors in his shop. He referenced race car shops, his shop in Ohio and the Morgan McClure Motorsports shop citing they are extremely clean. Mr. Pollack corrected a statement made about his building race cars. He stated he puts kits together and he maintains them, and there is no heavy fabrication involved.

Ms. Bright pointed out for Board consideration that Mr. Pollack is before the Board because of the size of his building. Mr.McCall agreed with Ms. Bright's comment, noting that in the A-2 Zone a person could work on racing cars in an attached garage without any special permit. She stated that the could be used for whatever purposes are allowed in the A-2 Zone if the building is less than 1,500 square feet. She recommended that the Supervisors keep that in mind when taking their action. She clarified, it is just the size of the building that required Mr. Pollack to obtain a special use permit.

Mr. McCall stated his main concern is he wished the special use permit had been rephrased as he does not believe Mr. Pollack is going into the racing car business as a business, that it is more of a private hobby. If the permit had been phrased as a small business for candle crafting or a special use for mechanical repair shop, it would have been more acceptable. As it stands, Mr. McCall stated, Mr. Pollack could build any racing car in the building and there is nothing to stop him.

Mr. Rector reiterated, the building will be a racing car shop, and he did not believe the restrictions are too great, and that it will provide a protection for the neighbors.

Mr. Ingle made a substitute motion, seconded by Mrs. Mumpower, to revoke the previously approved permit issued by the County, and further it was resolved to approve, as a replacment, a Special Use Permit for George F. Pollack to construct and operate a small business in general, more specifically, a mechanical repair workshop and candle crafting on property located on the east side of State Route 735 near the intersection of State Route 735/11 in an A-2 (Agricultural, General) zone, Monroe Magisterial District with the stipulation that he would not exceed the noise levels that are normally expected in agricultural uses.

The vote on this motion was as follows: (5-2)

Mr. Derting	Aye	Mr. Roberts	Aye	Mr. McCall	Aye
Mr. Ingle	Aye	Mr. Rector	Nay	Mrs. Mumpower	Aye
Mr. Barker	Nay				

Mr. Rector requested permission to make further comments on the Pollack public hearing process. He stated his view that the neighbors who have filed legal action through the courts regarding the special use permit have been mistreated and urged than an apology be given to them. He further stated they have expended money for attorney fees.

Mr. Rector made a motion, second by Mr. Barker, to reimburse attorney's fees to those people who were not notified by the County Zoning Department of the first George F. Pollack special use permit request and who should have received said notification.

Discussion ensued about the amount of money involved.

Mrs. Mumpower requested an explanation about how the error occurred whereby the County failed to notify specific property owners of the George Pollack special use permit request. Ms. Bright responded the state law requires the Zoning Department to provide notice to all abutting property owners as identified based on records at the tax commissioner's office (Commissioner of Revenue). She stated the only way the zoning department has to identify the abutting land owners is by taking the parcel identification number supplied by the applicant, looking at the tax commissioner's parcel identification numbers as described by the tax commissioners map and then visually picking out the numbers of abutting properties. She stated the map is not maintained or updated on a frequent basis, and the last update was in 1997; and the Zoning Department's maps match the maps of tax commissioners office. She explained when the Zoning Department referenced their map to identify the adjoining property owners, they had information that was several years old. Based on the parcel identification numbers they picked out from that map, they then go to the tax commissioners lists of names and addresses of owners of those properties and identify those names and addresses for the purpose of developing the mailing list. She stated those names and addresses are not necessarily up to date.

Mr. Rector emphasized his point that the County did not notify the correct people of the Pollack request and public hearing process from the beginning, and they had to hire an attorney.

Mr. Derting pointed out that when the matter was called to the attention of the Board of Supervisors that people had not been notified, the Supervisors took action to advertise a second public hearing. He emphasized it was done because it was the right thing to do not because of threats of court action. He stated that the point of the public hearing process at this meeting was to allow the individuals involved in the law suit the opportunity to speak at the public hearing so that the Planning Commission and the Board of Supervisors could consider their concerns and comments. He added he is opposed to the County paying attorney fees of individuals who file lawsuits again the County.

Mr. Ingle called for the question.

The vote on this motion was as follows: (2-5)

Mr. Derting	Nay	Mr. Roberts	Nay	Mr. McCall	Nay
Mr. Ingle	Nay	Mr. Rector	Aye	Mrs. Mumpower	Nay
Mr. Barker	Aye		•	•	•

On motion of Mrs. Mumpower, second by Mr. Ingle, it was resolved to take a brief recess.

The vote on this motion was as follows: (7-0)

Mr. Derting	Aye	Mr. Roberts	Aye	Mr. McCall	Aye
Mr. Ingle	Aye	Mr. Rector	Aye	Mrs. Mumpower	Aye
Mr. Barker	Aye				

# **Request for Special Use Permit:**

- (3). <u>Highlands Log Structures, Inc.</u>: Request for a Special Use Permit for a processing operation related to the construction of log homes on property located on the north side of State Route 11 near the intersection of State Route 11/869 in a B-2 (Business, General) zone, Wilson Magisterial District.
- a. Public Hearing
- b. Washington County Planning Commission Recommendation
- c. Washington County Board of Supervisor Action

This application was administratively withdrawn as part of the Modified Agenda.

(4). Paramont Land Company, Inc.: Request for a Special Use Permit to construct and operate an amusement center, more specifically, a Billiard Parlor on property located on the west side of State Route 19 near the intersection of State Route 825/19 in a B-2 (Business, General) zone, Harrison Magisterial District.

Ms. Lucy Bright excused herself from the room during discussions and actions by both the Planning Commission and Board of Supervisors on this matter for reasons of conflict of interest.

# a. Public Hearing

At this time Chairman Tyler opened the public hearing to receive comments both in support of and in opposition to Paramont Land Company, Inc. request for a Special Use Permit to construct and operate an amusement center, more specifically, a Billiard Parlor on property located on the west side of State Route 19 near the intersection of State Route 825/19 in a B-2 (Business General) zone

an amusement center, more specifically, a Billiard Parlor on property located on the west side of State Route 19 near the intersection of State Route 825/19 in a B-2 (Business, General) zone, Harrison Magisterial District.

Jim Brown, property owner, addressed the Board of Supervisors. He described the location of the terraced property stating he proposes to construct a building on one half acre on the lower level to house a suite of offices, and will also house a billiard parlor to be operated by Shooters in Abingdon. On the upper level, he proposes to construct a building for professional offices. He provided a letter from Abingdon High School endorsing the billiard parlor and the management operation of Shooters in Abingdon, and requested the special use permit be approved.

Mrs. Eugena Phillips addressed the Board of Supervisors posing questions about the proposal, stating she wanted to point out some inaccuracies contained in the application for a special use permit filed by Paramount Land Company, Inc.

She pointed out her name was omitted from the list of adjoining property owners, and that she is the owner of 25 acres of land to the east of the land in question. She pointed out information contained in a memorandum to the Planning Commission that surrounding zoning and land use to the east is vacant property.

She pointed out that the property is not vacant, that her family has owned and lived in a home there for 66 years and has managed the property as a farm. If the home and farm remains, she stated, it could be of historical value. She explained she has leased a small portion of her property adjacent to Porterfield Highway to a farm related business that does not disturb the neighborhood.

Mrs. Phillips pointed out the measurement of the line between the Paramount property and her property is inaccurate. She stated the location map states the length of the line between Paramount property and her property is 671.8 feet. She provided a recent survey stating the line is 768.77 feet.

Mrs. Phillips expressed concern that the development of this property will affect quality of life for her and her family. She raised questions about alcoholic beverages/food being served, the specific location of the building site, hours of operation, billiards/music/slot machines, location of parking lot/bright lights to her property.

Mrs. Phillips explained that her farm is a retreat for her family and would like to keep it that way.

Mrs. Phillips requested that a buffer zone of white pine trees be planted along the south and east sides of the property that will be developed for business by Paramount Land Company to lessen the sounds, sites and dangers associated with business development.

In conclusion, Mrs. Phillips asked for an extension or delay on the vote for this permit until the Paramount Land Company corrects the inaccuracies on the application, submits a site plan for their construction, defines how their business will be conducted, and responds to the request for a buffer zone between the two properties.

Mr. Tyler addressed the Planning Commission. He stated he is recusing himself from acting on the request for a special use permit. He stated he did not realize at the beginning of the presentation that Mrs. Phillips would be addressing the Commission, and she is a client of his. Chairman Tyler passed the Chairmanship over to Vice Chairman Doss to conduct the remainder of the public hearing.

Mr. Brown returned to the podium to respond to Mrs. Phillips' concerns. He stated he is not aware of any inconsistencies or errors on the application that he made. He explained there may be some misunderstanding about how the words are written. He stated the line between his property and Mrs. Phillips property is as Mrs. Phillips stated. The 678.8 feet refers to the frontage distance from where the northeast side of his property is relative to her property beginning on the southwest. The one-half acre tract is proposed to be on the farther end of the property and is 600 feet from the Phillips property line. He stated being 600 feet from the Phillips property line, he doesn't understand the need for a buffer or barrier. He explained when he came before the Planning Commission and Board of Supervisors in the past to designate the property as B-2, he committed to putting in a row of pine trees if and when the property was developed near the Phillips line. He stated he intends to keep the commitment if there is a need for it because of noise abatement, light, or aesthetics. He explained he expects there will be a brick office building on the property line between his and the Phillips property, and that Mrs. Phillips would not be able to see the billiard parlor from her property. Mr. Brown stated the Billiard parlor will be for adults and it will be run with no disturbance and complete cooperation with the police department. He affirmed that he does not want to be associated with a project that would discredit him or any project he is

connected to. Mr. Brown stated there is no plan for alcoholic beverages, and explained the hours of operation. Music outside the building and loitering in the parking lot, Mr. Brown stated, will not be allowed.

Mrs. Phillips responded to Mr. Brown's statements, asking for the buffer zone in order to protect her property. She asked if the one-half acre includes the parking lot or just the building. Mr. Brown stated it includes the building and parking lot, and will be on the north side of his property.

Pat Mannix addressed the Board inquiring about notice being given to adjoining property owners from current tax assessment records and the home that has been there for over 60 years. Mr. Brown stated the vacant property refers to the property between the one-half acre tract and Mrs. Phillips which is vacant.

There being no further discussion, Mr. Doss declared the public hearing closed.

# b. <u>Washington County Planning Commission Recommendation</u>

On motion of Mr. Duty, second by Mr. Young, it was resolved to recommend approval to the Board of Supervisors the request of Paramont Land Company, Inc. for a Special Use Permit to construct and operate an amusement center, more specifically, a Billiard Parlor on property located on the west side of State Route 19 near the intersection of State Route 825/19 in a B-2 (Business, General) zone, Harrison Magisterial District.

The vote on this motion was as follows: (6-0)

Mr. Young	Aye	Mr. Hutton	Aye	Mr. Duty	Aye
Dr. Fisher	Aye	Mr. Canter	Aye	Mr. Doss	Aye

Mr. Doss returned Chairmanship back to Mr. Tyler.

## c. Washington County Board of Supervisor Action

At this time Mr. Derting opened the public hearing to receive comments in support of or in favor of request of Paramont Land Company, Inc. for a Special Use Permit to construct and operate an amusement center, more specifically, a Billiard Parlor on property located on the west side of State Route 19 near the intersection of State Route 825/19 in a B-2 (Business, General) zone, Harrison Magisterial District.

There being no comments, Mr. Derting declared the public hearing closed.

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to follow the recommendation of the Planning Commission and approve request of Paramont Land Company, Inc. for a Special Use Permit to construct and operate an amusement center, more specifically, a Billiard Parlor on property located on the west side of State Route 19 near the intersection of State Route 825/19 in a B-2 (Business, General) zone, Harrison Magisterial District.

The vote on this motion was as follows: (7-0)

Mr. Derting	Aye	Mr. Roberts	Aye	Mr. McCall	Aye
Mr. Ingle	Aye	Mr. Rector	Aye	Mrs. Mumpower	Aye
Mr. Barker	Aye				

(5). John W. Hortenstine and H.C.Pratt on behalf of Lakeside Ready Mix, Inc.: Request for a Special Use Permit to construct and operate a concrete batch plant with the intent to sell concrete and concrete products to the public on property located on the west side of State Route 75 near the intersection of State Route 75/670 in an A-2 (Agricultural, General) zone, Madison Magisterial District.

#### a. Public Hearing

At this time Chairman Tyler opened the public hearing to receive comments both in support of and in opposition to Request for a Special Use Permit to construct and operate a concrete batch plant with the intent

to sell concrete and concrete products to the public on property located on the west side of State Route 75 near the intersection of State Route 75/670 in an A-2 (Agricultural, General) zone, Madison Magisterial District.

Commissioner Hutton recused himself from hearing this matter for the reason that Ms. VanDyke is a client of his. County Attorney Lucy Bright returned to the Board Table at this time.

Debbie Van Dyke, President of Lakeside Ready Mix, Inc., addressed the Commissioners describing the location and type of family business she operates. She explained the business has been operating in Washington County since 1999 and there have had no environmental violations. Ms. VanDyke stated the request for a special use permit is to move their business location from leased property on Vances Mill Road to a tract of land off Gravel Lake Road that she wishes to purchase, and is located at the upper most tract of land. She explained the products they use come from American Limestone, located in the same industrial complex.

Ms. VanDyke responded to questions regarding future expansion. She explained the size of the current property being leased will not allow for a garage, and the property she wishes to purchase is large enough for her to have a garage in order to do maintenance work on trucks. Additionally, she would like to put in a retail store frontage to display and sell different applications of cement.

Monroe Jamison, resident of County Club Estates on Fairway Drive, addressed the Commissioners. He stated from his home he can see the property proposed for the permitting change. He stated there is nothing in the special use permit that speaks to maintaining the size of Ms. VanDyke's current business, explaining he feels she is planning on expanding the operation in that location. He stated the cement plant is heavy industry and is much better suited for an industrial park. He expressed concern over the location of the cement plant stating it would be an eyesore and create a negative effect on the subdivision property values. Other concerns to him and his family, he stated, are an increase of industrial traffic of products to be manufactured and sold as a result of the special use permit. He stated there are additional concerns of air pollution and dust, potential for water and noise pollution generated by the plant operations and delivery trucks. He stated that the property being considered serves as a buffer zone between the rock quarry operation and a paving business, and the special use permit will industrialize the buffer zone area making it significantly different than current business uses.

Mike Maison, resident of Country Club Estates on Fairway Drive, addressed the Commissioners supporting comments from Mr. Jamison. He expressed his view that the issue to consider is pollution. The area, he stated, was zoned for residential growth, and additional industry to the area will discourage residential growth it. Mr. Maison explained there are additional concerns to be considered about noise, odors and traffic. He concluded that industry should be in industrial parks not proximate to residential areas.

Nancy Dutton, resident of Country Club Estates on Fairway Drive, and adjacent property owner, addressed the Commissioners. She explained she grew up next to a concrete plant and there was a tremendous amount of dust and noise from the plant. She stated her view that there is a better location for the plant and business other than in a residential area.

Karen Raines, resident of Country Club Estates on Fairway Drive, addressed the Commissioners inquiring about hours of operation for the plant, and the acreage Ms. VanDyke plans to purchase vs. what the business is being permitted for. Chairman Tyler responded to her questions.

Tom Wise, resident of Country Club Estates on Bogy Drive, addressed the Commissioners. He stated that the property under consideration is in view of his back lawn and expressed concern about it. He stated his opinion that the County needs to give more consideration to what is permitted in zoning districts and long term planning. He expressed his opposition to industry in a residential area.

Ed Dutton, resident of Country Club Estates on Fairway Drive, addressed the Commissioners in opposition to the proposed special use permit. He questioned the amount of acreage to be rezoned and used for a concrete facility. He expressed his view there will be a lot of rock and dust and there would be an environmental impact to the area. He asked that the Commissioners consider the buffer zone as it stands now, and act accordingly.

Debbie VanDyke responded to concerns of residents of Country Club Estates about the size of the proposed property, and truck traffic from her current business location. She stated DEQ requests that the proposed facility to be obscure and encouraged planting trees to surround the facility. She said that she intends to plant trees. She explained the general operation at the proposed business location would not change from her current location, pointing out that her request amounts only to a change in the business location. She explained the location is intended for the concrete plant and the garage to be on the back side of the building stating it would be beneath road level. At the road level, she explained, the public would enter a retail store front and there would be pine trees surrounding the property. She pointed out that her present location is in just as close a vicinity to the subdivision as she would be with the proposed move.

Mike Maison addressed the Commissioners presenting an early version of the Washington County Code, reading Sections 14-44 and 14-45.

Monroe Jamsion addressed the Commissioners referencing the drawing of area proposed for the special use stating there is a change in the zoning that stretches from the highway to the top of the hill. Additionally the proposed site, he stated, is on the hillside and noise will travel farther from that elevated site than from another location. He expressed his view that a fence or pine trees would not help buffer the noise.

There being no further comments, Mr. Tyler declared the public hearing closed.

#### b. Washington County Planning Commission Recommendation

Dr. Fisher made a motion to deny issuing a special use permit to John W. Hortenstine and H.C.Pratt on behalf of Lakeside Ready Mix, Inc. to construct and operate a concrete batch plant with the intent to sell concrete and concrete products to the public on property located on the west side of State Route 75 near the intersection of State Route 75/670 in an A-2 (Agricultural, General) zone, Madison Magisterial District for the reason it is in an agricultural area and would have a environmental impact on a number of the residents.

There was no second, and the motion died.

On motion of Mr. Doss, second by Mr. Duty, it was resolved to recommend approval to the Board of Supervisors the issuance of a special use permit to John W. Hortenstine and H.C.Pratt on behalf of Lakeside Ready Mix, Inc. to construct and operate a concrete batch plant with the intent to sell concrete and concrete products to the public on property located on the west side of State Route 75 near the intersection of State Route 75/670 in an A-2 (Agricultural, General) zone, Madison Magisterial District on the grounds there is already light industrial uses in the area and it may be more beneficial for traffic and access to other business.

The vote on this motion was as follows: (4-2-1)

Mr. Tyler	Nay	Mr. Young	Aye	Mr. Hutton	Abstain
Mr. Duty	Aye	Dr. Fisher	Nay	Mr. Canter	Aye
Mr. Doss	Aye				

# d. Washington County Board of Supervisor Action

At this time Mr. Derting opened the public hearing to receive comments both in support of and in opposition to John W. Hortenstine and H.C.Pratt on behalf of Lakeside Ready Mix, Inc. request for a Special Use Permit to

construct and operate a concrete batch plant with the intent to sell concrete and concrete products to the public on property located on the west side of State Route 75 near the intersection of State Route 75/670 in an A-2 (Agricultural, General) zone, Madison Magisterial District.

Monroe Jamison addressed the Board of Supervisors expressing concern that this request is being taken up and considered jointly at a meeting of the Planning Commission and the Board of Supervisors. He stated he doesn't feel the procedure allows adequate time for the public to be given due consideration to the recommendation of the Planning Commission and provide the Board of Supervisors an opportunity to study it and receive input. He urged, on behalf of the reasons he stated earlier, denial of the request or that the Supervisors table the matter until additional public comment could be heard.

Debby VanDyke addressed the Supervisors stating that the application and public hearing was published in the paper, the same as others being considered at this meeting.

There being no further comments, Mr. Derting declared the public hearing closed.

On motion of Mr. McCall, second by Mr. Ingle, it was resolved to follow the recommendation of the Planning Commission and approve John W. Hortenstine and H.C.Pratt on behalf of Lakeside Ready Mix, Inc. request for a Special Use Permit to construct and operate a concrete batch plant with the intent to sell concrete and concrete products to the public on property located on the west side of State Route 75 near the intersection of State Route 75/670 in an A-2 (Agricultural, General) zone, Madison Magisterial District with the following stipulations:

- (1) That the building be placed next to Noonkester's Taxidermy business;
- (2) That the hours will be 7:00 a.m. to 5:00 p.m.;
- (3) That a double row of pine trees be planted facing Route 75 to screen the business from Country Club Estates.

The vote on this motion was as follows: (5-1-1)

Mr. Derting	Aye	Mr. Roberts	Aye	Mr. McCall	Aye
Mr. Ingle	Aye	Mr. Rector	Nay	Mrs. Mumpower	Abstain
Mr. Barker	Aye				

**J.Herb Hayes**: Request for a Special Use Permit to operate a small business in general, more specifically a used car dealership with internet sales on property located on the west side of State Route 663 near the intersection of State Route 647/663 in an A-2 (Agricultural, General) zone, Wilson Magisterial District.

## a. **Public Hearing**

Chairman opened the public hearing to receive comments both in support of and in opposition to request of <u>J.Herb Hayes</u> for a Special Use Permit to operate a small business in general, more specifically a used car

dealership with internet sales on property located on the west side of State Route 663 near the intersection of State Route 647/663 in an A-2 (Agricultural, General) zone, Wilson Magisterial District.

John H. Hayes addressed the Planning Commission. He explained he is venturing into a small business enterprise of selling cars through internet sales and will be operating this business from his barn. He stated he is requesting a special use permit for his tobacco barn and one acre of land, and that the barn will be used for storage of automobiles. He stated there will be no exterior changes made to the barn, and the barn will not be used for automobile service or repair. He explained the requirement of the Department of Motor Vehicles in a B-2 zone to have special use permit. No vehicles, he stated, will be displayed on the exterior or in public view of the barn, and all sales will be made by the internet only. He stated the five surrounding farms that he owns will not be affected by the special use permit, and will not affect adjoining land owners. He stated there will be no noise or pollution as a result of his business. He explained the process of the internet sales and that digital photographs of available cars are transmitted via e-mail. He stated vehicles are purchased and sold via the internet, and may never come to Washington County. He emphasized that the special use permit is mainly to satisfy the requirement of Department of Motor Vehicles for a car dealership within the Commonwealth.

J. Haynes Wright, neighboring property owner, addressed the Supervisors. He described the neighboring properties being farms, golf courses and wealthy homes. He expressed opposition to the used car dealership for the reason it will lower property values. He explained Golden View Road, where he lives, is inadequate to handle school busses, lake traffic, farming equipment and general community activity. He stated fire hazards will be prevalent in this area because of the business, there will be noise problems from trucks in the evening, and junk vehicles will be parked in the forest area.

Nellie Wright addressed the Commissioners inquiring about the number of car parts and tires that will be stored, the amount of land to be used, and if the entire operation will be contained within the barn. She explained she is concerned about a fire hazard in the barn.

Keith Thompson, speaking to the Commissioners in opposition, stated that the area is agriculture and residential, and expressed concern for setting a precedent for using the property. He made the point there is a lot of residential area within sight of Mr. Hayes property. He expressed his view that the internet business Mr. Hayes is proposing does not require use of the barn and questioned the reason the barn needs to be part of the business.

Mr. Hayes addressed the Commissioners again stressing that the business is internet sales, that there may never be a car in the barn, and explained the special use permit is only to fulfill the requirements of DMV.

There being no further comments, Mr. Tyler declared the public hearing closed.

#### b. Washington County Planning Commission Recommendation

On motion of Mr. Canter, second by Mr. Doss, it was resolved to recommend to the Board of Supervisors the issuance of a special use permit for J.Herb Hayes to operate a small business in general, more

specifically a used car dealership with internet sales on property located on the west side of State Route 663 near the intersection of State Route 647/663 in an A-2 (Agricultural, General) zone, Wilson Magisterial District with stipulations that if there are any cars there, they will be in

the barn, there will be no service work of any type done on vehicles, and that a section of the barn be reserved for display of a vehicle if Mr. Hayes is required to have one there.

The vote on this motion was as follows: (5-2)

Mr. Tyler	Nay	Mr. Young	Aye	Mr. Hutton	Nay
Mr. Duty	Aye	Dr. Fisher	Aye	Mr. Canter	Aye
Mr. Doss	Aye				

# a. Washington County Board of Supervisor Action

At this time Mr. Derting opened the public hearing to receive comments in support of and in opposition to J. Herb Hayes request for a Special Use Permit to operate a small business in general, more specifically a used car

dealership with internet sales on property located on the west side of State Route 663 near the intersection of State Route 647/663 in an A-2 (Agricultural, General) zone, Wilson Magisterial District.

Mr. Hayes, referring to the speakers who addressed the Commissioners, stated they don't join his property.

Nellie Wright, addressing the Supervisors, expressed concern over pollution amd stated there is a small creek that runs within feet of the barn. She inquired about storing tires outside the barn, and the number of cars Mr. Hayes is allowed to park. Mr. Hayes responded to Mrs. Wright that no tires would be stored outside the building and that he understood the DMV to require space for two vehicles.

There being no further comments, Mr. Derting declared the public hearing closed.

Mrs. Mumpower commented about the speakers having legitimate concerns and expressed her view that perhaps this is not a good location for the business. She questioned the property owners about their acceptance of the business if stipulations were placed on the special use permit.

Mrs. Mumpower made a motion, second by Mr. Rector to deny request of J. Herb Hayes for a Special Use Permit to operate a small business in general, more specifically a used car dealership with internet sales on property located on the west side of State Route 663 near the intersection of State Route 647/663 in an A-2 (Agricultural, General) zone, Wilson Magisterial District.

Discussion ensued. Mr. Roberts commented on Mr. Hayes attempts to replace his tobacco business with a computer business venture stating it appears it will have less impact on the community. Mr. McCall expressed the point that Mr. Hayes just requires an address for his business to satisfy the requirement of DMV, and that there would be more traffic with farm equipment than what he would have with two cars in the barn. He asked if Mr. Hayes could agree to being limited to two cars. Mr. Hayes was in agreement

More discussion ensued between speakers and the Supervisors. Questions were raised about Mr. Hayes operating the business from his house. Ms. Freeman commented on the dealership regulations from DMV for internet sales.

Mrs. Mumpower withdrew her motion.

On motion of Mrs. Mumpower, second by Mr. Barker, it was resolved to continue the public hearing on this matter to the next regular Board of Supervisors meeting on August 14, 2001.

The vote on this motion was as follows: (7-0)

Mr. Derting	Aye	Mr. Roberts	Aye	Mr. McCall	Aye
Mr. Ingle Mr. Barker	Aye Aye	Mr. Rector	Aye	Mrs. Mumpower	Aye

(7). <u>Carl and Susan Blevins</u>: Request for a Special Use Permit to construct a multi-family dwelling on property located on the south side of State Route 609 near the intersection of State Route 609/737 in a V (Village) zone, Monroe Magisterial District.

# a. **Public Hearing**

Chairman Tyler opened the public hearing to receive comments both in support of and in opposition to request of Carl and Susan Blevins for a Special Use Permit to construct a multi-family dwelling on property

located on the south side of State Route 609 near the intersection of State Route 609/737 in a V (Village) zone, Monroe Magisterial District

Susan Blevins, property owner, addressed the Commissioners. She stated after purchasing the property, she learned there is a need for housing for young professionals and faculty at Emory & Henry College. She explained her husband made contact with surrounding property owners. She and her husband obtained a survey, received a building permit to construct one unit, and did a lot of earth work to divert water from neighbors properties.

Mrs. Blevins explained it is her intent to have townhouses constructed, and reported the college contacted her expressing interest. She stated she was unaware that a public hearing was scheduled and only learned of it from the college who received a copy of her application for a special use permit from the Zoning Department. Mrs. Blevins stated she was amazed that the college received a certified letter and that she, as the property owner, did not receive one. She stated she learned about this public hearing in the newspaper.

Mrs. Blevins had with her a copy of the engineer's plans and the lease agreement she will use explaining that the lease includes a conduct clause, stipulations for occupants, and sanctions. Discussion ensued with Ms. Freeman providing clarification of multi-family dwelling, condominiums and townhouses. It was pointed out that the multi-family dwelling is not conveyable and is rental property only. She presented a copy of the floor plans showing the unit is 980 sq. ft. and stating she intends to have three but no more than five additional attached units on the property.

Eugene Mink, adjoining property owner, addressed the Commissioners stating he has a dwelling house on his property with a shop and apartment. He expressed support for Mr. & Mrs. Blevins application and did not feel it would have a negative impact on the neighborhood or the property values.

Reelia Watson, addressed the Commissioners, explaining members of his family own surrounding properties on three sides of the Blevins property. He expressed his belief that these property owners were not contacted by the Blevins and are not in favor of the proposed construction. He stated there is one structure already erected under the zoning regulations. He stated it doesn't appear the buildings will all be attached in one unit. He pointed out that the area is zoned single family dwelling, and the residents have lived there for many years. He stated it is not a question of denying the Blevins the use of their property as they were aware of the zoning when they purchased it. Now, he stated, they want the zoning to be changed.

Mr. Watson expressed concern about the increased traffic, noise, and parties that go on around colleges, and stated the property owners do not wish to have that. He described the neighborhood as quiet with not a lot of traffic.

Mr. Watson, speaking for his relatives, requested the special use permit be denied. He reported the Blevins do not live in the community and will not be there to supervise the dwelling.

Patrick Mannix expressed concern about the applications and notifications coming before both Boards. He repeated Mrs. Blevins' concerns and Mr. Watson's comment, and asked why there is an issue with notification. Mr. Watson corrected Mr. Mannix saying that the property owners did receive notice of the hearing, however, his comment earlier was that the property owners were not contacted by Mr. Blevins as was claimed by Mrs. Blevins. Chairman Tyler confirmed that was how he heard Mr. Watson make the statement.

In an effort to correct a misunderstanding, Chairman Tyler commented to Mr. Mannix that Mrs. Blevins gave the address of the property on the application for a special use permit. Because she does not live at that address, Mr. Tyler explained, the notice was not mailed to her, however, notice by certified mail was mailed to the adjoining property owners.

In response to a comment made by Mr. Watson, Mrs. Blevins stated her understanding that before Mr. Blevins cleared brush around the property, he spoke to the property owners.

Mrs. Blevins came back before the Commissioners to comment on the construction quality of the units stating they will exceed the building code requirements.

There being no further comments, Chairman Tyler declared the public hearing closed.

# b. <u>Washington County Planning Commission Recommendation</u>

Dr. Fisher commented that since Emory & Henry College was named during the public hearing, he wanted to make clear that he is employed by the college, however, he is in no way representing the college, and feels he can act on his own judgment with regard to this request.

Dr. Fisher reported he was contacted by the Stanley family and one other individual, and they were in opposition to the special use permit.

On motion of Dr. Fisher, second by Mr. Canter it was resolved to deny request of Carl and Susan Blevins for a Special Use Permit to construct a multi-family dwelling on property located on the south side of State Route 609 near the intersection of State Route 609/737 in a V (Village) zone, Monroe Magisterial District based on the area being zoned for single family residences and the number of neighbors in opposition to the proposal.

The vote on this motion was as follows: (6-1)

Mr. Tyler	Aye	Mr. Young	Aye	Mr. Hutton	Aye
Mr. Duty	Nay	Dr. Fisher	Aye	Mr. Canter	Aye
Mr. Doss	Ave				•

#### c. Washington County Board of Supervisor Action

At this time Mr. Derting opened the public hearing to receive comments both in support of and in opposition to request of Carl and Susan Blevins for a Special Use Permit to construct a multi-family dwelling on property

located on the south side of State Route 609 near the intersection of State Route 609/737 in a V (Village) zone, Monroe Magisterial District.

Lacy Love addressed the Supervisors urging they follow the recommendation of the Planning Commission and deny request.

There being no further comments, Mr. Derting declared the public hearing closed.

Mr. Rector commented prior to making a motion. He expressed his view that the Blevins intend to make improvements to the community by constructing multi-family dwellings, and stated his understanding of the neighbors' concerns.

On motion of Mr. Rector, second by Mr. Barker to accept request Carl and Susan Blevins and grant a Special Use Permit to construct a multi-family dwelling on property located on the south side of State Route 609 near the intersection of State Route 609/737 in a V (Village) zone, Monroe Magisterial District.

The vote on this motion was as follows: (3-4)

Mr. Derting	Nay	Mr. Roberts	Nay	Mr. McCall	Aye
Mr. Ingle	Nay	Mr. Rector	Aye	Mrs. Mumpower	Nay
Mr. Barker	Aye			_	

# (5). Old Business of the Planning Commission

There were no items discussed.

### (6). New Business:

a. Consideration of Resolution Establishing Washington County Comprehensive Plan Steering Committee

On motion of Mr. McCall, second by Mr. Roberts, it was resolved to adopt the following resolution:

# RESOLUTION NO. 2001-19

# ESTABLISHING THE JOINT BOARD OF SUPERVISORS – WASHINGTON COUNTY PLANNING COMMISSION COMPREHENSIVE PLAN STEERING COMMITTEE FOR CALENDAR YEAR 2001

WHEREAS, pursuant to the By-Laws of the Washington County Board of Supervisors for Calendar Year 2001, Committees and Advisory Boards of the Board of Supervisors may be formed for the purposes of in-depth review, investigation, oversight, research, development and/or reporting on or about matters of interest to the Board or County, and

WHEREAS, the Board of Supervisors has determined there are such matters that warrant the establishment of Committees and Advisory Boards;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby establishes and makes the following appointments to a Committee as of July 30, 2001:

a.

<u>Joint Board of Supervisors/Planning Commission Comprehensive Plan Steering Committee,</u> for the purpose of for the purpose of review, oversight, coordination and direction of the development of a new Washington County Comprehensive Plan.

Appointees to this Committee shall be \_\_\_\_\_\_ and \_\_\_\_\_ (deferred to August 14, 2001 regular meeting) as representatives of the Board of Supervisors. The County Planning Commission shall appoint a like number of representatives from its members. The County Administrator, Assistant County Administrator, County Attorney, County Planner, County Zoning & Subdivision Official and representatives from the Virginia Cooperative Extension shall assist in the work of this Committee. These Committee members may seek additional participants as deemed necessary and appropriate in pursuit of matters to which the Committee is charged. All meetings of the Committee shall be open to the public unless such matters come before the Committee as may be exempt from disclosure pursuant to the Virginia Freedom of Information Act.

BE IT FURTHER RESOLVED that this Committee organizes and conduct itself in the manner they deem appropriate in pursuit of matters in their charge and in accordance with all state and local law.

BE IT FURTHER RESOLVED that the Joint Board of Supervisors/Planning Commission Comprehensive Plan Committee formed January 9, 2001 is hereby dissolved.

The vote on this motion was as follows: (7-0)

Mr. Derting	Aye	Mr. Roberts	Aye	Mr. McCall	Aye
Mr. Ingle	Aye	Mr. Rector	Aye	Mrs. Mumpower	Aye
Mr. Barker	Aye				

Chairman Derting urged the Supervisors to consider appointments they would like to make to the Washington County Comprehensive Plan Steering Committee at the August 14, 2001 meeting.

Mr.Derting turned the meeting over to Chairman Tyler for the purposes of considering the following agenda item.

# b. <u>Planning Commission consideration of Appointments to Washington County Comprehensive Plan Steering Committee</u>

On motion of Mr. Doss, second by Mr. Hutton, it was resolved to appoint Mr. Bill Canter and Chairman Mickey Tyler to the Washington County Comprehensive Plan Steering Committee representing the Washington County Planning Commission.

The vote on this motion was as follows: (7-0)

Mr. Tyler	Aye	Mr. Young	Aye	Mr. Hutton	Aye
Mr. Duty	Aye	Dr. Fisher	Aye	Mr. Canter	Aye
Mr. Doss	Aye				

# (7). Adjournment- Washington County Planning Commission

On motion of Mr. Doss, second by Mr. Hutton, it was resolved to adjourn the meeting.

7/30/01	10225
Mr. Hutton Mr. Canter	Aye Aye
oard of Supervisors  Mr. McCall, it wa	•
Mr. McCall Mrs. Mumpower	Aye Aye

Mickey E. Tyler, Chairman

WC Planning Commission

(8). Adjournment- Washington County Board of Supervisor

Mr. Young

Dr. Fisher

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to adjourn the meeting.

Aye

Aye

The vote on this motion was as follows: (7-0)

The vote on this motion was as follows: (7-0)

Aye

Aye

Aye

Mr. Tyler

Mr. Duty

Mr. Doss

Mr. Derting Mr. Ingle Mr. Barker	Aye Aye Aye	Mr. Roberts Mr. Rector	Aye Aye	Mr. McCall Mrs. Mumpower	Aye Aye
				Joe W. Derting, Cha WC Board of Sup	