

**Northumberland County Planning Commission**  
**October 15, 2009**  
**Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on October 15, 2009 at 7:00 p.m. in the Courthouse at Heathsville, VA with the following attendance:

Thomas Basker	Absent	Bill Kling	Present
Chris Cralle	Present	George Kranda	Present
Kevin Elmore	Present	Garfield Parker	Present
Alfred Fisher-Chairman	Present	Jim Stone	Absent
Ed King	Absent	Charles Williams	Present

Others in attendance:

Richard Haynie (Board of Supervisors Liaison)  
Luttrell Tadlock (Assistant County Administrator)  
W.H. Shirley (Zoning Administrator)

**RE: CALL TO ORDER**

Al Fisher, Chairman, called the meeting to order.

Garfield Parker gave the invocation.

**RE: BOARD OF SUPERVISORS' REPORT**

Luttrell Tadlock gave the Board of Supervisors' Report.

**RE: MINUTES**

With a motion from Chris Cralle, seconded by Bill Kling, and approved by all, the Planning Commission approved the September 17, 2009 monthly meeting minutes. The vote on the matter was as follows:

Thomas Basker	Absent	Bill Kling	AYE
Chris Cralle	AYE	George Kranda	AYE
Kevin Elmore	AYE	Garfield Parker	AYE
Alfred Fisher-Chairman	AYE	Jim Stone	Absent
Ed King	Absent	Charles Williams	AYE

**RE: PUBLIC HEARING- PROPOSED RESIDENTIAL RECREATIONAL DISTRICT (R-6)**

Luttrell Tadlock explained the proposed language before the Commission.

Al Fisher opened the public hearing.

Peter Braatz noted that the proposed document looked like an outline. This document lacked definitions as to what area was specifically being discussed. One specific area was the area regulations. He wondered what would happen to those existing systems. One thing that he was led to believe was that mobile homes would not be allowed. Mr. Braatz questioned some of the definitions - what was an accessory building, what exactly was the Commission voting on, and what was the extent of the new regulations? He also wanted to know why he was hearing about this two hours before the meeting, but he realized that it was advertised. He understood that this was a set of new regulations, but there needed to be more “meat on the bones” before this was passed forward to the Board of Supervisors. What was the total area covered? He also questioned what the commentary was referencing signage and fencing.

Frank Lewis noted he resides in Indian Creek and was part of the Board of Directors there. The group “Board of Directors” met with Thomas Tomlin (District IV, Board of Supervisor Member). There is very little new to the language being proposed, if this needs more specificity then so do R2 and R3 since the R6 proposed language was taken from those districts. We have had a number of conversations about doing this over the last couple of years and have heard virtually no objections. The principle purpose is to preclude trailers in Indian Creek Estates which could exist with sewer on those lots that currently do not perk.

Ben Burton noted that he is a Senior Civil Engineer with Bay Design Group. He stated he had several items concerning him regarding some of the comments in the zoning but was not really questioning the need for the new district. 1.) The Purpose is to facilitate medium density around golf courses, country clubs, and yacht clubs and has evolved because of Indian Creek since all of these uses exist at this location. It would make for an interesting rezoning application due to the fact all property owners would need to sign off on the rezoning. He is concerned about the statement of having medium density around these features for new property but in the use regulations it does state or require these vicinities have a large area for a golf course, etc. The language needs to be clarified to tie it to the justification of being able to have smaller lots as stated in the purpose statement. The marina would not justify having smaller lots. 2.) In lines 80-93 with regards to clustering, normally the concept of clustering involves one having smaller lots with smaller setback requirements in exchange for a larger open space area. There is nothing in this set of regulations he sees that would allow one to have a smaller lot size than was stated earlier. Line 88 indicates each building should contain no more than eight dwelling units. To most land planners that would indicate there is a multi-family component to this; however, he does not see where multi-family is allowed. He suggested the language on lines 85 and 86 be clarified so one will not be confused as to what the 35% and 50% is referring to: is the 35% within the 50%? There also needs to be some statement that indicates a cluster lot can have a smaller than average lot size. He worked with Don Gill of Lancaster when they adopted their cluster language, and they had smaller lot sizes for clustering. He finished by saying the intent seems to be justified, but there is a need to look at the open space, etc.

Ida Hall questioned the statement medium density. You are allowing ¾ acre lot sizes compared to the 1 acre lot sizes in other districts. She felt this was more a higher density than a medium density. The definition needs to be edited. She also commented that under Community Clubhouse, the Commission may be better off to list it as a Clubhouse (Private/Community).

Ron Herring noted that, as a builder, the 125 ft. at the building line is difficult to obtain when clustering. The 35 ft. height restriction is a problem. This may not be acceptable in some cases. The setback from the roads is also a concern. This is a good start. He also noted that the Covenants and Restrictions for a subdivision can be more restrictive but not less restrictive than the County's regulations.

W.H. Shirley noted the 125ft. pertains only to new developments. When you cluster develop you may have a party line. The 125 ft. building setback line would not pertain to clustering. The zoning ordinance also allows one to build up to 45 ft. if one can meet the additional setback requirements.

Frank Lewis noted that the Covenants and Restrictions for Indian Creek have expired.

Gary Swift noted he wanted to clarify that mobile homes and trailers are excluded; therefore, any single family dwelling would have to be a house.

W.H. Shirley noted this district would only include stick built and modular homes.

Bill Kling asked if any of the empty lots are being threatened with possible trailers.

Gary Swift noted he is not aware of any particular threat of a trailer being placed on a lot to date.

With no further comments, the public hearing was closed.

Al Fisher asked if all the landowners needed to sign off on the rezoning request.

George Kranda noted he would think that each individual would need to make application for their property to be rezoned.

Ben Burton said each property owner needs to make application for their property to be rezoned.

Frank Lewis noted they were advised that the rezoning application would be submitted by the County.

W.H. Shirley noted he felt if the Board of Supervisors wanted to rezone an area (like Indian Creek) they would be able to do so.

Luttrell Tadlock commented he would get clarification for the Commission on this matter.

George Kranda asked if it would be better to have additional language for marinas so they would not have to be litigated at a future time.

W.H. Shirley noted marina size should be determined at the time of the application for the application to be rezoned.

Al Fisher asked Mr. Lewis, if in any of their discussions, did they receive any negative feedback to this proposal.

Frank Lewis noted he was the past president and Gary Swift is the current president of the Indian Creek Yacht and Country Club. He had not received any negative comments. He also noted their intention is to do a survey once they find out if the R-6 zoning classification passes.

With a motion from Garfield Parker, seconded by Bill Kling, and approved by all, the language for the proposed R-6 Residential Recreational Zoning District was tabled until November 19, 2009 so some of the questions that were raised during the public hearing could be answered. The vote on the matter was as follows:

Thomas Basker	Absent	Bill Kling	AYE
Chris Cralle	AYE	George Kranda	AYE
Kevin Elmore	AYE	Garfield Parker	AYE
Alfred Fisher-Chairman	AYE	Jim Stone	Absent
Ed King	Absent	Charles Williams	AYE

**RE: OTHER BUSINESS**

There was no other business to be brought before the Commission

**RE: PUBLIC COMMENT PERIOD**

Ralph Millar noted he sees one down side to this as not including multi-family. The Commission shouldn't write this to just cover Indian Creek. The Commission should look at future opportunities where other recreational activities could occur in future developments (such as walking trails). This district needs to be opened up to more than what is just in the purpose statement. Don't restrict this district to the point that it can't be used somewhere else in the County.

Frank Lewis noted they brought this before 75 property owners at one of their socials in early October, and there was not one single person opposed to the idea.

Peter Braatz asked if there will be a designation, who sets the parameters for what area is rezoned? There are other people living in that area who need to be apprised of this. There are others that have not been consulted. This is not common knowledge to a lot of people.

Gary Swift and Frank Lewis noted this would include Indian Creek Yacht and Country Club Estates area.

**RE: ADJOURNMENT**

With a motion from Garfield Parker, seconded by Bill Kling, and approved by all, the meeting was adjourned. The vote on the matter was as follows:

Thomas Basker	Absent	Bill Kling	AYE
Chris Cralle	AYE	George Kranda	AYE
Kevin Elmore	AYE	Garfield Parker	AYE
Alfred Fisher-Chairman	AYE	Jim Stone	Absent
Ed King	Absent	Charles Williams	AYE