

TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING

MINUTES

6-21-10

MEMBERS PRESENT: Chairman Martin Hauser (arrived at 7:35 P.M.), Eric V. Hinson, Chad Webb, and Armando Flores.

MEMBERS ABSENT: Mark DeVita and Johnson Coleman.

OTHERS PRESENT: Town Manager/Zoning Administrator Stephen Manster, Town Treasurer Kathy McVay and William Beazley.

NEW BUSINESS:

WHATEVER AUTOMOTIVE & SALES INC: The Chairman was delayed due to a traffic accident on I-95 and the ZA stated that since a quorum was not present, the Planning Commission could not vote on any matter. He stated that the Planning Commission could receive a presentation from a new business owner on A.P. Hill Boulevard. Mr. Manster introduced Mr. Paul Robinson who will be selling used cars at retail and wholesale pricing. Mr. Robinson stated that he would be opening a new business, Whatever Automotive & Sales Inc, at 17398 A.P. Hill Boulevard in the former Rinker Motors building. He stated that he was considering opening a new car dealership franchise for the Smart Car. He stated that he had received his DMV license to sell cars. He currently has a staff of three and plans to hire more in the future. The ZA stated that there have been no changes in the building and the property by right allows for retail and wholesales car sales. The ZA stated that Caroline County Department of Inspections has inspected and approved the property. Also the Health Department has inspected and approved the water and sewer utilities. He noted that the septic tank had been pumped out. The ZA stated that Mr. Robinson had done considerable work on the property by removing tires, removing a trailer and other debris, cutting grass and general cleanup. Mr. Robinson stated that is currently leasing the property from Mr. Hugh Cosner with the option to buy. He stated that he had removed 210 tires from the property and had complied with all requirements from the Town and Mr. Manster. Hinson explained to Mr. Robinson about the planned expansion of water and sewer utilities by the Town along the Rt 301 Corridor to Ft. A.P. Hill. Mr. Robinson stated that he had heard about it. Hinson offered the availability of the Town website and Mr. Robinson stated that he had a website at www.whateverautomotivesale.com. Mr. Hinson stated that he would link his business to the Town website. Mr. Robinson stated that future plans could include 3-5 mechanics, wrecker service and more employees. Hinson stated lighting was an issue since the property is located near Ft. A.P. Hill and that down lighting would be suggested. The ZA and the Planning Commission thanked Mr. Robinson for being present at the meeting and wished

Chairman _____

Clerk _____

him success in his business venture.

(Hauser entered the meeting at 7:35 P.M.)

The Chairman called the meeting to order at 7:35 P.M.

NEW BUSINESS:

BOWLING GREEN ESTATES – PRELIMINARY PLAT: The ZA stated that Mr. William Beazley was present regarding the preliminary plat for the Bowling Green Estates. Mr. Manster stated a letter had been sent to BGM Ventures on October 23, 2008 that detailed the status of the preliminary plat and copy of that letter is attached to these minutes as Attachment A. He stated that the Preliminary Plat was approved by the Planning Commission on Oct 4, 2007 and that the vesting of the Preliminary Plat began then. He stated that the Bowling Green Town Council approved the Final Plat on April 3, 2008. There were three conditions placed on the approval and two of the three were compiled with quickly. The only outstanding matter was the bond for the improvements which has not been submitted. The bond was the final requirement in order for the Final Plat to be recorded at the Caroline County Circuit Court. He stated that the State Code §15.2-2241 specifies that an approved Final Plat must be recorded within six months of approval, or the Final Plat approval is withdrawn and the Plat marked “void”, unless the construction of improvements is started or bond posted. The ZA stated that as of this date, no bond has been posted and the Final Plat has not been recorded. The ZA stated that the Final Plat is void and that the Preliminary Plat approved in October 2007 and the accompanying construction plans remain valid until October 4, 2010. The ZA stated that the vesting period may be extended beyond 2010 if you diligently pursue approval of a Final Plat. A copy of State Code Section 15.2-2260F is attached as Attachment B which clarifies this matter. Mr. Beazley stated that because of the economic downturn, they felt it was not the appropriate time to start the project. The ZA stated that the Preliminary Plat could be valid for 5 years but the Planning Commission has the option to review the matter after 3 years. The ZA stated that on the agenda tonight was the matter of the Preliminary Plat for the Bowling Green Estates. He stated that Planning Commission acts as the agent for the Bowling Green Town Council and that the Planning Commission should decide if it wants to grant the 2 year period or if not BGM Ventures would have to receive 90 days notice. The notice would only have to be given if the full five year period is not granted. Mr. Beazley requested that the Planning Commission consider the request for the 5 year period. He stated that the main reason the project had not been started was due to the poor economy. He stated that they had already invested over \$700,000 in the project and have already invested 5 years into the project. Hinson asked about the status of the property and if the auction was still scheduled. Mr. Beazley stated that the project would probably have new investors. He stated that the plans are still to build the same subdivision as submitted. He stated that the property could still face the fate of being auctioned. The ZA stated that after 3 years the Planning Commission has the authority to revoke the Preliminary Plat after giving 90 days notice. The ZA stated that the Commission may revoke preliminary approval based on the finding that the developer has not

Chairman _____

Clerk _____

diligently pursued approval of the Final Subdivision Plat. Hauser stated the felt that diligent effort had been made by trying to secure investors for the project. The ZA stated that the developer had secured the Final Plat approval and then the economy did a down turn. Mr. Beazley felt that if the right investors could be secured that the project could be done. He requested that the 2 year extension be granted. Mr. Webb stated that he was in favor of granting the extension and asked if maybe the project could be phased. Mr. Beazley stated that it would be more cost effective to build the infrastructure for the entire subdivision of 24 lots at one time. The original plan included four builders for the housing. He stated that the housing was similar to the Bowling Green Meadows with the option of either an attached or detached garage.

On motion by Flores, seconded by Webb, the Planning Commission voted to extend Preliminary Plat approval for the Bowling Green Estate Subdivision until October 4, 2012 since the developer has made diligent effort in pursuing Final Plat approval and the effort warrants the extension to the full 5 year vested period. Voting Aye: Hauser, Hinson, Webb, and Flores.

COURTHOUSE LANE APTS: The ZA stated that the architect had been invited and was unable to attend. Flores expressed displeasure that the architect was not in attendance and asked that he be present at the next meeting. Mr. Hauser felt that it was inappropriate to require that the architect be present at the meeting for an issue that did not require him to come before the Planning Commission. He stated that Planning Commission has no authority over this matter. The ZA stated that at the last meeting a question was raised about the lighting and that plans had been sent to Ft. A.P. Hill and that an email had been sent back that the lighting was in compliance.

EROSION AND SEDIMENT CONTROL ORDINANCE: A copy of Caroline County's E&S Control Ordinance was included in the Planning Commission packet (Attachment C). The ZA stated that ordinance was adopted by Caroline County on November 25, 2003 and will be referenced in the Town Code. He stated that this will be part of the recodification of the Town Code by the Bowling Green Town Council and the Town Attorney. Hinson stated that language will be placed in the Town Code detailing the action required by the Town and the balance will be referenced to the County Code for their action.

MINUTES – May 17, 2010 MEETING: **On motion by Webb, seconded by Flores, the Planning Commission voted to approve the minutes of May 17, 2010 as written. Voting Aye: Hauser, Hinson, Webb, and Flores.**

UNFINISHED BUSINESS:

INFORMATIONAL ITEMS:

BGTC Representative's Report - A copy of the April 1, 2010 and May 6, 2010 reports of the

Chairman _____

Clerk _____

Bowling Green Town Council meetings (Attachment D) are attached to these minutes for reference.

Planning Commission Vacancies - Hinson reported that the Bowling Green Town Council had conducted interviews to fill the vacancies on the Bowling Green Planning Commission. He stated that it was a concern that once he leaves at the end of June 2010 that there will be no Certified Planning Commission members on the Planning Commission. He stated that the Planning Commission Bylaws require that each member complete a course and become a Certified Planning Commission member within a year of appointment.

Hinson – Thank You - Chairman Hauser thanked Mr. Hinson for all his hard work on the Planning Commission.

ADJOURNMENT: On motion by Hinson, seconded by Flores, the Planning Commission voted to adjourn at 8:19 P.M. Voting Aye: Hauser, Hinson, Webb, and Flores.

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