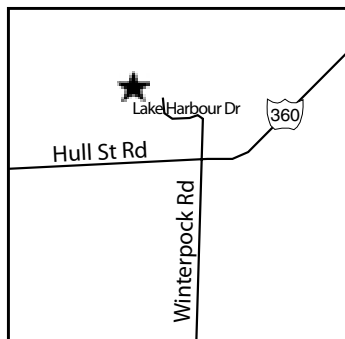


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Planners not expected to change alcohol ordinance

By Greg Pearson
STAFF WRITER

An ordinance that prohibits the sale of alcohol within 500 feet of a school is likely to remain unchanged. That's the way the planning commission is leaning, though the Board of Supervisors has the final say.

At its meeting last week, the commission deferred making a decision on whether to change the ordinance for 60 days, giving members more time to study the issue.

Chesterfield Principal Planner Carl Schlaudt told the commissioners there is "no statistical data to support" the ordinance. "It's difficult to show causality," he added.

Midlothian Planning Commissioner Dan Gecker prefers to see data and not just "a conclusion." He wants to know if there are more arrests for "weapons violations and DUIs" near schools when alcohol is served nearby.

When the Board of Supervisors approved the ordinance years ago, it exempted those schools where businesses were already selling alcohol within 500 feet. As a result, most schools—like Midlothian Middle School—are exempted. Because of all the exemptions, "the ordinance has so little application that there's no reason to tinker with it," explained Gecker.

Planning Commission Chairman Jack Wilson expressed concern about the ordinance, saying he "was fundamentally against treating the schools differently."

Several months ago, the board exempted Dellwood Plantation, a special events business, even though Matoaca High School is within 500 feet and was built after the ordinance was enacted.

Courthouse Road Plan

The update of the Courthouse Road Plan will not be ready for a public hearing before the planning commission until January. Two months ago, the commission held a public meeting at Monacan High School, and many citizens voiced objections to allowing more commercial zoning between routes 60 and 360 as planned.

Gecker and Clover Hill Planning Commissioner Russ Gulley are meeting with planning staff next month to discuss citizen comments. Another public meeting is planned before the public hearing.

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and private property rights. The commission unanimously deferred the amendment until its Nov. 16 meeting.

"We need to study what this [code amendment] means," said Gecker.

A few months ago, Morrisette won his appeal in Chesterfield Circuit Court, dismissing a summons and \$100 fine against him. Morrisette's signs have alleged that a "Chesterfield Mafia" exists and that three supervisors and the county administrator are "corrupt, self-serving liars."

Chief Judge Cleo E. Powell ruled the signs on Morrisette's property "have not been proven to be educational and, therefore, do not fall within the prohibition of [the current] code." The county's primary argument was that the signs were 32 square feet, and the sign ordinance prohibited signs larger than eight square feet. Morrisette insisted that the issue was freedom of speech, and he had a constitutional right to inform those who passed by his

Watershed report

The Environmental Engineering Department will brief the commission on Nov. 16 about the current levels of phosphorous in the Swift Creek Reservoir. Water Control Manager Scott Flanigan is expected to predict future levels at the commission's December meeting.

The commission has been waiting for years to know those figures, so it can accurately recommend action on zoning cases in the watershed. The Upper Swift Creek Watershed covers most of northwest Chesterfield County, and a county ordinance limits the amount of phosphorous permitted. County officials expect an even more stringent standard to be set by the state next year.

As a stopgap measure, the commission recommended that the county board repeal the cost of pro-rata regional BMPs (ponds that collect runoff) and require individual developers to control runoff within their developments.

The goal is to preserve the manmade reservoir as a safe source of county drinking water.

Commission bylaws

To ensure that there is enough time to review zoning cases, the commission and county planners are proposing to remove the 15 case maximum per meeting. They believe applicants are filing cases before they are ready in order to get scheduled. Cases that are not prepared can be deferred and are rescheduled even if they exceed the maximum case load.

According to Beverly Rogers, assistant director for planning and special projects, the number of cases heard by the commission remains at about 125 annually, but the number of public hearings has skyrocketed, because of the deferrals. She said planners are not having enough time to prepare for the cases.

Planning Director Kirk Turner agreed, saying incomplete rezoning applications are being filed and applicants often hold back information from his staff and from citizens during community meetings.

At its Nov. 16 meeting, the commission will seek public comment about the case load change. It is also proposing to amend its bylaws, so applicants have a total of 15 minutes for the presentation of their cases and for rebuttal during public hearings. A group representative would have five minutes (up from three minutes) while individual citizens will continue to have three minutes.

property.

Powell's decision focused narrowly on the education aspect. "Having determined that the signs do not fall within the prohibition of [the] code, the court does not have to reach the other issues raised by the parties," she wrote. Morrisette claimed victory, but the county attorney's office proceeded to review possible language changes to the ordinance.

Morrisette, who earns his primary living by writing country music and is not an attorney, regularly lectures the county board and commission about what he believes it can and can't do legally on the zoning issues. He has complained about the county not allowing him to subdivide his Beach Road property, and last month the county board ruled against his attempt to rezone 4.2 acres for a waterfront restaurant at the intersection of Woolridge and Genito roads.



Wilson