

At a meeting of the Accomack County Planning Commission held on the 11<sup>th</sup> day of July 2018, at Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

**1. CALL TO ORDER**

**MEMBERS PRESENT AND ABSENT**

**Planning Commission Members Present:**

Mr. Roy Custis, Vice Chair  
Mr. C. Robert Hickman  
Mr. Leander Roberts, Jr.  
Mr. Kelvin Pettit  
Mr. James Arnold  
Mr. Brantley Onley  
Mrs. Angela Wingfield

**Planning Commission Members Absent:**

Mr. David Lungair, Chair  
Mr. Lynn Gayle

**Others Present:**

Mr. Rich Morrison, Deputy Administrator of Planning and Community Development  
Mrs. Katie Nunez, Deputy Director – Planning & Zoning  
Mrs. Amanda Paoletti, Assistant Planner  
Ms. Jessica Taylor, Administrative Assistant

**DETERMINATION OF A QUORUM**

There being a quorum, Vice Chair Roy Custis called the meeting to order at 7:00 p.m.

**2. ADOPTION OF AGENDA**

**On a motion made by Mr. Roberts and seconded by Mr. Hickman, the Planning Commission voted to adopt the agenda as presented.**

**3. PUBLIC COMMENT PERIOD (not a public hearing)**

Vice Chairman Custis opened the floor for the public comment period. No one signed up or requested to speak. Vice Chairman Custis closed the public comment period.

**4. MINUTES**

**A. June 13, 2018**

**On a motion made by Mr. Hickman and seconded by Mr. Onley, the Planning Commission voted to approve the June 13, 2018 minutes with the amendment on page 2, Under Section 5A by striking a portion of the last sentence to remove the redundancy so that it reads “She reviewed the staff report dated June 6, 2018 with the Planning Commission.”**

## 5. New Business

### A. **Tom Schwartz Rezoning**

Mrs. Nunez presented the application from Mr. Tom Schwartz to rezone Tax Map #102C-1-A2, located at the corner of Airport Drive and Terminal Dr. from Industrial to Agricultural. Mrs. Nunez also indicated that the adjoining property owner, Mr. Fitchett has been contacted to give him the opportunity to partake in this rezoning to have his Industrial property also zoned to Agricultural.

Members of the commission noted that the majority of the surrounding area is zoned Agriculture.

**On a motion made by Mr. Roberts and seconded by Mrs. Wingfield, the Planning Commission voted to schedule a public hearing on REZ-2018-001, the application of Thomas & Nancy Schwartz, for the August 8, 2018 meeting and to include the neighboring property owner (Donald Fitchett) if he indicates that he would like to be included.**

## 6. Old Business

### A. **Accomack Properties, Inc. Rezoning – Agricultural to Residential**

### B. **Accomack Properties, Inc. Rezoning – Agricultural to General Business**

*The Planning Commission discussed and voted on 6. A & B simultaneously.*

Ms. Nunez presented the rezonings for Accomack Properties, Inc. simultaneously. She reminded the Planning Commission about the original request and about the three motions that were made in regards to the plan at the previous meeting.

Mr. Hickman asked where the Planning Commission stood in regards to the 100 day calendar extension to make a ruling.

Mrs. Nunez explained that the Board of Supervisors has 365 days to make a decision on the rezoning application. Those 365 days will expire on December 14, 2018. She also noted that the 100 day calendar extension that was allotted to the Planning Commission will expire on July 27<sup>th</sup>, thus requiring the Planning Commission to take a vote at this meeting. Mrs. Nunez also informed the Planning Commission that the applicant could withdraw their application and resubmit, thus starting a new calendar.

Mr. Arnold asked about the timeline for VDOT review. Mrs. Nunez explained that the VDOT deadline was Friday, July 13, 2018, but preliminary information stated that VDOT did not support the signal at the development entrance, however, did feel that a signal at Dogwood Road was justified.

John Salm presented his client's desire to move forward with the plan. He stated that they agreed to all the conditions that the Planning Commission had made motions for at the previous meeting noting that they will revise the parking, move the access point further south, and provide a reasonable break between the two zoning classifications.

Jack Seisman spoke in regards to his project. He stated that he wanted to do this project the right way. He also stated that all of the motions made at the previous meeting were agreeable.

Mr. Roberts and Mr. Hickman expressed a concern over the stacking space for the proposed signal.

Mr. Custis expressed his concern regarding the timeline.

Mrs. Nunez and Mr. Morrison explained that the applicant can request an extension of the 365 day calendar, however, the applicant must grant the extension to the Board.

*On a motion from Mr. Roberts the Planning Commission cannot support the application at this time and recommends that the Board of Supervisors deny the request made by Accomack Properties, Inc., to conditionally rezone Parcel 93B-A-22 from Agricultural to Residential and Parcel 93B-2-1 through 8 and a portion of 93B-A-22 from Agricultural to Business., however, there was no immediate second and the Commission asked for further discussion.*

Mr. Hickman posed the question if there were any other alternatives to denying the plan. Mr. Morrison stated that the Planning Commission could do as they feel fit; however, if they fail to make a motion, the plan would be sent to the Board of Supervisors without a recommendation. It was discussed that if the applicant submitted new plans meeting the conditions prior to the Board of Supervisor's public hearing, the Board may refer the case back to the Planning Commission for review.

Mr. Roberts stated that he was not against the project and would like to see it move forward, however; without the final design and proffers laid out in front of him at the time, he simply could not approve the plan.

Mr. Robert's revised motion was: *After consideration, the Planning Commission reluctantly recommends that the Board of Supervisors deny the request made by Accomack Properties, Inc., to conditionally rezone Parcel 93B-A-22 from Agricultural to Residential and Parcel 93B-2-1 through 8 and a portion of 93B-A-22 from Agricultural to Business. The motion was seconded by Mr. Pettit and was unanimously approved.*

**C. Accomack Properties, Inc. Conditional Use Permit – Tax Map #93B-A-22**

Ms. Nunez stated that the staff recommended denial of the Conditional Use Permit simply because the Rezoning was not approved.

*On a motion from Mr. Roberts that after consideration, the Planning Commission cannot support the application at this time and recommends that the Board of Supervisors deny the request to obtain a Conditional Use Permit to permit three (3) apartment buildings within the Residential Zone pursuant to Section 106-79 (4) of the Accomack County Code of Ordinances which requires a conditional use permit for Residential developments specified in section 106-78 creating more than 25 dwelling units or sites. The motion was seconded by Mr. Pettit and was unanimously approved.*

**D. Comprehensive Plan Review – Proposed Calendar for Public Hearing**

Mrs. Nunez stated that the Planning Commission needed to schedule a Public Hearing in a Special Session for the Comprehensive Plan Review. The suggested dates were August 22, 2018 or August 29, 2018.

**Mr. Onley made a motion to hold the special session public meeting on August 22, 2018. The motion was seconded by Mr. Hickman and unanimously approved.**

**Mr. Hickman made a motion to hold the meeting at 7pm. The motion was seconded by Mr. Arnold and unanimously approved.**

Mr. Morrison informed the Planning Commission that they would begin to look at the classifications for Captain's Cove and Trails End at following meetings and would add that to the work plan in Appendix C of the Comprehensive Plan Update.

#### **7. OTHER MATTERS**

Mr. Morrison stated that there have been significant vacancies in the Building Department, but a new employee would be starting work on Monday, July 16, 2018. He also stated that Ms. Jessica Taylor will be on temporary assignment in the Board of Supervisor's office.

Mr. Roberts asked about the total number of new poultry houses and if there had been any further changes to that total and about the status of projects in construction.

Mrs. Wingfield asked about the status of funds for derelict structures. Mr. Morrison stated that the office had successfully spent all the funds to remove derelict structures. He also expressed that removal of structures was much more expensive than originally estimated. Staff will include the report that was provided to the Board of Supervisors in the Planning Commission's August agenda packet.

Mr. Hickman asked about the status of the plantings for Eastern Shore Solar. Mr. Morrison explained that the plantings had been installed in accordance with the approved plan; however, they did not look like the pictures that were originally shown to the Planning Commission. He emphasized the need to pay more attention to the plans in the future rather than pictures showing what other sites look like. Mr. Hickman further explained that while they may have been planted in accordance with the plan, the majority of the plantings have not survived. Mr. Morrison stated that the staff will re-inspect the plantings and if the plantings have died the developer will be required to re-install the deceased plantings.

#### **8. SUBDIVISION AGENT REPORT**

There was no activity to report.

#### **9. NEXT MEETING**

**The next regular Planning Commission meeting is scheduled for Wednesday, August 8, 2018 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.**

10. **ADJOURNMENT**

**On a motion made by Mr. Petit and seconded by Mr. Roberts, the Planning Commission voted to adjourn the meeting.**

The meeting was adjourned at 8:30 p.m.

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Roy Custis, Vice Chairman

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Amanda M. Paoletti, Planner II

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