

At a meeting of the Accomack County Planning Commission held on the 13<sup>th</sup> day of February, 2018, at the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

**1. CALL TO ORDER**  
**MEMBERS PRESENT AND ABSENT**

**Planning Commission Members Present:**

Mrs. Angela Wingfield, Chairman  
Mr. Roy Custis, Vice Chair  
Mr. David Lumgair  
Mr. Brantley Onley  
Mr. James Arnold  
Mr. Lynn Gayle  
Mr. Leander Roberts  
Mr. Kelvin Pettit

**Planning Commission Members Absent:**

Mr. C. Robert Hickman

**Others Present:**

Mr. Rich Morrison, Deputy County Administrator of Building, Planning & Economic Development  
Mrs. Katie Nunez, Deputy Director of Planning & Zoning  
Mrs. Stephanie Woods, Administrative Assistant to the Deputy County Administrator of Building, Planning & Economic Development  
Mr. Conrad Meil, Special Projects Manager of Building, Planning & Economic Development  
Mr. Jack Seisman, Accomack Properties

**DETERMINATION OF A QUORUM**

There being a quorum, Chairman Wingfield called the meeting to order at 7:00 pm.

**2. ADOPTION OF AGENDA**  
**On a motion made by Mr. Roberts and seconded by Mr. Lumgair, the Planning Commission voted to adopt the agenda.**

**3. PUBLIC COMMENT PERIOD**

There were no public comments offered and Chairman Wingfield closed the public comment period

**4. MINUTES**

January 9, 2019: *On a motion made by Mr. Lumgair and seconded by Mr. Onley, the Planning Commission voted to approve the January 9, 2019 meeting minutes.*

January 22, 2019: *On a motion made by Mr. Roberts and seconded by Mr. Arnold, the Planning Commission voted to approve the January 22, 2019 meeting minutes as corrected by fixing 3-A. to say Mr. Arnold wanted to address some goals not two.*

## 5. **NEW BUSINESS**

Re-Zoning Application – REZ-2019-001 – Hernandez - Request for Public Hearing

Ms. Nunez explained that the applicant, Mr. Hernandez, is requesting to rezone parcels 55A-A-22 and 55A-A-23 from Residential to General Business pursuant to Accomack County Code section 106-301. The staff recommends that the Planning Commission schedule a public hearing on the Hernandez rezoning at the March 13, 2019 meeting. Ms. Nunez then opened the floor to the Planning Commission for any questions. Mr. Pettit inquired if Mr. Hernandez was seeking the rezoning due to enforcement or a complaint. Mrs. Nunez informed him that it was a complaint that initiated this process. Mr. Lumgair inquired as to the Base Zoning of the parcels. Mrs. Nunez stated that it is currently zoned as Residential but that we are moving for the area known as Mappsville to be zoned as Commercial on the Future Land Use Map, this is due to the surrounding areas currently being zoned as commercial. Mr. Lumgair asked if it was an “eye soar” and if that was the primary reason for the complaint. Mrs. Nunez stated that the complaint seemed to be more focused about it being an illegal business at this time.

*On a motion from Mr. Custis and seconded by Mr. Onley, the Planning Commission voted to schedule a public hearing on the Re-Zoning Application at the March 13, 2019 meeting.*

## 6. **PUBLIC HEARING**

7:30 Public Hearing on Agricultural Forestal District Advisory Committee

Mrs. Nunez informed the Planning commission that the AFD Advisory Committee met on January 30, 2019 and recommended support for the staff recommendations for the following areas.

### **PUNGOTEAGUE**

Ms. Nunez informed the Planning Commission that in review of the list of parcels contained in the Pungoteague Agricultural Forestal District, a newly created parcel identified as Tax Map #91-A-172C, owned by Ann D. Mewborn, totaling 14.23 acres. This parcel was created from Tax Map#91-A-172 which is in this AFD and owned by Sycamore Bend Enterprise.

Mrs. Nunez informed the Planning Commission that the staff recommends the following changes:

- 1) Reviews to occur in a 10-year term as opposed to the 4-year review, as supported by the BOS at their September 15, 2018 meeting.
- 2) Include Tax Map #91-A-172C, owned by Ann D. Mewborn, totaling 14.23 acres; said parcel was created out of Tax Map #91-A-172 which is a parcel already in this district.
- 3) Recommend that the Board of Supervisors hold a public hearing on the aforementioned AFDs.

*On a motion from Mr. Onley and seconded by Mr. Arnold, the Planning Commission moved to vote to accept the staff recommendations. The vote carried with seven in favor. Mr. Roberts abstained from voting.*

## **LOCUSTVILLE**

Ms. Nunez informed the Planning Commission that in the review of the list of parcels contained in the Locustville Agricultural Forestal District, a newly created parcel identified as Tax Map #95-A-18A, owned by Del Monte Fresh Productions, Inc., totaling 8.75 acres. This parcel was created from Tax Map #95-A-18 and was remapped by the Assessor's Office to separate the woods lot from the farm field lot.

Mrs. Nunez informed the Planning Commission that the staff recommends the following changes:

- 1) Reviews to occur in a 10-year term as opposed to the 4-year review, as supported by the BOS at their September 15, 2018 meeting.
- 2) Include a newly created parcel identified as Tax Map #95-A-18A, owned by Del Monte Fresh Productions, Inc., totaling 8.75 acres. This parcel was created from Tax Map #95-A-18 and was remapped by the Assessor's Office to separate the woods lot from the farm field lot.
- 3) Corrective Action (In) – Tax Map #103-A-4C, owned by James Thomas Shrieves, Jr., totaling 6 acres. This parcel was omitted from the prior AFD list it should have been included.
- 4) Corrective Action (Out) – Tax Map #103-A-50A, owned by William F. Nickel III and Dianne Justis Nickel, totaling 4.95 acres. This parcel does not meet the minimum required acreage of 5 acres.
- 5) Corrective Action (Multiple) - Multiple parcels are mapped in the same polygon. Staff is recommending that each parcel be listed separately.
  - 94-A-11 DEL MONTE FRESH PRODUCTION INC 10.87 AC w/ Parcel 10
  - 95-A-6A DEL MONTE FRESH PRODUCTION INC 46.39 AC w/Parcel 6
  - 95-A-9 DEL MONTE FRESH PRODUCTION INC 72.304 AC w/Parcel 8
  - 95-A-20 DEL MONTE FRESH PRODUCTION INC 13.00 AC w/Parcel 18
- 6) Recommend that the Board of Supervisors hold a public hearing on the Locustville AFD.

Mrs. Nunez also informed the Planning Commission that the staff received a request to withdraw the following parcels: 1) Tax Map #104-A-11, owned by Joyce B. Milliner 2) Tax Map #104-A-15A, owned by Karen Terwilliger. Mrs. Nunez stated that the staff recommends to remove these parcels from the Locustville AFD.

***On a motion from Mr. Lumgair and seconded by Mr. Roberts, the Planning Commission voted to accept the staff recommendations including the removal of parcels.***

## **TASLEY**

Mrs. Nunez informed the Planning Commission that in the review of the list of parcels contained in the Tasley Agricultural Forestal District, resulted in one Corrective Action plan with multiple parcels.

Mrs. Nunez informed the Planning Commission that the staff recommends the following changes:

- 1) Reviews to occur in a 10-year term as opposed to the 4-year review, as supported by the BOS at their September 15, 2018 meeting.
- 2) Corrective action be taken to reflect that each parcel listed below be identified separately as parcels in the Tasley AFD instead of bundling it with one parcel (Tax Map #94-A-23)
  - 94-A-24      ROBIN KELLAM, POLLY M RANSONE
  - 94-A-25      ROBIN KELLAM, POLLY M RANSONE
  - 94-A-26      ROBIN KELLAM, POLLY M RANSONE
  - 94-A-26A     ROBIN KELLAM, POLLY M RANSONE
- 3) Recommend that the Board of Supervisors hold a public hearing on the matter.

*On a motion from Mr. Roberts and seconded by Mr. Gayle, the Planning Commission voted to accept the staff recommendations.*

**7. FOLLOW UP ITEMS**

There is nothing to report.

**8. OLD BUSINESS**

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

Continued discussion of application filed by Accomack Properties, Inc. to obtain a Conditional Use Permit to permit three (3) apartment buildings within the Residential Zone. Section 106-79 (4) of the Accomack County Code of Ordinances requires a conditional use permit for Residential developments specified in section 106-78 creating more than 25 dwelling units or sites.

Mrs. Nunez informed the Planning Commission that there has been a tech review by the county staff and items that were raised as a concern will be solved with a final site plan. Mrs. Nunez then introduced Mr. Jack Seisman to speak with the Planning Commission concerning the Accomack Properties.

Mr. Seisman stated that he sees a problem with tying the construction of the red light on Rt. 13 into the construction of the apartment buildings. He would like to start building 1-2 apartment buildings before the construction of the light begins. Mr. Seisman would like to bond this now and then work diligently with VDOT concerning the light at Rt. 13.

Mr. Morrison was asked to speak with the Planning Commission concerning this issue. Mr. Morrison brought up the fact that the main issue is that the property acquisition occurs from the state police. If the property doesn't get transferred then there would be no light constructed. Mr. Morrison stated it may be a good option to grant Mr. Seisman his request to start forcing the issue along. Mr. Lumgair inquired what if the slice of land doesn't work out and there is no light built, that there would be the argument for a hardship there. Mr. Morrison stated that it seems that the Planning Commission is not comfortable with any apartment buildings being built with no signal light construction.

Mr. Gayle identified that the previously discussed trigger for the construction of the light was the construction of the gas station not the apartments. Mr. Gayle stated that he would like to

see this project make forward progress. Mr. Custis stated that there are “no if’s, and’s or but’s” that the intersection needs a traffic light constructed. He has been intentionally using the intersection and said that it is very hard to navigate. Mr. Arnold questioned the fact that VDOT said it was an area that they were going to work on. Mr. Morrison stated that VDOT had originally said that they would do an R cut intersection.

Mr. Seisman stated that he has been talking with the state police and to help ease the issue along has offered that they could tie the state police barracks into their water system. Mr. Onley inquired as to how many feet the state police need for a 3<sup>rd</sup> lane. He stated that however many feet they need on the north side we could offer the same amount on the south side to help the project move along.

Mr. Morrison suggested to approve the CUP as drafted so that Mr. Seisman can have the approval in hand to go back to VDOT and help progress things along. This approval could help determine a clear path forward.

***On a motion made by Mr. Lumgair and seconded by Mr Custis, the Planning Commission took action on the following:***

***The Accomack County Planning Commission votes to recommend approval of CUP-2018-001 based upon that the application meets the Standards of the Conditional Use Permit regulations as contained in Accomack County Code Section 106-234 (2). Said recommendation is based upon the Preliminary Site Plan dated November 2017, latest revision No. 5 dated October 31, 2018 and the landscaping plan which is shown on the preliminary site plan (Sheet 2 of 2) representation and assurances by the developer, and with the following conditions:***

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- ***The building materials list submitted by the applicant in January 2018 is accepted by the County and the buildings are to incorporate the same. •***
- ***The proposed renderings submitted by the applicant in January 2018 are accepted by the County and the buildings are to be constructed as shown.***
- ***The items raised in the technical review by County staff and detailed in the Memorandum dated December 26, 2018 must be resolved in the submission of a final site plan/ building permit application.***
- ***Substantial construction of a traffic light at the intersection of Dogwood Road and Route 13 shall be required before any building permits will be issued by the County.***
- ***The project will be constructed in substantial conformance with the site plan submitted as a market rate apartment development. The following reasons support the approval of the CUP:***
  1. ***The project (rezoning & Conditional Use Permit) has been under review for nearly a year and the Staff, Planning Commission, Board of Supervisors, and developer have worked to resolve issues and improve the project.***
  2. ***Market rate apartments in appropriate locations are identified in the Future Land Use Section of the Comprehensive Plan of current adoption.***

3. *The primary access point to the apartment project has been relocated westward along Dogwood Road which creates a desirable separation distance from the Dogwood Road/RT 13 intersection.*
4. *The Planning Commission has reviewed the Staff findings and review of Section 106.234(2) of the ordinance and adopts them as the Planning Commission's findings for this Conditional Use Permit.*

#### **9. SUBDIVISION AGENT REPORT**

Mrs. Nunez followed up with the Planning Commission about the proposed 7 lot subdivision submitted by Ms. Michele Denton-Blake. The Subdivision is located in residential zoning and was approved to move forward. Mr. Pettit inquired as to can the staff approve subdivisions administratively. Mrs. Nunez informed him yes, if they are under 10 lots.

#### **10. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS**

Mrs. Nunez informed the Planning Commission that there are five applications for the March 6, 2019 meeting: Special Use Permit applications from Robert Bloxom, Roger Birch, and Revel Walker. Variance applications from Michael Bailey and Peggy Scarborough.

#### **11. ANNUAL POULTRY REPORT**

Mr. Morrison presented a rough draft of the current 2019 Poultry Report. He stated that the staff plan is to leave the 2018 Poultry Report as is, but to strictly update the Executive Summary with all updated information. Mr. Arnold inquired as to the impact of Senator Lewis' proposal. Mr. Morrison stated that the staff plans to include that in the executive summary, and informed the Planning Commission that that proposal is currently in subcommittee. Mr. Arnold asked if on any given chicken plant; do we know what aquifer they are pulling from. Mr. Morrison stated yes on some.

Mr. Morrison informed the Planning Commission that in 2018 a total of 11 houses were approved and the staff is only aware of one new operation in Saxis. Mr. Morrison stated that Mr. Conrad Meil has been out in the field monitoring the buffers on the Poultry Farms. Mr. Morrison stated that Mr. Meil is finding that the road buffers where bigger trees were planted are doing well, however the side buffers where smaller plants were planted are not doing well. The staff will be taking enforcement action steps.

Mr. Roberts inquired as to now the litter process is going. Mr. Only inquired as to if the farmers are utilizing the Winrow effect/technique. Mr. Morrison stated that it has been brought to his attention that some litter shed were not built even though they were listed on the site plans. He stated that he will be looking into regulations, because he is not sure if we are allowed to require the farmers to have a litter shed. Chairman Wingfield stated that the Planning Commission should revisit this issue to potentially put it in the County Ordinance.

#### **12. OTHER MATTERS**

Review of the revised verbiage for the Working Waterfronts section of the Accomack County Comprehensive Plan.

Ms. Nunez stated that she wanted the Planning Commission to have a chance to start looking over the new verbiage. She stated that she will be bringing the information to be discussed in full to the Work Session on February 26<sup>th</sup>. Mrs. Nunez stated that they will also be

discussing the Comprehensive Plan, Future Land Use Map, an updated Tasley Map, and Coastal Resiliency.

Mr. Lumgair inquired about the Whispering Pines project. Mr. Morrison stated that the project started before the first of the year. The Building & Planning Dept., County Administrator, County Treasurer, and the County Attorney have all been working together on the project. With the aid of the Board of Supervisors the department was able to get the property out of bankruptcy in the Pennsylvania courts. The staff has taken action by sending a notice to the property owner concerning the clean-up of the property. The next step is a legal notice concerning bids for demolition to be published next Friday. Mr. Morrison stated to aid in the attempt to recoup some of the money of the demolition cost there is the plan to put a lean on the property for the amount. Mr. Roberts stated that a lot of the bricks and other materials that are there can be recycled and we need to try to push forward that agenda. Chairman Wingfield added that it seems backwards to remove the items from the lot to them send them to the dump. Mr. Morrison acknowledged their statements.

### **13. NEXT MEETING**

The next Planning Commission work session is scheduled for Tuesday, February 26, 2019 at 7:00 p.m. in the Accomack County Administration Building, School Board Conference Room #201.

The next regular Planning Commission meeting is scheduled for Wednesday, March 13, 2019 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

### **14. ADJOURNMENT**

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

The meeting was adjourned at 8:12 p.m.

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Angela Wingfield, Chairman

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Katie H. Nunez, Deputy Director of Planning & Zoning