

At a meeting of the Accomack County Planning Commission held on the 12th day of June, 2019, 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, Chairwoman
Mr. Roy Custis, Vice Chairman
Mr. David Lumgair
Mr. James Arnold
Mr. Lynn Gayle
Mr. Brantley Onley
Mr. C. Robert Hickman
Mr. Kelvin Pettit
Mr. Leander Roberts

Planning Commission Members Absent:

Others Present:

Mr. Rich Morrison, Deputy County Administrator of Building, Planning, and Economic Development
Mrs. Katie Nunez, Deputy Director of Planning and Zoning
Mrs. Stephanie Woods, Administrative Assistant to the Deputy County Administrator
Mr. Tom Brockenbrough
Ms. Melissa Ruhan
Ms. Eileen Kirkwood
Mr. Bruce Richards
Mr. Tim Murray

DETERMINATION OF A QUORUM

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

2. ADOPTION OF AGENDA

On a motion made by Mr. Custis and seconded by Mr. Lumgair, the Planning Commission voted to adopt the agenda.

3. PUBLIC COMMENT PERIOD

Chairwoman Wingfield opened the public comment period.

There being no public comments; Chairwoman Wingfield closed the public comment period.

4. MINUTES

May 8, 2019: *On a motion made by Mr. Onley and seconded by Mr. Arnold, the Planning Commission voted to approve the May 8, 2019 meeting minutes as presented.*

5. NEW BUSINESS

No new business was discussed.

6. PUBLIC HEARING

Mr. Morrison reintroduced the Waterside Village Conditional Rezoning to the Planning Commission. Mr. Morrison encouraged the Planning Commission to listen to the applicant, Ms. Kirkwood, with fresh ears. Chairman Wingfield officially opened the Public Hearing by going over the guidelines.

Mrs. Nunez presented the staff report to the Planning Commission. Mrs. Nunez informed the Planning Commission that the Conditional Rezoning was for 19 parcels located in the middle of the two Phases of the Waterside Village Subdivision. Due to the fact that these parcels run along a set of power lines, Ms. Kirkwood is requesting to rezone them to allow duplex units by-right.

Ms. Kirkwood had her Marketing Director for Waterside Village Ms. Ruhan speak to the Planning Commission. Ms. Ruhan showed a series of pictures of the houses already built in the Waterside Village Subdivision. She showed that the houses in Phase I tend to be bigger with a square footage of 1,500 to 2,000, and that the houses in Phase II are smaller with a square footage of 1,200 to 1,500. Ms. Ruhan then showed renderings to depict the intention with how the duplexes would be built. With a set of duplexes having a total square footage of 1,402 (701 per side) and would be built along the Phase II border, and another set having a total square footage of 1,700 (850 per side) and would be built along the Phase I border. Mr. Lungair inquired as to how many lots had been sold and subsequently built on. Ms. Ruhan informed the Planning Commission that in Phase I 18 lots have been sold with 4 homes built, and in Phase II 14 lots have been sold with 6 homes built. With no more questions for Ms. Ruhan the floor was then opened to Ms. Kirkwood to present.

Ms. Kirkwood reiterated Ms. Ruhan's statement that being able to sell these 19 lots as residential for duplexes would act as a buffer between Phase I and Phase II of Waterside Village. Ms. Kirkwood informed the Planning Commission that she had updated the proffers for her application and went over the changes. Mr. Custis inquired as to if Ms. Kirkwood had recently met with the owners of the homes that have currently been built to let them know that these duplexes would be built. Ms. Kirkwood stated no, that they were aware due to it being specified in the covenants. Each owner is given a copy of the covenants that they must sign upon purchase.

Chairwoman Wingfield opened the floor for public comments. Mr. Bruce Richards was acknowledged first. Mr. Richards stated that he owns several lots in Phase I and he is in favor of this project. He stated that he thinks it will help the lots he owns to sell. Mr. Pettit inquired as to if Mr. Richards lives in the Waterside Village Subdivision, and he stated that no he does not. Mr. Richards lives in the Cape Charles area of Northampton County.

Chairwoman Wingfield then acknowledged Mr. Tim Murray who lives in Phase II of the Waterside Village Subdivision. Mr. Murray stated that when he bought his lot he was told that it was a single family home subdivision. Mr. Murray stated that he is concerned that there is no guarantee that the duplexes will look like the renderings Ms. Kirkwood has provided. Mr. Murray shared with the Planning Commission that as an owner and resident of Waterside Village he is against the idea of this project. Mr. Custis inquired as to when Mr. Murray purchased his lot, and was informed he bought it 3 years ago.

With there being no more questions or comments for the public Mr. Roberts invited Ms. Kirkwood back up to answer a few more questions. Ms. Kirkwood informed the Planning

Commission that Mr. Murray is not included in the covenants of Phase II in the subdivision. Chairwoman Wingfield inquired as to why Mr. Murray is not included in the covenants. Ms. Ruhan informed the Planning Commission that Mr. Murray purchased his lot before the covenants for Phase II were written. Chairwoman Wingfield inquired as to if the original covenants for Phase I covered the whole subdivision. Ms. Ruhan stated that no, the original covenants only applied to Phase I since that is what was being marketed at the time. Mr. Hickman asked Ms. Kirkwood if the Phase I covenants state duplexes and townhomes, and she informed the Planning Commission that yes they do.

Mr. Hickman then questioned how the duplexes were going to be developed. Ms. Kirkwood informed the Planning Commission that she is planning on opening the parcels in question to investors for sell. Once the parcels are sold, it would be up to the investor as to how they are built but that she as the developer would have to approve the plans. Mr. Custis then verified with Ms. Kirkwood that she would not be building the duplexes but her investors would and she stated yes. Mr. Hickman then stated there are several logistical questions. Mr. Lumqair questioned the idea that the duplex would be sharing a well and septic. Ms. Kirkwood stated that the Health Department stated they could either have two two-bedroom septic's or one four-bedroom septic. If the investor decided to only do the one four-bedroom septic, then the residents in each duplex would have joint ownership.

Chairwoman Wingfield then questioned the wording of the proffer statement from Ms. Kirkwood, specifically proffer number four. Ms. Kirkwood stated she would reword it. Chairwoman Wingfield then closed the public hearing and the Planning Commission commenced discussion concerning the request. Several members did not like the idea of having a section of parcels zoned residential in the middle of an agriculturally zoned area. Mr. Pettit shared his concern about possibly taking away the other tenants in the subdivision's right to comment publicly on the development of these duplexes if this is approved. The Planning Commission then ended their discussion and made the following decision:

On a motion by Mr. Custis and seconded by Mr. Hickman, the Planning Commission voted to not recommend approval to the Board of Supervisors with 8 votes in favor (Roberts, Arnold, Hickman, Gayle, Pettit, Onley, Custis, Lumqair) and one vote against (Wingfield).

7. OLD BUSINESS

A. Discussion of Revisions to the Future Land Use Map/Development of a new Land Use Designation – “Developed Area”

Mrs. Nunez informed the Planning Commission that staff had updated the maps for the following areas according to the comments from the Planning Commission at the May 8th meeting. Mrs. Nunez also informed the Planning Commission that Tom Brockenbrough was in attendance at the meeting to be able to make edits to any of the maps during the meeting as necessary.

a. Tasley

Mrs. Nunez showed the Planning Commission the updated Tasley map which showed the current Future Land Use Map (FLUM) areas as well as what staff is proposing the new “Developed Area” to be. Mrs. Nunez then opened up for discussion and comments from the Planning Commission, there being none Mrs. Nunez continued to the next area.

b. Nelsonia

Ms. Nunez showed the Planning Commission the updated Nelsonia map which also showed the current FLUM areas as well as what staff is proposing the new “Developed Area” to be. Mr. Hickman clarified the northern and southern border of the developed area. Mr. Lumgair inquired if the northern border was far enough north. There being no further comments, Mrs. Nunez continued on to the next area.

c. Mappsville

Mrs. Nunez showed the Planning Commission the updated Mappsville map which showed the current Future Land Use Map (FLUM) areas as well as what staff is proposing the new “Developed Area” to be. Mrs. Nunez then opened up for discussion and comments from the Planning Commission, there being none Mrs. Nunez continued to the next area.

d. Oak Hall

Mrs. Nunez opened the discussion on Oak Hall, stating that they had a map that shows the Planning Commission’s idea of combining the Oak Hall area with the T’s Corner area. However, Mrs. Nunez stated that due to the nature of the dense residential area between T’s Corner and Oak Hall staff thought it was highly unlikely that any commercial development would happen in that area. Therefor it was agreed upon by the Planning Commission and staff that Oak Hall should stay separate from T’s Corner. Mrs. Nunez informed the Planning Commission that staff would have a new map created and bring it for the July 10th meeting.

e. T’s Corner

Mrs. Nunez opened the discussion by directing the Planning Commission to the map prepared by Mr. Brockenbrough. Mr. Arnold verified that the northern boundary included a mobile home park just north of T’s Corner. There being no further comments, Mrs. Nunez continued on to the next area.

f. Trails End

Ms. Nunez presented a map of Trails End to the Planning Commission to be added as a “Developed Area”. Mr. Custis inquired if changing the FLUM of Trails End would have an effect on the properties around it. Mr. Hickman stated no, that making Trails End a “Developed Area” is simply stating that it is a “Hodge Podge” of uses. Mr. Arnold stated that the “Developed Area” of Trails End should not include the marsh conservation area. Mrs. Nunez stated that they would remove that and bring it back for the July 10th Meeting.

g. Captains Cove

Due to the length of time of the meeting the Planning Commission decided to defer conversation of Captains Cove to the July 10th Meeting.

8. SUBDIVISION AGENT REPORT

Nothing to report on at this time.

9. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS

Mrs. Nunez stat that there are five applications for the June 5, 2019 meeting.

1. Special Use Permit Application from Cellco for a Verizon Tower – this was filed last month but we are still awaiting additional documentation from applicant relative to FAA compliance with the Airport Overlay District. Mrs. Nunez stated that this application will not be advanced at the July 3rd meeting and instead will be moving to the August 7th meeting.
2. Variance Application from Cecil King at 23895 Bailey’s Neck Road, Onancock for accessory structure in the Floodplain Zone
3. Variance Application from Robert Blankenship at 23267 Lankford Highway on the size restriction for his business sign.
4. Special Use Permit Application from Christine & Robert Huether at 1538 Pungoteague Road for a shop and gallery.

10. OTHER MATTERS

Mr. Morrison had several updates for the Planning Commission.

1. The demolition of Whispering Pines has started and they are making really good progress.
2. NASA had groundbreaking on their Solar Farms.
3. Staff has officially gone live with the new permitting software, Energov, and the Customer Self Service Portal is set to go live August 1st.
4. The DEQ plans to issue the poultry permits.

11. NEXT MEETING

The next Planning Commission regular session is scheduled for Wednesday, July 10, 2019 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, Accomac.

12. ADJOURNMENT

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

The meeting was adjourned at 8:52 p.m.

Angela Wingfield, Chairwoman

Katie H. Nunez, Deputy Director of Planning & Zoning