

At a meeting of the Accomack County Planning Commission held on the 14<sup>th</sup> day of April, 2021, at the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia, via a hybrid in-person and electronic (conference call) meeting.

**1. CALL TO ORDER**

**MEMBERS PRESENT AND ABSENT**

**Planning Commission Members Present:**

Mrs. Angela Wingfield, Chairwoman  
Mr. Brantley Onley  
Mr. Lynn Gayle  
Mr. Leander Roberts  
Mr. John Sparkman  
Mr. Kelvin Pettit

**Planning Commission Members Participating Electronically:**

Mr. Roy Custis, Vice Chairman  
Mr. David Lumgair  
Mr. C. Robert Hickman

**Planning Commission Members Absent:**

**Others Present:**

Mr. Rich Morrison, Deputy County Administrator of Building, Planning, and Economic Development  
Mrs. Stephanie Woods, Administrative Assistant to the Deputy County Administrator  
Mr. Chris Daley, Zoning Code Enforcement Officer  
Mr. Rajkumar Thangavelu, Applicant

**DETERMINATION OF A QUORUM**

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

**2. ADOPTION OF AGENDA**

Mr. Lumgair stated that he would like to add an item to Other Matters to discuss the timing of agenda packets. Mr. Morrison stated that staff did prepare an updated Agenda which has been provided to the Planning Commission.

**On a motion made by Mr. Gayle and seconded by Mr. Sparkman, the Planning Commission voted unanimously to adopt the agenda with the addition Item F - Agenda Packet Timing to Other Matters.**

**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

March 10, 2021: *On a motion made by Mr. Roberts and seconded by Mr. Gayle, the Planning Commission voted unanimously to approve the March 10, 2021 meeting minutes as presented.*

#### 5. NEW BUSINESS

There was no new business discussed during this meeting.

#### 6. OLD BUSINESS

##### **A. Continued discussion on potential amendments to the Village Development Zoning District requirements, and scheduling of public hearing.**

Mr. Morrison opened the discussion giving a brief overview of the discussion from the last meeting stating that most of the discussion centered on if a full detailed plan is needed or if a concept plan would suffice.

Mr. Morrison stated that there is interest from a developer that would like to use this zoning for a mixed use project. The issue that Mr. Morrison is hearing from the developer is that the concept plan requirement is too detailed. Mr. Morrison stated that it isn't a concept plan but in actuality would be considered a detailed plan. Mr. Morrison informed the Commission that some of the feedback he has heard is that the requirement is too detailed and there is concern if the plan were to change during the course of the phasing. Mr. Morrison stated that the reason some of the language that is used is historical due to the fact that they took a village residential district ordinance and converted it to a village development district.

Chairwoman Wingfield inquired as to how often staff receives a rezoning application that is not followed by an application for a Conditional Use Permit as well. Mr. Morrison stated that yes the department does receive projects in the County. Mr. Morrison referenced a past project, Accomack Properties, and stated that the application did have several future projects planned. Mr. Morrison stated that it is not always best to receive all the information at once, as it is possible that plans could change. Mr. Morrison stated that each project is different depending on the situation and what the plans of the developer are.

Chairwoman Wingfield stated that the developer is asking the Planning Commission to essentially approve a Phase I, II, and III plan without knowing what Phases II and III are. Mr. Lumgair stated that he doesn't buy the argument that the ordinance is too strict, and that he doesn't think it is asking too much for an applicant to give the Commission a full phase plan before they start. Mr. Gayle verified that an applicant would still need to provide a plan, but it would not be required to be overly detailed. Mr. Morrison verified this information.

Chairwoman Winfield inquired about the added item that states that the site plan requirement would be able to be waived by the Planning Commission or Board of Supervisors. Mr. Morrison stated with the fact that most applicants will be applying for the Conditional Use Permit (CUP) directly after applying for a Rezoning or with the Rezoning application, this clause was added to allow the Commission or Board to waive the need for additional site plans. Mr. Morrison stated that a concept plan would be required for the rezoning and then a detailed plan for the CUP. Mr. Morrison explained that if it is a 50 acre parcel, but the applicant only knows about the use of 15 acres; the above clause would allow an applicant to potentially still get approved without knowing

the full details for the rest of the plan. Mr. Lungair stated that the Commission would still need at least the information concerning the second and third phases of the project. Mr. Morrison inquired that if a concept plan would be enough to give the approvals without the applicant having to come back before the Planning Commission with information for further CUP's at a later date. Mr. Roberts stated no, and several Commissioners agreed with him.

Chairwoman Wingfield stated that from her personal experience, having the plan in front of you when the community comes in and has questions concerning what is happening is helpful. Chairwoman Winfield reiterated that she is more in favor of having as much of the detail in the application upfront so the community will have more information to know what is going on in the project.

Mr. Morrison stated that it may be good to break down the review into two pieces. What information does the Commission want to receive for a rezoning application, and then what information does the Commission want to receive for a CUP application. To discuss each one and then land on a decision. Mr. Morrison stated he is just raising the issue for consideration, but if the Planning Commission wants to keep it the same, then it stays the same. Mr. Morrison stated the issue at heart is what the Planning Commission wants to receive for a CUP for mixed use application. Mr. Morrison asked the Commission to look at Section 106-544 (1,2) closely and to make the decision if it's what the Commission wants then will leave it alone, and if not then fix it. Mr. Morrison stated the Planning Commission and the Board of Supervisors always have the right to ask for more information.

***On a motion made by Mr. Roberts and seconded by Mr. Onley, the Planning Commission voted unanimously to eliminate the word "concept" from the Village Development Ordinance Sections 106-544 (1 and 2).***

Mr. Morrison opened discussion on Ordinance Section 106-544 (4) and stated that what is edited is to get the ordinance in alignment with VDOT requirements. Mr. Gayle inquired as to how they determine the numbers listed. Mr. Morrison stated that is a traffic engineer book and has a traffic generation algorithm for every type of land use.

***On a motion made by Mr. Sparkman and seconded by Mr. Gayle, the Planning Commission voted unanimously to accept the changes as presented by staff for Village Development Ordinance Section 106-544 (4).***

Mr. Morrison asked the Planning Commission to look at and discuss Section 106-548 for the plan requirements. Chairwoman Wingfield stated that the applicant absolutely needs to come back with plans to show what is going to be done, so that for example a sewer system doesn't get put in next to a residence. Mr. Pettit stated that it is fair to say that a rezoning to Village Development will be something that gets reviewed pretty intensely before it gets approved, and that maybe there is a reason to allow for the applicant to not have to come back with more information. Mr. Morrison stated that the development plan could become the CUP plan.

Chairwoman Wingfield stated what if the parcel is 500 acres but the plan only shows 50 acres of the project; then the Commission is approving for all 500 acres with the applicant not providing additional information. Chairwoman Wingfield stated she feels they would need to come back with the additional information before being approved for

it. Mr. Sparkman expressed his agreement. Mr. Pettit expressed that an argument can be made for both having the applicant come back for the amendment to the CUP and not requiring the applicant to come back.

*On a motion made by Mr. Sparkman and seconded by Mr. Roberts, the Planning Commission voted to leave the language as is, with no changes as presented by staff, for Village Development Ordinance Section 106-548, with Chairwoman Wingfield, Mr. Custis, Mr. Lumgair, Mr. Hickman, Mr. Roberts, Mr. Sparkman, Mr. Gayle, and Mr. Onley voting for, and Mr. Pettit voting against.*

## **7. PUBLIC HEARING**

### **A. REZ-000094-2020: Avatar Self Storage (Rajkumar Thangavelu)**

Request initiated by Avatar Self Storage (Rajkumar Thangavelu) to conditionally rezone a portion of Tax Map # 27-A-162 from Agricultural to General Business with proffers. The parcel is located at 7223 Coardtwn Road, New Church, VA. The applicant is seeking to conditionally rezone approximately 2.25 acres of the northern portion of the parcel.

Chairwoman Wingfield opened the public hearing at 7:30 p.m. Mr. Morrison gave an overview of the request that Mr. Thangavelu is looking to conditionally rezone the northern 2.25 acres of the parcel from Agricultural to General Business. Mr. Gayle inquired as to why the zoning line runs through the parcel the way it does. Mr. Morrison informed the Planning Commission that when the General Business zoning was originally planned for Route 175 that it was strictly measured back 500 feet from the road. Mr. Lumgair inquired if the drainage is going to be adequate for the planned expansion. Mr. Morrison stated that the applicant engaged an engineer, and the storm water plan is on the site plan with a new proposed drainage area to the northern area of the parcel.

Chairwoman Wingfield invited Mr. Thangavelu up to speak. Mr. Roberts inquired if the traffic pattern for the site would change, and Mr. Thangavelu explained how the entrance and exit are now and that they would not be changing. Mr. Hickman inquired if the area was paved, and Mr. Thangavelu informed him that it is not. Mr. Thangavelu spoke to the history and purchase of the property, the improvements he has made and would like to continue to make, and that is why he is seeking the rezoning of the property. He stated that he will be building the new storage units in phases as they fill. Mr. Roberts inquired about the traffic on the road, and Mr. Thangavelu informed the Commission that he has about five to ten customers that visit his site a day and does not feel the expansion would affect any traffic patterns.

Mr. Gayle stated that it seems to make sense to rezone the property to General Business as the only reason it is not is due to the zoning line being created by going 500 feet back from Route 175. Mr. Gayle added that the applicant is seeking to fill a demand and the property is contiguous.

Chairwoman Wingfield closed the public hearing at 7:43 p.m.

*On a motion made by Mr. Roberts and seconded by Mr. Gayle the Planning Commission voted unanimously to recommend approval of REZ-000094-2020 to the Board of Supervisors to conditionally rezone the northern 2.45 acres of the 6.09 acre parcel from Agricultural to General Business, with the submitted proffer and site plan.*

*Approval is supported by the following findings of facts:*

- 1. The property is currently 'split zoned' Agricultural and General Business and rezoning the northern portion to General Business will allow the existing business to expand.*
- 2. The Future Land Use Plan of current adoptions is supportive of business in the RT 175 corridor.*
- 3. The proffer statement provided stipulates the intended use of the property.*

## **8. SUBDIVISION AGENT REPORT**

Nothing to report on at this time.

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

There are four applications that have been filed at this time for the May 5, 2021 meeting.

- A Special Use Permit application request by Ryan Brady for a 20 unit Mobile Home Park. The parcel is at Tax Map # 41-A-123 to be located at 10180 Gray Farm Road in Temperanceville, and is zoned Agricultural.
- A Special Use Permit and Variance application request by Okenya Samuel for placement of a mobile home. The parcel is Tax Map # 40-A-56A located at 28080 Saxis Road in Temperanceville, and is zoned residential.
- A Variance application request by Ciera Davis for the distance between two dwellings on a single parcel, and the number of dwellings on a parcel. The parcel is located at Tax Map # 112-A-120 located at 20241 Bradford Road in Melfa, and is zoned Agricultural.
- An Exception request by Joseph Dashiell from the CAPA Ordinance to build a residence on a parcel in the RPA. The Parcel is located at Tax Map # 75D-4-4-35 and is located on Baldpate Lane in Onancock, and is zoned Residential.

## **10. OTHER MATTERS**

**A. Consider scheduling a public hearing for your May meeting to review a new parking For the Hack's Neck Landing. The Commission's review is required under Section 15.2-2232. In my vernacular this is known as the Comprehensive Plan conformance review.**

Mr. Morrison informed the Commission that they will not need to hold a public hearing on this case, but will need to complete a full review at the next meeting. Mr. Morrison informed the Commission as to why the parking is being added to the area and gave an overview of the information.

**B. Consider scheduling a public hearing for your May meeting for the County's acceptance to own Oyster Cove Lane and Sandpiper Lane in the Eagles Sound Subdivision. The two roads are being transferred from the homeowners association to the County in order for them to become part of the VDOT road system. The Commission's review is required under Section 15.2-2232. In my vernacular this is known as the Comprehensive Plan conformance review.**

Mr. Morrison gave an overview of the subdivision and informed the Commission that the roads were built but never conveyed to VDOT. Mr. Morrison informed the Commission that they do not need to schedule a public hearing but will need to do a full review at their next meeting. Chairwoman Wingfield inquired as to why VDOT is only taking over the

2 roads in the subdivision. Mr. Morrison informed the Commission that VDOT requires three (3) houses on a road before they will take it over.

- C. Consider scheduling a public hearing for the May regular meeting on a request to conditionally rezone approximately 28 acres of land from Agriculture to Industrial. The property is located at 32355 Wallops Island Road (Tax Map# 56-2-4A). The request is being made by the Virginia Commercial Space Flight Authority. The intended use of the property is for assembly, integration, and test purposes with buildings and development to support the same.**

This Item was discussed in conjunction with Item D. Mr. Morrison gave an overview of the requests and informed the Commission that staff is not requesting to schedule the public hearing at this time. Mr. Morrison stated that Virginia Space is looking to use the property to integrate, assemble and run tests. Mr. Morrison informed the Commission that they are looking to conditionally rezone the parcel from Agricultural to Industrial to ensure they are able to do what they want to do. Mr. Morrison stated that Virginia Space will need two (2) Conditional Use Permits because the parcel is over ten (10) acres in size, and they would like to have hazardous chemicals kept on site.

*On a motion made by Mr. Roberts and seconded by Mr. Gayle, the Planning Commission voted unanimously to schedule a public hearing on Item C and D for some time in May.*

- D. Consider scheduling 2 public hearing for the May regular meeting for a Conditional Use Permits pursuant to Section 106-128 (1) site greater than 10 acres and 106-128 (9) storage of hazardous chemicals. The property is located at 32355 Wallops Island Road (Tax Map# 56-2-4A). The request is being made by the Virginia Commercial Space Flight Authority. The intended use of the property is for assembly, integration, and test purposes with buildings and development to support the same.**

Discussed in conjunction with Item C, please see minutes under Item C.

- E. Consider moving the date of the May 12, 2021 meeting to May 5th as staff has a schedule conflict.**

Mr. Morrison stated that staff had originally asked the Commission to move the May 12<sup>th</sup> meeting to May 5<sup>th</sup> due to a staff scheduling conflict, and that he would like to propose the Commission also have a regular meeting on the original work session date of May 25<sup>th</sup>. Mr. Morrison stated that staff can bring the Village Development back for approval and scheduling of a public hearing on the 5<sup>th</sup> and then conduct the hearing on the 25<sup>th</sup>. Mr. Morrison informed the Planning Commission that having a regular session on the 25<sup>th</sup> as well as the 5<sup>th</sup> would also allow staff to accommodate VA Space as their request needs to be consented by the Board of Supervisors prior to a public hearing by the Commission.

*On a motion made by Mr. Roberts and seconded by Mr. Gayle the Planning Commission voted unanimously to reschedule to regular session from May 12, 2021 to May 5, 2021 and to hold a regular session on May 25, 2021 in place of a work session.*

**F. Discussion on Agenda Packet Timing.**

Mr. Lumgair stated he wanted to bring up the fact that it seems sometimes staff has a hard time getting the agenda packet out on time, and that makes it difficult for the Commission to do their review. Mr. Morrison inquired if any other Commissioners seemed to be having the same issue, and the general consensus was that they are receiving the packet on Thursday when it is emailed out. Mr. Morrison informed Mr. Lumgair that staff would contact IT to verify if there is potentially a delay from the County email to his email.

**11. NEXT MEETING**

The next Planning Commission meeting is Wednesday, May 5, 2021 at 7:00 p.m. in the Accomack County Board of Supervisors Board Chambers, Room 104, Accomac.

**12. ADJOURNMENT**

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

The meeting was adjourned at 9:17 p.m.

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Angela Wingfield, Chairwoman

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Stephanie Woods, Administrative Assistant of Building, Planning, & Economic Development