

At a meeting of the Accomack County Planning Commission held on the 25<sup>th</sup> day of September, 2018, at the Accomack County Administration Building – School Board Office – Conference Room #201.

**1. CALL TO ORDER**

**MEMBERS PRESENT AND ABSENT**

**Planning Commission Members Present:**

Mr. David Lumgair, Jr., Chairman  
Mr. C. Robert Hickman  
Mr. Leander Roberts, Jr.  
Mrs. Angela Wingfield  
Mr. James Arnold

**Planning Commission Members Absent:**

Mr. Roy Custis, Vice Chair  
Mr. Lynn Gayle  
Mr. Brantley Onley  
Mr. Kelvin Pettit

**Others Present:**

Mr. Rich Morrison, Deputy County Administrator  
Mrs. Katie Nunez, Deputy Director of Planning & Zoning

**DETERMINATION OF A QUORUM**

There being a quorum, Chairman Lumgair 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. Arnold, the Planning Commission voted to adopt the agenda as revised to reflect the meeting was being held in the School Board Office Conference Room #201 and to add Item C under New Business: Discussion on Comprehensive Plan – Future Land Use Map Work Priorities – the Mappsville area. The motion was carried.**

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

Chairman Lumgair opened the floor for the public comment period. There were no public present. Chairman Lumgair closed the public comment period.

**4. MINUTES**

**A. August 8, 2018**

**On a motion made by Mr. Hickman and seconded by Mr. Arnold, the Planning Commission voted to approve the August 8, 2018 minutes with the amendment on page 4, Under Next Meeting, by striking “June 13, 2018” and to insert “September 12, 2018” in the last sentence of this section. The motion was carried unanimously.**

**B. August 22, 2018 Draft Planning Commission Minutes**

On a motion made by Mr. Hickman and seconded by Mr. Roberts, the Planning Commission voted to approve the August 22, 2018 minutes as presented. The motion was carried unanimously.

**6. NEW BUSINESS**

**A. REZ-2018-004: Matthews Market Rezoning**

On a motion made by Mr. Hickman and seconded by Mr. Arnold, the Planning Commission voted to affirm the authorization given to Deputy Director Nunez to advertise REZ-2018-004 for public hearing on October 10, 2018; this is for the rezoning application filed by Matthews Market to rezone Tax Map #55A-A-66, 55A-A-61C, 55A-A-65, 55A-A-61D, 55A-1-1, 55A-1-2, 55A-A-68, and 55A-1-1A, located at 14141 & 14149 Lankford Highway & 29187 Bloxom Circle, Mappsville, VA from Residential to General Business. The motion was carried unanimously.

**B. REZ-2018-005: Bloxom Auto Supply Rezoning**

On a motion made by Mr. Arnold and seconded by Mr. Roberts, the Planning Commission voted to affirm the authorization given to Deputy Director Nunez to advertise REZ-2018-005 for public hearing on October 10, 2018; this is for the rezoning application filed by Bloxom Auto Supply to rezone Tax Map #55A-A-6, 55A-A-3, 55A-A-3A, 55A-A-4A, 55A-A-2, 55A-A-1, & 55A-A-4, located at 14110, 14116 & 14126 Lankford Highway, Mappsville, VA from Residential to General Business.

**C. Discussion on Comprehensive Plan – Future Land Use Map Work Priorities – The Mappsville area**

This item was passed over so that the public hearing could be opened at 7:30 p.m. This matter was taken up at the conclusion of the public hearing.

**5. NEW BUSINESS – Public Hearing**

**A. Modest Town Agricultural Forestal District** –to review and consider renewal of the Modest Town Agricultural Forestal District as recommended by the Agricultural Forestal Advisory Committee.

Mrs. Nunez read the notice regarding the public hearing on the Modest Town Agricultural Forestal District to review and consider renewal of said district. She stated that these districts are meant to help preserve and retain land as agricultural or forestal land and are used in conjunction with the One Year Land Use Program through the Assessor's Office to receive a tax reduction on the real estate tax. Property in an AFD is also shielded from eminent domain proceedings.

She stated that the Agricultural Forestal Advisory Committee met and provided a recommendation for two parcels to be removed from this district. In addition, they also recommended changing the expiration of this district from a 4-year term to a 10-year term. Since the committee met, letters were sent to all of the property owners in this district regarding these proposed changes to the ordinance. County staff received a few calls from affected property owners that questioned whether their property should be included or not. Staff

conducted additional review and provided a supplemental report to the Planning Commission with the following recommended changes:

- A. Parcels that were in this AFD under prior reviews and Board adoptions but were removed from the list in 2014 without a vote. These parcels need to be added to the list for inclusion in the Modest Town AFD.
  - Tax Map #56-A-54 – Ruth Kellam & Vera T. Bruton Et Al - 30.34 acres
  - Tax Map #69-2-B - Thomas Dix Jr., Succ TR – 63 acres
  - Tax Map #70-A-36 – Jerry Parks & Kelly Terese Parks – 30 acres
  - Tax Map #79-A-126 – Fletcher Barnes, III – 70.033 acres
  
- B. Parcels that were created since the last review in 2014 from lands already in the AFD and still meet the criteria for inclusion in the AFD. These parcels need to be added to the list for inclusion in the Modest Town AFD.
  - Tax Map #79-A-136 – this parcel was combined with TM#79-A-134. The original parcel of TM#79-A-134 has been in the Modest Town AFD. Therefore, Tax Map#79-A-136 (original acreage associated with former Tax Map #79-A-134) should be included in the list.
  
- C. Parcels that were created since the last review in 2014 from lands already in the AFD and do not meet the criteria for inclusion in the AFD. These parcels should be specifically voted to remove.
  - Tax Map #70-A-99J – created from 70-A-99 (Gray, John) – Jason Keyes & Teresa Ward - .34 acres

Chairman Lumgair opened the public hearing. There were no comments or questions from Commission members and no members of the public present. The hearing was closed.

***On a motion made by Mr. Hickman and seconded by Mr. Arnold, the Planning Commission voted to recommend approval to the Accomack County Board of Supervisors the renewal of the Modest Town Agricultural -Forestral district with the following changes:***

***1) Removal - Tax Map 56-A-48 – Glenn T. Matthews***

***This parcel has been erroneously duplicated in two districts. Action is being sought to remove this parcel from the Modest Town Agricultural and Forestal District and keep it in the Atlantic Agricultural and Forestal District.***

***2) Removal – Tax Map 55-6-B3 – Thomas Tyree & Leland Mason***

***This parcel is being considered for removal due to the land being subdivided off to a 1 acre parcel with a residence constructed upon it.***

***3) Removal - Tax Map #70-A-99J – was part of TM#70-A-99 (Gray, John)***

***This parcel is being considered for removal due to the land being subdivided off to Jason Keyes and Teresa Ward to a .34 acre lot***

***4) Add to correct error - Parcels that were in this AFD under prior reviews and Board adoptions but were removed from the list in 2014 without a vote.***

- Tax Map #56-A-54 – Ruth Kellam & Vera T. Bruton Et Al - 30.34 acres
- Tax Map #69-2-B - Thomas Dix Jr., Succ TR – 63 acres
- Tax Map #70-A-36 – Jerry Parks & Kelly Terese Parks – 30 acres
- Tax Map #79-A-126 – Fletcher Barnes, III – 70.033 acres

5) *Add Parcel that was created since the last review in 2014 from lands already in the AFD and still meet the criteria for inclusion in the AFD.*

- *Tax Map #79-A-136 – this parcel was combined with TM#79-A-134. The original parcel of TM#79-A-134 has been in the Modest Town AFD. Therefore, Tax Map#79-A-136 (original acreage associated with former Tax Map #79-A-134) should be included in the list.*

6) *Change the review period for review and renewal of Agricultural and Forestal Districts to a 10 year period instead of a 4 year period.*

*The motion was carried unanimously.*

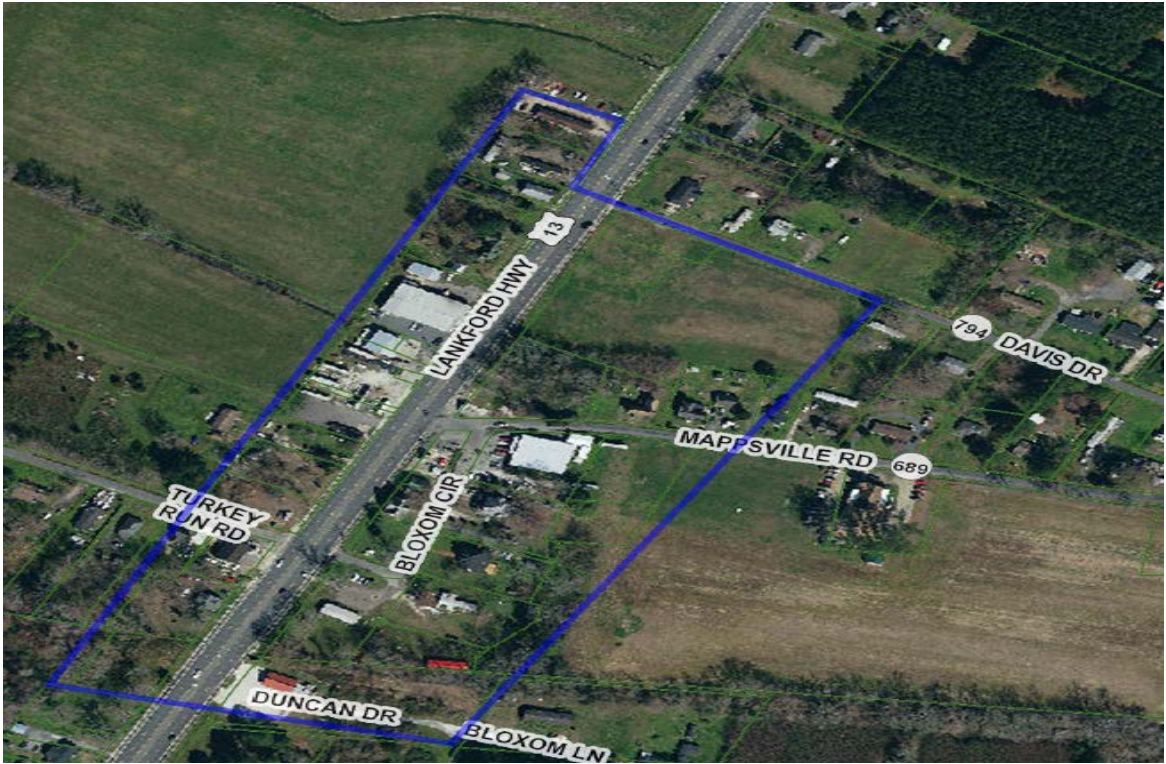
## **6. NEW BUSINESS – ITEM C continued**

### **C. Discussion on Comprehensive Plan – Future Land Use Map Work Priorities – the Mappsville area.**

With the two rezoning applications in the Mappsville area being filed, staff wanted to request the Planning Commission to consider advancing the review of the Mappsville areas on the Future Land Use Map now. This area is shown as Agricultural on the Future Land Use Map. Most of the zoning for the Mappsville area is residential.

Staff reported that the Mappsville area was last considered by the Planning Commission in the summer 2015. However, the Planning Commission did not move forward with any changes to the Future Land Use Map due to the uncertainty of the commercial project that had been pursued for that area in 2015 (the Dollar General project). Since then, the Dollar General Project has moved from uncertainty to active construction and the applications filed by Matthews Market and Bloxom Auto indicate that land designation should be considered, especially since this area has had a presence of neighborhood commercial for over 40 years. The area that was under consideration in 2015, which runs from approximately Duncan Drive north to Davis Drive and follows the property lines of the parcels that abut directly onto Route 13. This encompasses Matthews Market, Metopkin Seafood, Bloxom Auto, the Post Office and few other smaller businesses.

It was discussed that the tire place just past Davis Drive and across the street should be included in this consideration. (See picture below).



If land use designation is changed from Agricultural to some other designation that is more appropriate to the uses and the development pattern that has occurred in this area, this would align better with the land uses identified for the Future Land Use Map and allow staff to support the rezoning applications, such as the two that have now come forward, through our planning documents. Staff will examine the options of residential vs. rural village development vs. other land use designations for the Future Land Use Map and will bring this back to a future meeting for your consideration.

Nelsonia is not Comp Planned Ag - It was questioned if there are many other similar circumstances of small commercial development with residential development that has a land use designation (whether it is on the Future Land Use Map or otherwise). Mr. Morrison did not think that there are many such places left, like Mappsville, but staff will review the full map – possibly one area may be Oak Hall.

***Bob Hickman motioned and was seconded by Leander Roberts to direct staff to look at the area of Mappsville identified above and to come back with a review of possible, more appropriate land use designations (Village Development) for the Future Land Use Map for this area. The motion was carried unanimously.***

**7. FOLLOW UP ITEMS**

There were no follow up items.

## **8. OLD BUSINESS**

**A. Accomack Properties:** Staff reported that the Board of Supervisors held their public hearing on September 17, 2018. Just prior to the public hearing, the applicant submitted a revised site plan and narrative to address the concerns/comments raised by the Planning Commission at your meetings held in July and August 2018. The Board of Supervisors supported remanding the matter back to the Planning Commission to see if the revisions from the applicant address the outstanding concerns of the Planning Commission – the Planning Commission is being provided one meeting to take this up again because it needs to go back to the Board of Supervisors for their November 14, 2018 meeting.

Staff reviewed the changes that the applicant made to the site plan and referenced a staff memo that detailed these changes. Initial response by the members of the Planning Commission was that the changes seem to be a good response to address our concerns. Mr. Morrison indicated that the Board of Supervisors was generally supportive of this concept/project but there are some concerns noted by one of the Supervisors which had been raised by residents of the area about the impact of traffic to Dogwood Road and the pass-thru traffic that may occur. However, it still hinges on VDOT's take on this project.

Mr. Morrison indicated that the traffic elements associated with this project need to be addressed correctly since the County has only this review and input into the matter while it is seeking a rezoning; the only pieces that would come back before the Planning Commission would be expansion of the residential development through a conditional use permit.

**B. OTHER:** Ms. Wingfield asked as part of the Comp Plan discussion items if the Commission would be interested in considering/discussing a Wastewater Treatment Ordinance that provides for setbacks from existing residential properties. She indicated that this concept was spurred by the Atlantic Town Center project.

Mr. Hickman responded that this is a similar issue with the location of mass drainfields. There should be some consideration of appropriate setbacks from certain existing developments.

Mr. Morrison indicated that he believes this is regulated by a conditional use permit but there are no standards. He believes this is what Ms. Wingfield is referencing; it would be similar to how the County has addressed the poultry houses where we developed standards. Ms. Wingfield indicated that she will do the research and bring forth this information to staff for a future meeting.

The Commission concurred to add this to our work plan items for the zoning ordinance.

## **9. SUBDIVISION AGENT REPORT**

There was nothing to report.

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

Ms. Nunez stated that this will be a new standing item on your agenda – this is something that the Code of Virginia and our ordinance requires us to do, which is to inform the Planning Commission of upcoming applications before the Board of Zoning Appeals.

Ms. Nunez reported that there are three applications for the October 3, 2018 Board of Zoning Appeals meeting: an SUP for a tourist home at Tax Map #92B-A-12 at 24352 Nancock Gardens, Onancock; an SUP for a seafood and shellfish receiving, packing and shipping plant at Tax Map #42-A-100 at 32120 Nock's Landing Road, Atlantic, and a variance for Tax Map #55-A-3 at 29246 Hallwood Road, Hallwood to subdivide the parcel to sell the 6 existing poultry houses while retaining ownership of the primary residence.

Mr. Lumgair referenced recent discussion occurring in Northampton County concerning AirBnBs and if the County should look at this in our zoning ordinance.

## **11. OTHER:**

Mr. Morrison informed the Planning Commission of the loss of personnel in the department as a whole and requested their patience.

General comments shared: what is occurring near Watson Gas? Is this the "Addison Project"? Are there any solar projects being developed in the county since several commissioners have received or heard about outreach from solar companies seeking interested property owners.

The Board of Supervisors will be going to public hearing on the Comp Plan Update. As information, Mr. Morrison has received a recent communication from the Library Director seeking to add some items to the Comprehensive Plan. This will be included in our list of items to address in the future regarding the Comp Plan, as well as the need to update/include information regarding the new park (Sawmill Park), the EOC Center being constructed at the Fire Training Center, as well as the proposed new library.

There is an increase/uptick in building permits being issued, include new homes. Trail's End is very busy and we process many applications for that area.

## **11. NEXT MEETING**

**FUTURE MEETING CALENDAR:** The Board of Supervisors has moved their November meeting from November 21 to November 14; this bumps the Planning Commission from the Board Chambers meeting space. The Planning Commission will need to move their regular meeting and are okay with November 7, 2018. This will be formally voted upon at the October meeting once the location is confirmed.

The next Planning Commission meeting is scheduled for Wednesday, October 10, 2018 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

**12. ADJOURNMENT**

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

The meeting was adjourned at 9:00 p.m.

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David Lumgair, Jr., Chairman

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Katie H. Nunez, Deputy Director of Planning & Zoning