

At a meeting of the Accomack County Planning Commission held on the 7th day of November, 2018, at the Accomack County Administration Building – Board Chambers – Room #104.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. David Lumgair, Jr., Chairman

Mr. Roy Custis, Vice Chair

Mr. James Arnold

Mr. Lynn Gayle

Mr. C. Robert Hickman

Mr. Brantley Only

Mr. Kelvin Pettit

Mr. Leander Roberts, Jr.

Mrs. Angela Wingfield

Planning Commission Members Absent:

None absent.

Others Present:

Mr. Rich Morrison, Deputy County Administrator

Jessica Taylor Hargis, Assistant to County Administrator

Supervisor Billy Tarr

Supervisor Grayson Chesser

Supervisor Paul Muhly

Supervisor Harrison Phillips

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. Arnold and seconded by Mr. Onley, the Planning Commission voted to move New Business and any Old Business prior to the 7:30 p.m. public hearing and to adopt the agenda as amended. The motion was carried.

3. PUBLIC COMMENT

Mike Inman, attorney from Virginia Beach, spoke regarding the property south of Accomack Properties. His client has submitted a conceptual plan for a project on this project and he has met with Mr. Morrison to discuss this. He indicated that his client has obtained a letter of interest from Cracker Barrel to locate on this property. His interest is in the proposed traffic signal associated with the Accomack Properties project.

4. MINUTES

A. September 25, 2018: *On a motion made by Mr. Hickman and seconded by Mr. Roberts, the Planning Commission voted to approve the September 25, 2018 meeting minutes.*

B. October 10, 2018: *On a motion made by Mr. Gayle and seconded by Mr. Onley, the Planning Commission voted to approve the October 10, 2018 meeting minutes as corrected by fixing the November meeting date.*

C. October 23, 2018: *On a motion made by Mr. Roberts and seconded by Mr. Gayle, the Planning Commission voted to approve the October 23, 2018 meeting minutes.*

6. NEW BUSINESS – Capital Improvement Plan (CIP)

Greg Davis, the new Finance Director for Accomack County, was introduced. He is an Eastern Shore native from the Mappsville area. He distributed a preliminary list of changes to the Capital Improvement Plan. He indicated that he sent out the request for changes/additions/updates to the CIP in October to all departments. Those requests are due in shortly. Therefore, Mr. Davis will return to the December meeting with the updated, requested CIP and will be available to answer any questions and will give a more detailed presentation so that the Planning Commission will be able to schedule the required public hearing in January 2019.

Chairman Lumgair welcomed Mr. Davis.

7. FOLLOW UP ITEMS

There is nothing to report.

8. OLD BUSINESS - ACCOMACK PROPERTIES

Mr. Morris reviewed the project to date: VDOT has approved the project for a traffic light to be located at the intersection of Dogwood Drive and Route 13 and the applicant has submitted a revised proffer statement. This meeting is to provide an opportunity for the Planning Commission to receive a more detailed overview of the proposed traffic improvements as approved by VDOT.

John Salm, engineer for Accomack Properties, stated that the changes in the plans are as follows: 1) the applicant, Jack Seisman, has acquired the Edwards' property which is adjacent to the property which allows them to have a separate entrance for the residential component of the project, apart from the proposed commercial entrance off of Dogwood Drive; 2) the traffic light is shown as located at the intersection of Dogwood Drive and Route 13 and it is part of the commercial development; and 3) VDOT has approved these traffic improvements and access to Route 13.

Mr. Arnold stated that the bus stop should be relocated to a more appropriate location on the property to serve the residential development. Mr. Salm indicated that he has not talked with Star Transit yet to determine the best placement for the bus stop but he will do that.

Mr. Salm indicated that he is still working with the state to gain access to a portion of the property at the state police property that is needed to make the improvements to Dogwood Drive and the whole traffic improvements work. The applicant indicated that he will work with the local representative to facilitate this discussion with the State Police and he agreed to supply the State Police property with "public" water.

Chairman Lumgair indicated that any approval-l needs to be contingent upon approval from the State/State Police for the needed land to correct the alignment of Dogwood Drive. Mr. Morrison stated that Betty Tustin, Traffic Engineer, is in attendance to answer any questions on this matter. Mr. Salm indicated that approximately 40 ft. of land needs to be acquired from the state.

Ms. Tustin stated that the 504 Study was completed. Intent is to widen Dogwood until access to commercial development is required and then will make the full improvements, including the traffic light. The repairs to Dogwood Drive will come as needed once the surveys are completed and the repair needs are determined – the road will be brought up to standards. Mr. Roberts expressed concern of needing to widen the road where existing homes are located on Dogwood Drive. Mr. Salm responded that the expansion of Dogwood Drive will occur on property owned by the applicant.

Mr. Arnold asked about the mountable entrance between the commercial and residential properties instead of a fence. Mr. Salm responded that the mountable entrance provides the ability for public safety to enter the property, if needed, from another point of entry. The discussion on Accomack Properties was interrupted to allow for the scheduled public hearing at 7:30 p.m. to be held.

5. PUBLIC HEARING – JOYNES NECK AGRICULTURAL FORESTAL DISTRICT

The Joynes Neck Agricultural Forestal District is up for review and renewal.

Chairman Lumgair opened the public hearing. No one signed up to speak. The hearing was then closed.

Staff recommends that the Planning Commission recommend continuation of the District as recommended by the Agricultural Forestal Advisory Committee and that no parcels are being recommended for removal or inclusion in this district, that one parcel has been created from an existing parcel in the District (Tax Map #96-1-1B), and that the ordinance be moved to a 10 year term as opposed to the 4 year review.

On a motion by Mr. Roberts and seconded by Mr. Gayle, the Planning Commission voted unanimously to recommend approval to the Accomack County Board of Supervisors for the renewal of the Joynes Neck Agricultural and Forestal District as follows:

- *No parcels are recommended for removal or inclusion in this district;*
- *One parcel has been created from an existing parcel in the District – Tax Map #96-1-1B;*
- *Reviews to occur in a 10 year term as opposed to the 4 year review, as supported by the Board of Supervisors at their August 15, 2018 meeting; and*
- *No other revisions are proposed to the Joynes Neck District ordinance other than the length of term, as referenced in the bullet above*

8. OLD BUSINESS – CONTINUED DISCUSSION OF ACCOMACK PROPERTIES

Chairman Lumgair asked for clarification on the wall mounted mechanical units referenced in the proffer. Mr. Salm addressed this issue.

Mr. Arnold asked what size truck is Dogwood turn sized for. Ms. Tustin responded that it is sized for WB65.

Dale Pusey of VDOT stated that VDOT has approved the Traffic Study with the signal located at Dogwood Drive and Route 13 and with a right in/right out. The road will be private. VDOT will review the construction drawings that will be prepared by the developer. The cross over will be closed which was called for in the Route 13 Corridor Study or signs could be installed to prohibit U-Turns.

Mr. Hickman asked if there is a list of scheduled crossovers that are being closed. Mr. Pusey responded that the Resident Administrator, Chris Isdell, would be the one to provide that answer.

Mr. Pusey stated that he has not discussed alternate options if approval is not obtained from the state/State Police.

Mr. Morrison confirmed that he is not aware of a Plan B. The position is that if the Right-of-Way cannot be acquired then the traffic signal cannot go in then there can be no commercial development. Mr. Morrison indicated that he is recommending the Board of Supervisors to remand the Conditional Use Permit back to the Planning Commission to review the apartment development further, especially since the Planning Commission's recommendation was not in favor of the Conditional Use Permit since it was contingent upon the rezoning of the property.

Chairman Lumgair stated that this is really three projects under this one application. Mr. Morrison stated that the gas station/convenience center is linked to the traffic signal. Without the gas station, the signal will not go in but the apartments and the restaurant may still proceed.

Mr. Morrison clarified that any gas station could locate on this property; this is not tied to WaWa. The apartment buildings alone do not warrant the traffic signal.

Mr. Lumgair expressed concern over the bad left turn without the traffic signal being installed and the impact of the residential apartment building traffic in the morning and evening at this intersection.

Mr. Roberts asked if we can tie the apartments being constructed as a trigger for the installation of the traffic light as well as the gas station construction being a trigger for the traffic light being installed. Mr. Morrison responded in the affirmative.

Mr. Salm stated that the apartments would not warrant a traffic light alone and he confirmed that all elements of this project (gas station/convenience store, fast food restaurant and apartment buildings are needed for project to succeed).

After discussion, the members of the Planning Commission would like to consider placing a condition on the Conditional Use Permit tying the apartments as a trigger requirement for the traffic light to be installed as well as this requirement/connection between the gas station and the traffic light.

On a motion from Mr. Onley and seconded by Mr. Roberts, the Planning Commission moved to recommend to the Board of Supervisors that, based on the presentation of the Traffic Impact Study by Accomack Properties as approved by VDOT, the Planning Commission concerns have been satisfied and with the proffers from the applicant as well as the VDOT approval of the Traffic Impact Study, the rezoning be approved as requested.

8B. FUTURE LAND USE MAP – CONTINUED DISCUSSION OF MAPPSVILLE AREA, WATTSVILLE AREA AND THE JOINT LAND USE STUDY APZS.

On a motion by Mr. Hickman and seconded by Mr. Gayle, the Planning Commission voted to postpone this matter until Ms. Nunez is available.

9. SUBDIVISION AGENT REPORT

There is nothing to report at this time.

10. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS:

No applications have been filed for the December 5, 2018 meeting.

11. NEXT MEETING

The next Planning Commission meeting is scheduled for Wednesday, December 12, 2018 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

Mr. Morrison thanked Mrs. Jessica Taylor Hargis for volunteering time to help out with this meeting as she is missed.

Mr. Morrison introduced Conrad Meil, Special Projects Manager.

12. ADJOURNMENT

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

The meeting was adjourned at 8:48 p.m.

David Lumgair, Jr., Chairman

Katie H. Nunez, Deputy Director of Planning & Zoning