

At a meeting of the Accomack County Planning Commission held on the 22nd day of February, 2022, 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. Kelvin Pettit
Mr. Leander Roberts
Mr. Glen 'Adair' Tyler
Mr. Lynn Gayle
Mr. Brantley Onley

Planning Commission Members Absent:

Mr. C. Robert Hickman
Mr. John Sparkman

Others Present:

Mr. Rich Morrison, Deputy County Administrator of Building, Planning, and Economic Development
Mr. Paul Seltzer, Deputy Director of Building, Planning, and Economic Development
Mrs. Stephanie Woods, Administrative Assistant of Building, Planning, and Economic Development
Mr. Mike Mason, County Administrator

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. Roberts and seconded by Mr. Gayle the Planning Commission voted unanimously to adopt the agenda as presented.

3. OLD BUSINESS

A. Discuss the rezoning and conditional use permit applications submitted by CCG Note LLC and give staff direction on a recommendation.

Mr. Morrison reviewed the response letter from VDOT concerning the submitted traffic study, stating that VDOT made minor comments for adjustment. Most important being that with the current distance between the current proposed entrance off of State Line Road and Captains Corridor, the entrance would need to be a right-in and right-out only entrance. However, if they move the proposed entrance further west and away from Captains Corridor, it could be an unrestricted access entrance. Mr. Morrison presented the current site plan to the Commission, and a proposed updated site plan showing the State Line Road entrance moved to allow for unrestricted access. Mr. Morrison inquired

of the Planning Commission as to which Site Plan they would prefer to move forward with. Mr. Roberts stated the site plan with the unrestricted access entrance. Mr. Morrison asked for any objections, there being none, it was decided that the site plan allowing unrestricted access from and onto State Line Road would be used.

Chairwoman Wingfield inquired about the right of way onto Captains Corridor. Mr. Morrison informed the Commission that he spoke with the County Attorney, and that a potential legal path is to put a condition on the approval that no permits will be issued until the legality of Captains Corridor is resolved. Mr. Pettit asked for further clarification. Mr. Morrison stated that with the applicant being the owner of Captains Corridor they can give the right of way for the project.

Mr. Custis stated that he was impressed with the number of Captains Cove residents who are not happy with this project. Mr. Gayle stated that his thought process is that, had the townhomes been there before the residents of Captains Cove it would not have stopped them from buying the property and building there. Chairwoman Wingfield stated she sees a lot of people coming out against it, and remembers the fact that there were sewer issues approximately ten (10) years ago. Chairwoman Wingfield inquired as to how the current system is supposed to keep up. Mr. Morrison stated that the sewer is regulated by DEQ, so the applicant will have to get a DEQ approval for the expansion.

Chairwoman Winfield inquired of the Commission if it had any direction for staff concerning a recommendation. Mr. Pettit inquired about the difference between this project and a similar one that was approved in the past. Mr. Morrison stated that the main difference is that there wasn't an opposition from residents of the previous project. Mr. Morrison stated that the previous project was very similar to this one, but that the CCG Note LLC applications are more in tune with the Comp Plan.

Chairwoman Wingfield inquired about the requested waivers. Mr. Morrison explained to the Planning Commission that the waivers are not variances and that the ordinance was designed with the use of waivers in place for flexibility with requests. Mr. Morrison stated that most potential mixed use developments, including this one, would be unable to build to ordinance standards without the waivers, which is why the use of them was built in to the regulations. Mr. Morrison stated that a variance is required to go before the Board of Zoning Appeals for approval and a hardship has to be proven for approval.

Mr. Pettit inquired about the Mixed Use Standards in the ordinance. Mr. Morrison reviewed the staff's evaluation of the standards. Mr. Pettit inquired about build materials, and Mr. Morrison stated that is a fair question and can be part of the discussion with the applicant. Mr. Gayle inquired if the residents of the townhome project would have access to the amenities within Captains Cove. Mr. Morrison stated that is a good question for the applicant, informing the Commission that the golf course and the restaurant are open to the public. Mr. Custis stated that he is still unsatisfied with the limited amount of guest parking within the development.

Mr. Pettit spoke about the objections they are seeing from Residents, and inquired if they were objections that were related to health and safety. Mr. Morrison reviewed some of the objections that were made and clarified that most of them were not related to health or safety. Mr. Morrison stated that the Board is the elected official and that it is up to the Board to weigh the public comment and values. Mr. Morrison informed the Commission that the Comp Plan and ordinances also had a lot of public comment. Mr. Morrison stated that it seems the resident goals differ from the County goals.

Mr. Roberts spoke to the Comp Plan and the number of subdivisions within the County. Mr. Roberts stated there was a number of residents within the County that were opposed to the number of subdivisions that were being proposed at that time. Mr. Roberts informed the Commission that it was put to the Planning Commission to come up with something different and that is how the Village Development District came along. Mr. Tyler stated he does not see anything in the Comp Plan that states this type of project shouldn't move forward.

Mr. Morrison reviewed staff's views on the project. Mr. Morrison stated that it is staff's view to recommend approval of the project with conditions. Mr. Gayle, Mr. Roberts, Mr. Only and Mr. Tyler agreed that they would recommend the development, with Mr. Tyler stating that based on the documents and the Comp Plan it seems straight forward. Mr. Roberts stated that the same owners who own Captains Cove own the parcel for the development. Mr. Pettit stated that as long as it is legally defensible, he supported the proposal, and reiterated his statement that the building materials should be changed. Mr. Morrison stated that is something that can be open to discussion and that he would reach out to the developers the next day.

Chairwoman Wingfield inquired about the conditions for the recommendation. Mr. Morrison reviewed some conditions that are typically made on this type of application, and stated that one would tie it to the site plan. Chairwoman Wingfield inquired if there should be a fence around the stormwater management pond. Mr. Morrison stated that he would caution against that as it is not typically done as there will not be water in it all the time. Chairwoman Wingfield inquired if road management could be a condition, and Mr. Morrison stated that yes it could.

B. Discuss the rezoning and conditional use permit applications submitted by Scout Energy/Jupiter Power and give staff direction on a recommendation.

Mr. Morrison reviewed staffs views on the project. Mr. Morrison inquired of the Commission if the major concern with the project is sound. Mr. Tyler stated that he has no concerns with sound or safety. Mr. Gayle stated that the air conditioner in the room had been running during the entire meeting and it is probably approximately 50 – 55 decibels. Mr. Gayle stated he would like to get a baseline sound picture for what is already existing at the site location with traffic, planes, and etc. Mr. Gayle stated he would also like to get a sound picture of an existing facility without any walls.

Mr. Pettit stated to bring a tone generator to hear up to 55 decibels. Chairwoman Wingfield stated that it is the frequency that will determine who hears what. Mr. Onley

stated that the noise coming from the climate controlled portion, and how that is different than a heat pump in the house. Chairwoman Wingfield stated she sees a problem with Wattsville being zoned General Business when it is primarily residential and stated she is unsure of putting an industrial zone in a residential area. Mr. Morrison and the Planning Commission discussed the area of Wattsville, its current zoning and use, and its future use.

Mr. Tyler stated he felt that it would be best to move the site on the site plan so that it is fully within the General Business section of the current zoning on the parcel. Mr. Morrison stated that the Planning Commission can choose to only rezone a portion of the parcel and not the whole thing. Mr. Roberts inquired if there is a better path since they have to receive more input and more requirements from one zoning to another. Mr. Morrison stated that the County gets more protection with a rezoning than with a by right use. Mr. Gayle mentioned an article he read in the Virginia Business Magazine that stated a facility of this type is to be built in Chesterfield, VA. Mr. Morrison informed the Commission that staff reviewed the article and that the facility is not operational at this time.

Mr. Onley inquired if the land would revert back to general business zoning should the project fall through. Mr. Morrison stated that if the project were to go away, the property would be rendered useless and a new potential developer would then have to go through the rezoning process. Chairwoman Wingfield inquired about the request for a three (3) year Conditional Use Permit (CUP). Mr. Morrison stated that it could be made as part of the recommendation. Mr. Tyler inquired about a potential turn off of Rt. 175 into the proposed facility. Chairwoman Wingfield stated that the area of the proposed facility is already a high accident area on Rt. 175, and that that would potentially cause more issues. Mr. Tyler inquired if the applicant would be back for an additional 40 units. Mr. Morrison stated that would be a good question for the applicant but he suspects it is a possibility.

Mr. Tyler inquired if staff has heard from PJM, Delmarva Power, or ANEC concerning the project. Mr. Morrison stated that he has spoken with Mr. Butch Williamson with ANEC; and that Mr. Williamson stated that the reason they have chosen the parcel is because it is right next to the ANEC substation, and that PJM is incenting these project and that the grid needs this type of project. Mr. Onley inquired as to who pays for what exactly. Mr. Pettit stated that the business model is called a stacked value model. Mr. Pettit stated that they will buy power during high performance to store it, and then sell it back when it is needed. Mr. Pettit informed the Commission that the benefit of batteries is it creates a soft on and a soft off when there is a sudden drop off in resources.

Mr. Morrison inquired if the Commission felt that there is more work needed after what has already been discussed. Mr. Onley stated he will need assurance that the landscape buffer will be maintained. Chairwoman Wingfield stated that the discussion will be tabled until the next meeting.

4. **NEXT MEETING**

The next Planning Commission regular session is scheduled for Wednesday, March 9, 2022 at 7:00 p.m. in the Metompink Elementary Cafetorium, 24501 Parksley Road, Parksley.

5. **ADJOURNMENT**

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

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

Angela Wingfield, Chairman

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