

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MAY 10, 2017

At a meeting of the Accomack County Planning Commission held on the 10th day of May 2017, at Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. David Lumgair, Jr., Chairman
Mr. Spyridon Papadopoulos, Vice-Chairman
Mr. Lynn Gayle
Mr. Stephen Corazza
Mr. Roy Custis
Mr. Leander Roberts, Jr.
Mr. C. Robert Hickman
Mrs. Angela Wingfield

Planning Commission Members Absent:

Mr. Brantley Onley

Others Present:

Mr. Rich Morrison, Director of Planning and Community Development
Ms. Kristen Tremblay, Assistant Planner
Ms. Jessica Taylor, Administrative Assistant

DETERMINATION OF A QUORUM

There being a quorum, Chairman Lumgair called the meeting to order at 7:00 p.m.

2. ADOPTION OF AGENDA

Mr. Morrison suggested that the Planning Commission handle Old Business prior to New Business.

Mr. Custis asked for a correction to the tax map numbers listed for Stuckey's and Emmett Taylor, Jr as they were incorrect.

On a motion made by Mr. Roberts and seconded by Mr. Corazza the Planning Commission voted to adopt the agenda as amended.

3. PUBLIC COMMENT PERIOD (not a public hearing)

Chairman Lumgair opened the floor for the public comment period. No one signed up to speak.

4. MINUTES

A. March 8, 2017

Mr. Papadopoulos requested that staff add 'pending' to the status of item 7.5.

On a motion made by Mr. Papadopoulos and seconded by Mr. Corazza, the Planning Commission voted to approve the March 8, 2017 minutes.

5. **NEW BUSINESS**

A. Emmett Taylor, Jr. Conditional Use Permit Application – Tax Map # 42-2-A & 42-2-A1

Ms. Tremblay introduced a request from Mr. Taylor for a conditional use permit in order to allow for the operation of a borrow pit on the site. A borrow pit is an excavated area where material has been dug out for use as fill at another location.

Mr. Taylor expressed the following intentions:

- To conduct borrow pit operations with a maximum slope of 3:1 (to provide stability);
- To use the existing entrance that leads to an adjacent operational borrow pit (on the southern edge of the property);
- To retain existing vegetation on the western and southern edges of the property;
- To install Leyland Cypress in the areas that lack vegetation (for screening purposes);
- To install Hi-tensile five (5) strand fencing;
- To create a soil lane for transporting materials on the northeastern corner of the property(s).

Ms. Tremblay reminded the Planning Commission that they saw a previous request by Mr. Taylor to rezone tax map numbers 42-2-A and 42-2-A1 from Residential (with conditions) back to its original zoning designation of Agricultural in late 2015 and recommended approval of the request to the Board of Supervisors. On March 16, 2016, the Board accepted the Planning Commission's recommendation and voted to rezone the properties to Agricultural. At the time, staff had mentioned that there was a potential for an accompanying conditional use permit request in order to allow for a borrow pit.

The Planning Commission expressed and discussed its concern with the distance from adjoining properties, fencing, hours of operation, property values, and future of the borrow pit.

On a motion made by Mr. Papadopoulos and seconded by Mr. Gayle, the Planning Commission voted to hold a public hearing for Emmett Taylor, Jr.'s Conditional Use Permit Application – Tax Map # 42-2-A & 42-2-A1, to allow a borrow pit, at its June 12, 2017 meeting.

B. Begin discussion on identification of Zoning Ordinance housekeeping items

Mr. Morrison explained that staff had identified a few areas of the Zoning Ordinance that require modification.

1. **Accessory Dwellings** – Multiple Dwellings on a Single Lot (Section 106-238)

On a motion made by Mr. Corazza and seconded by Mr. Roberts, the Planning Commission voted to begin amendments to the Zoning Ordinance to remove the reference to 'Multiple Dwellings on a Single Lot' in the Residential Zoning District.

2. **Private Roads and Streets** – Road standards in subdivisions

After a discussion related to the importance of road standards and cost differences, staff agreed to review road standards required by the Village Development Ordinance and bring the matter back at a later date.

6. PUBLIC HEARING

A. Stuckey's Rezoning Application – Tax Map # 55-A-87

Ms. Tremblay provided the Planning Commission with a summary of the conditional rezoning request by Katherine and Marinos Kalmoutis, Owners, of their property (tax map number 55-A-87; also known as Stuckey's) located along Route 13 (south of Mappsville) from Agricultural and Residential to General Business.

The property currently hosts a convenience store/travel and truck plaza with gas pumps and a parking area. As mentioned previously, the applicant has informed staff that Stuckey's has been in operation for over 50 years. This approval would align the property's zoning designation with its existing land use.

Ms. Tremblay reported that she had received the following clarifications in response to the Commissioner's questions at the last meeting:

- 'non-retail motor fuel facilities' are those which allow for the dispensing of gasoline (not for sale) to vehicles used by the on-site business (or others, such as the County might use).
- Mr. Kalmoutis stated that the only additional fuel type beyond what they currently have on site that they have considered is Kerosene.

The Commission heard from Mr. and Mrs. Kalmoutis and the following proffers were offered by the applicants:

1. Upon approval of the rezoning request, uses permitted by right shall be limited to the following:

- a) Antique shops, thrift shops, and consignment shops;
- b) Convenience stores;
- c) Grocery and food stores and markets;
- d) Horticultural nurseries and greenhouses, with garden supplies;
- e) Restaurants;
- f) Retail sales stores including gifts, books, stationary, wearing apparel, sporting goods, jewelry, hobby and crafts, toys, collectibles, and pet stores;
- g) Grocery and food stores and markets
- h) Automobile service stations
- i) Car washes
- j) Off street parking
- k) Accessory uses such as, but not limited to, child care facilities, office and administrative facilities, cafeterias, lunchrooms and snack shops, recreational facilities for employees, non-retail motor fuel facilities, company vehicle service facilities, and heating and cooling systems.
- J) General merchandise, variety and department stores

For any new development on the property, all applicable local, State, and Federal ordinances, laws, regulations will be complied with and that all necessary permits will be obtained.

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At 7:30 p.m. Chairman Lumgair opened the public hearing. The following citizens signed up to speak:

1. Bruce Matthews, Mappsville, VA – expressed his support of the rezoning and may also consider taking the same action for his property/business which is located in the same vicinity.
2. Clinton Rogers, Mappsville, VA – confirmed that the rezoning would not affect his property value, and was otherwise in support of the request.

Chairman Lumgair closed the public hearing.

A discussion ensued related to VDOT's recommendations and proffers offered by the applicants.

On a motion made by Mr. Papadopoulos and seconded by Mr. Corazza, the Planning Commission voted to recommend approval of the requested rezoning to the Board of Supervisors for tax map number 55-A-87 from Residential (R) and Agricultural (A) to General Business (B-1).

The Planning Commission offers the following findings of fact and rationale to support its decision:

1. **It is not anticipated that the property will be suitable for either residential or agricultural land uses based on its location and size in relation to Route 13, and the type of development that currently exists.**
2. **The Planning Commission has discussed the appropriateness of the current future land use and has determined that the Board of Supervisors may wish to consider amending the future land use for Mappsville, including Stuckey's in the future.**

While the Comprehensive Plan Future Land Use Plan designation for the property is Agricultural, based on the proximity to Route 13, the size of the parcel, the existing land use, and what could reasonably occur on the property in the future (according to the proffer statement), the Planning Commission finds that the proposal does not necessarily conflict with the Comprehensive Plan. The Comprehensive Plan of current adoption suggests that agricultural (and forestal) lands be preserved as well as directs development towards existing population centers.

7. OLD BUSINESS

A. Discussion of 'Floating District' Report to the Board of Supervisors

Mr. Morrison informed the Planning Commission that this document has been placed on the agenda for the Board's June meeting. Due to the time, he requested that the Commissioners review the information and provide staff with any feedback they may have.

8. OTHER BUSINESS

A. Comprehensive Plan Review:

- Mr. Pusey explained to the Planning Commission that most comprehensive plan reviews begin with a land use study and that the recently land use study done in Accomack County (Joint Land Use Study) would cover that section.

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- It was suggested that family subdivisions be placed on the land use map.
- The Planning Commission should decide what areas it would like to focus on and being in June/July.
- Mr. Papadopoulos attended the Air Space Committee meeting on April 25th. He stated the issue that NASA has with bringing employees here is that the schools are insufficient; he would like to see more emphasis on education.
- Mr. Morrison stated that staff would prepare information for a comprehensive plan 'scoping' session to determine a schedule and order in which to discuss each section.
- Chairman Lumgair expressed the need for an economic development section and suggested consulting with the Economic Development Authority (EDA).

9. **NEXT MEETING**

The next Planning Commission work session is scheduled for Tuesday, May 23, 2017 at 7:00 p.m. in the School Board Conference Room, Room 201, in Accomac.

The next regular Planning Commission meeting is scheduled for Wednesday, June 14, 2017 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

10. **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 8:46 p.m.

David Lumgair, Jr., Chairman

Jessica Taylor, Administrative Assistant