

Accomack County Planning Commission Minutes of January 16, 2006

**Virginia: At a meeting of the Accomack County Planning Commission held on the 16<sup>th</sup> day of January, 2007, in the cafeteria of Metompkin Elementary School in Parksley, Virginia:**

**1. CALL TO ORDER:**

A. MEMBERS PRESENT & ABSENT:

**Members Present:**

Mr. E. Phillip Hickman, Chairman  
Mr. William A. Sprague, Vice-Chairman  
Mr. Jack Darby  
Mr. Jim Frese  
Mr. Len Mapp  
Mr. Robert L. Nock  
Ms. Stella Rohde  
Mr. E. Bryan Turner

**Members Absent:**

Mr. Leander Roberts, Jr.

**Others Present:**

Mr. James M. McGowan, Director of Planning  
Ms. Genee Drummond, Temporary Administrative Assistant  
Tom Brockenbrough, GIS Coordinator

B. DETERMINATION OF QUORUM:

There being a quorum, the meeting was called to order by Chairman E. Phillip Hickman at 7:00 p.m. Chairman Hickman welcomed Mr. Frese to the Commission. The Commissioners agreed to follow the Agenda.

Ms. Rohde announced that her appointment expired on December 31, 2006 and she had not been reappointed; therefore, she could not serve. Ms. Rohde left the meeting at 7:03 p.m.

**2. PLANNING COMMISSION APPOINTMENTS:**

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A. PLANNING COMMISSION APPOINTMENT: Mr. McGowan reported that on January 3, 2007, the Board of Supervisors appointed Mr. Jim Frese to the Planning Commission. Mr. Frese replaced Mr. Fallon. Mr. McGowan welcomed Mr. Frese to the Commission.

B. PLANNING COMMISSION REQUEST FOR REAPPOINTMENT: On December 6, 2006, the Planning Commission requested that Mr. McGowan ask the Board of Supervisors to consider reappointing all Planning Commissioners whose terms expired on December 31, 2006 until December 31, 2007 in order to complete the Comprehensive Plan Update. The Board discussed this request on December 20, 2006 but did not take action.

**Mr. Turner moved to nominate Mr. Hickman for Chairman and Mr. Sprague for Vice-Chairman for 2007. Mr. Nock seconded the motion. The motion passed with the following vote. AYE: Hickman, Sprague, Darby, Nock, and Turner. ABSTAIN: Frese and Mapp. ABSENT: Roberts and Rohde.**

**Mr. Turner moved to present Mr. Fallon with a Resolution thanking him for his time served on the Commission. Seconded by Mr. Knock, the motion passed with the following vote: AYE: Hickman, Sprague, Darby, Frese, Mapp, Nock, and Turner. ABSENT: Roberts and Rohde.**

**3. DRAFT FY 2008 CAPITAL IMPROVEMENT PLAN (CIP):**

Mr. McGowan reported that the Draft FY 2008 Capital Improvement Plan (CIP) was distributed at the December 6, 2006 Commission meeting. As requested by the Commission, appropriate Department Heads were notified to be present at the meeting of

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January 16, 2007 to answer questions. Department Head phone numbers and e-mail addresses were provided to the Commissioners so they could ask questions in advance of the meeting. Mr. Reed Ennis, Director of Finance, gave a brief presentation on the Draft FY 2008 CIP and requested the Commission to consider scheduling a Public Hearing for the February 15, 2007 commission meeting.

Mr. Frese asked Mr. Ennis how the items in the plan would be paid for. Mr. Ennis replied that decisions on funding the items in the plan would be made by the Board of Supervisors.

**Mr. Turner made a motion, seconded by Mr. Nock, to schedule a Public Hearing on the FY 2008 Capital Improvement Plan for 7:00 PM on Thursday, February 15, 2007 at Metompkin Elementary School. The motion passed with the following vote: AYE: Hickman, Sprague, Darby, Frese, Mapp, Nock, and Turner. ABSENT: Roberts and Rohde.**

**4. PUBLIC COMMENT:**

Chairman Hickman stated that during the Public Comment Period, speakers would be limited to three (3) minutes each.

The following persons spoke in opposition of the Wachapreague Volunteer Fire Company Rezoning Application:

Jeanne Borgess  
Keith Neal  
Katrina Neal  
Anne Sharkey  
Hugh Sharkey  
David Rowan

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Allen Owens  
June Owens  
Bob Gresham

The speakers cited concerns related to the impact of the carnival ground relocation on adjacent properties, including noise, light, standing water, mosquitoes, off-site effluent, a mass drain field, conflict with the comprehensive plan, the open-ended nature of a rezoning from Residential to General Business, the carnival does not serve a vital public purpose, and spot-zoning is apparent. Five of the nine speakers were not opposed to a small area being rezoned for the firehouse.

Lois Cooper thanked the Planning Commission for their hard work during 2006.

Mr. Hickman closed the Public Comment period.

### **5. OLD BUSINESS:**

#### A. WACHAPREAGUE VOLUNTEER FIRE COMPANY (DISTRICT 8):

The rezoning of approximately 20.15 acres of land in the Wachapreague area from Residential to General Business: This property, Tax Parcel 113-A-34B is located on the north side of Route 180 (Wachapreague Road), east of its intersection with Route 605 (Drummond town Road). After conducting a Public Hearing on December 6, 2006, the Planning Commission tabled action until January 16, 2007.

Mr. Jeff Pitts was present to represent the Wachapreague Volunteer Fire Company (VFC). Mr. Hickman asked Mr. Pitts to report on the Fire Company's meeting with the neighbors. Mr. Pitts stated that the Fire Company met with the neighbors and answered four questions asked by Mr. Sharkey. VFC presented altered plans to the neighbors with a 75-foot buffer area from the residential area. The neighbors are OK

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with the new firehouse but don't want the carnival moved near them. Mr. Pitts presented a map of the area showing the opinion of adjacent landowners. The map showed 29 adjacent landowners for the rezoning and 5 against it.

Mr. Pitts stated that the carnival pays approximately 75 percent of the Fire Company's expenses; with Accomack County and the Fire District Tax paying approximately 25 percent, or \$60,000 per year. Mr. Pitts stated that you can't have the Volunteer Fire Company without the carnival to support it. The existing carnival parking area is owned by others, and the firehouse and carnival need to be moved out of the flood zone. Mr. Pitts stated that VFC has the right to make proffers before the Board of Supervisors Public Hearing and will look at the acreage needed to move the firehouse and carnival exclusive of the reforested area. VFC is not sure which will be moved first, but it is easier to move the carnival. They hope to move both within 5-10 years. Mr. Hickman asked if VFC would consider proffering no commercial use other than the carnival. Mr. Pitts replied that the entire VFC would have to discuss proffers. Mr. Nock asked if it would help to meet with the neighbors again. Mr. Pitts replied that based on the last VFC meeting with the neighbors, it would not help.

Mr. Darby suggested that the application be tabled to allow more time to discuss. Chairman Hickman suggested proffering no more than 17 nights per year. Mr. Frese stated that the VFC is honorable and recommended approval.

**Mr. Frese moved to recommend approval of the Wachapreague Volunteer Fire Company's Rezoning Application to rezone Tax Parcel 113-A-34B from Residential to General Business. Seconded by Mr. Sprague, the motion passed with the following vote. AYE: Hickman, Sprague, Frese, and Nock. NAY: Darby and Turner. ABSTAIN: Mapp. ABSENT: Roberts and Rohde.**

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Chairman Hickman suggested that VFC provide proffers to the Board of Supervisors to control the noise and to direct the lighting down. Mr. Turner suggested that VFC get support from all. Chairman Hickman stated that Commissioner Roberts submitted a letter supporting the rezoning.

B.) WINDSOR BLUFFS SUBDIVISION (DISTRICT 2): A 146-lot subdivision by Tamari Properties, located off Route 692, Arbuckle Neck Road, near Atlantic, VA. Tax Parcel Numbers 56-A-49, 56-4-C, 56-4-D, 56-4-C1, and 56-4-D1. On December 6, 2006 the Planning Commission reviewed this application and tabled it in order to conduct a Commission site visit at 10:00 AM on December 7, 2006 at the proposed Windsor Bluffs Subdivision on Route 692, Arbuckle Neck Road. After convening the recessed meeting on December 7, 2006 and conducting the site visit, the Commission voted to remove the application from the table, and then voted to recommend approval of the application.

C.) WAL-MART SUPERCENTER CONDITIONAL USE PERMIT (DISTRICTS 7 AND 8): On December 20, 2006 the Board of Supervisors approved the Wal-Mart Super center Conditional Use Permit with 29 conditions.

D.) BATISTA AND EVELYN MADONIA CONDITIONAL USE PERMIT (DISTRICT 9): On December 20, 2006 the Board of Supervisors held a Public Hearing and voted to not approve the Batista and Evelyn Madonia Conditional Use Permit (Central Middle School).

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E.) DARBY REZONING (DISTRICT 3): On December 20, 2006 the Board of Supervisors held a Public Hearing and voted to not approve the Darby Rezoning application.

F.) MIRACLE MINI-STORAGE CONDITIONAL USE PERMIT: After staff review, the application was found incomplete. A revised application will be submitted. Accordingly, a Public Hearing was not advertised.

G.) MONTHLY SUBDIVISION REPORT: David Fluhart is preparing a Monthly Subdivision Report for the Planning Commission.

H.) ZONING ORDINANCE ACCESSORY DWELLING PROVISION: Attorney Sharon Pandak raised some additional issues regarding the owner-occupied provision added on December 6, 2006. Accordingly, the text for the Public Hearing was not advertised. The final text should be available for the February 15, 2007 Planning Commission meeting.

I.) COMPREHENSIVE PLAN UPDATE: Mr. McGowan reported that the Supervisor District Public Meetings on the Draft Future Land Use Map had been scheduled as requested. All meetings will begin at 7:00 PM and will be conducted in a workshop format. Supervisor Thornton has agreed to attend the Districts 2 & 3 meeting, but may decide to have a meeting for District 1 on Chincoteague at a later date. Planning consultant Milton Herd has completed the draft map. Mr. McGowan presented and distributed copies of the draft map to the

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Planning Commission. The Planning Commission requested that the District Meetings be advertised in the newspaper and on the radio.

**6. AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE:**

The Agricultural and Forestal District Committee met on December 20, 2006. At the meeting, the Committee discussed the revised draft A&F District Model Ordinance, reviewed one withdrawal request, and recommended removal of Tax Parcel: 56-A-48, owner Glenn T. Matthews, from the Atlantic A&F District because of the Preliminary Plat Approval for the Windsor Bluffs Subdivision.

**On a Motion by Mr. Sprague, seconded by Mr. Frese, the Planning Commission voted to recommend removal of Tax Parcel 56-A-48, owner Glenn T. Matthews, from the Atlantic A&F District. The motion passed unanimously with Mr. Roberts and Ms. Rohde Absent.**

**7. OTHER BUSINESS:**

A. HORNTOWN/TRAILS END CAMPGROUND: Chairman Hickman raised a concern about the homes being built at the Trails End Campground in Horntown.

**Mr. Turner made a motion, Seconded by Mr. Sprague, to request the Board of Supervisors to inquire why permanent homes are being built at the Trails End Campground. The motion passed unanimously with Mr. Roberts and Ms. Rohde Absent.**

