

**Virginia: At a meeting of the Accomack County Planning Commission held on the 3rd day of December, 2008, in the cafeteria of Metompkin Elementary School in Parksley, Virginia:**

**1. CALL TO ORDER:**

**A. MEMBERS PRESENT AND ABSENT**

**Members Present:**

Mr. E. Phillip Hickman, Chairman  
Ms. Stella Rohde, Vice Chair  
Mr. William Fallon  
Mr. C. Robert Hickman  
Ms. Tammy James  
Mr. Robert L. Nock  
Mr. Herb Thom  
Mr. E. Bryan Turner

**Members Absent:**

Mr. Leander Roberts, Jr.

**Others Present:**

Mr. James M. McGowan, Director of Planning  
Ms. Tonya Taylor, Administrative Assistant

**B. DETERMINATION OF QUORUM**

There being a quorum, Chairman Hickman called the meeting to order at 7:05 p.m. The Commissioners agreed to follow the Agenda.

**2. PUBLIC COMMENT PERIOD ( Not a Public Hearing):**

Chairman Hickman opened the floor for the Public Comment Period.

A number of citizens spoke in regards to the Chesapeake/Atlantic Preservation Overlay District.

1. Ms. Eileen Kirkwood- expressed her opinion on the implementation of the Bay Act on the seaside. She feels that the county should do a little more research before implementing this act.
2. Ms. Audrey Leonard- She would like to see the Planning Commission take their time and make a decision that will suit everyone.
3. Mr. Mark Baumgartner- Attorney representing Captain's Cove clients. Would like to work with Mr. McGowan and Mr. Taylor to come up with a solution that will be better suited for the Seaside.

4. Mr. Mark Inman-Attorney representing Captain's Cove clients. He agrees with Mr. Baumgartner.
5. Mr. Lance Stitcher- representing Captain's Cove. He would like to see an addition of an IDA(Intense Developed Area) to the Bay Act .
6. Billy Graham- Feels that the public should be educated about the Bay act.
7. George Finlayson- He feels that Captain's Cove is not polluting the Bay. The other towns around Captain's Cove are producing pollutants. Some properties have sewage and water capabilities.
8. Toni Trepanier- She thinks that the Planning Commission should take their time with this ordinance. It is not an emergency need right now.

### **3. 7:30 PUBLIC HEARING:**

**A. Capital Improvement Program:** Mr. Mike Mason, Director of Finance, presented a PowerPoint presentation of the Capital Improvement Program to the Planning Commission.

**On a Motion by Mr. Thom, and Seconded by Mr. Fallon, the Planning Commission made a recommendation of approving the Draft FY 2010 Accomack County Capital Improvement Program (CIP).**

### **4. REZONING APPLICATION REVIEW:**

**A. Drake's Landing:** Mr. McGowan presented the staff report . This application was submitted to rezone Tax Parcel 69-A-82B, approximately 12.18 acres, on the west side of Route 13 south of Route 680, Berry Road in Gargatha, from Agricultural to Residential to complete an unfinished subdivision.

Staff recommends approval for the following reasons:

1. The applicant has provided a proffer that the original site plan, dated December 15, 2003, will be used to determine the lots.
2. The applicant has provided a proffer that will limit the development to single-family homes, which will be consistent with adjacent development.
3. The applicant has provided a proffer that will keep the buffer adjacent to Lankford Highway undeveloped.
4. The subject property is adequately served by fire and rescue units.

**On a Motion by Ms. Rohde, Seconded by Mr. Thom, those present voted to schedule a Public Hearing on Drake's Landing for 7:30 PM on Wednesday, January 7, 2009 at Metompkin Elementary School.**

**B. Drive-In Theater:** Mr. McGowan, Director of Planning, presented the staff report to the Planning Commission and explained the preliminary staff recommendations.

**Preliminary Staff Recommendations:**

The proposed rezoning to General Business would allow the drive-in movie theater to be renovated and reopened. Staff has met with the applicant and suggested he prepare a site plan showing the proposed entrance road so it can be reviewed by VDOT for traffic safety. Staff recommends that a Public Hearing not be scheduled until the applicant submits a site plan showing the proposed entrance, including access for the existing homes. Staff also suggests that the applicant review the following proffer considerations to mitigate potential impacts:

1. Consider proffering a site plan that limits access to Dream Road at a location that meets VDOT requirements.
2. Consider proffering a prohibition on showing adult movies.
3. Consider proffering limits on hours of operation, including all-night shows.

Mr. Brown was unable to attend the Planning Commission so this review will be continued at another meeting date.

**5. OLD BUSINESS:**

**A. Subdivision Agent Report:** Mr. McGowan explained to the Planning Commission that the monthly Subdivision Report is unavailable at this time.

**B. Coal Kiln Convenience Center:** On November 19, 2008, the Board of Supervisors voted to confirm the Planning Commission's decision to disapprove the location of the Coal Kiln Convenience Center.

**C. Konkell Rezoning:** On November 19, 2008, the Board of Supervisors voted in favor of the requested Konkell Rezoning.

**D. Draft Rural Residential District Ordinance:** Staff distributed copies of the revised Draft Rural Residential District Ordinance for the Commission's review.

**E. Draft Route 13 Overlay District Ordinance and Map**

Staff distributed copies of the Draft Route 13 Overlay District Ordinance and Map for the Commission's review.

**F. Discussion of Draft Chesapeake/Atlantic Preservation Overlay District**

The County Attorney and Director of Planning explained the draft text to address small Seaside lots in the proposed Chesapeake /Atlantic Preservation Area Overlay District Resource Protection Area (RPA). The proposed draft text would be located under Section 106-388, Exemptions, to provide partial exemptions for vested intense seaward development in RPAs. These exemptions would only apply in the Seaside watershed on parcels with vested rights established prior to the ordinance amendment date.

The Planning Commission discussed the proposed text. Commissioner Bob Hickman suggested changing the text to provide a partial Seaside exemption to guarantee a building envelope of 3,500 square feet outside the RPA.

**On a Motion by Mr. Thom, Seconded by Mr. Turner to make a recommendation to the Board of Supervisors to adopt the Chesapeake / Atlantic Preservation Area Overlay District and Map amendment with the following revisions:**

- 1. To exclude from the overlay district the federal lands of NASA Wallops Flight Facility, Chincoteague National Wildlife Refuge, and Assateague National Seashore.**
- 2. To include the proposed Intensely Developed Area (IDA) text.**
- 3. To provide a partial Seaside exemption to guarantee a building envelope of 3,500 square feet outside the Resource Protection Area (RPA).**

**Vote: Ayes: Rohde, Hickman, B. Hickman, Nock, Fallon, James, Thom, Turner**

**Nays: None**

**Absent: Roberts**

**G. Draft Village Residential District Ordinance:** The Planning Commission decided to continue review of the Draft Village Residential District Ordinance at the next regular meeting.

## **6. NEW BUSINESS:**

**A. 2009 Planning Commission Meeting Schedule:** Mr. McGowan presented the FY2009 Planning Commission Meeting Schedule to the Planning Commission.

**On a Motion by Mr. Bob Hickman, Seconded by Mr. James, those present voted unanimously to approve the 2009 Planning Commission Meeting Schedule.**

## **7. OTHER MATTERS:**

No other matters were discussed.

## **8. MINUTES:**

The following minutes were presented for the Commission's review and approval:

### **A. Minutes of November 5, 2008**

**On a Motion by Ms. Rohde, Seconded by Mr. Thom, those present voted unanimously to approve the minutes of November 5, 2008.**

### **B. Minutes of November 17, 2008**

**On a Motion by Mr. Rohde, Seconded by Mr. Thom, those present voted unanimously to approve the minutes of November 17, 2008.**

**9. NEXT MEETING:**

The next regular Planning Commission meeting is scheduled for 7:00 PM Wednesday, January 07, 2009.

**10. ADJOURNMENT:**

**On a Motion by Mr. Thom, Seconded by Ms. James, those present voted unanimously to adjourn the meeting**

Chairman Hickman adjourned the meeting at 9:15 pm.

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Phillip Hickman, Chairman

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Tonya Taylor, Administrative Assistant