

Minutes

Northampton County Planning Commission

Work Session

April 16, 2014

Those present were Chairman Dixon Leatherbury, Jaqueline Chatmon, Mike Ward, Roberta Kellam, Sylvia Stanley, Martina Coker and Hank Heneghan.

Also in attendance was Charles McSwain, Director of Development and Peter Stith, Long Range Planner and Melissa Kellam, Zoning Administrator.

A quorum was established and the Chairman called the meeting to order.

Commissioner Kellam motioned the agenda be accepted as presented, Commissioner Coker seconded, and the motion carried with all members in favor.

The zoning review continued from the April 1, 2014 meeting with discussion of by-right uses versus the special use permit process. Commissioner Coker discussed her memo dated March 27 which concerned the proposed by-right uses and their lack of specificity. The memo stated the proposed uses are also high density and very intense, which could adversely impact the residential districts. Staff and the Commission were urged to review the memo and the ordinances referenced as a guide for drafting.

Commissioner Kellam expressed concern over the catch all phrase “uses similar to permitted uses”. This term puts a lot of responsibility on the Zoning Administrator. Commissioner Coker added that other localities have much more specific uses while this proposed document is very general in nature. Commissioner Kellam asked, what criteria would be used by the Zoning Administrator to make a determination as to what use is actually “similar”; whether it be a permitted use or special use. Chairman Leatherbury then added that the overriding issue is where the line would be drawn on special uses versus by right. Commissioner Kellam proposed the state code along with the comprehensive plan be reviewed to determine what should be by-right and what should require a Special Use Permit. The intent of the districts and existing development patterns should be guiding factors in determining what uses go, that all neighborhoods should be treated fairly and similarly in regard to uses.

Discussion turned to the hamlet districts and their proposed uses. Chairman Leatherbury stated how small commercial businesses were common in the residential communities long ago. Commissioner Kellam noted that compatibility needed to be kept in mind. Commissioner Kellam then put forth her suggested changes for the Hamlet district use lists. Mr. McSwain inquired about the process and whether this was the act of creating a proposal to the Board. Chairman Leatherbury responded that he was seeking to find Commissioner Kellam’s rationale behind her decisions. If the Commission agreed with her process then all sections would be reviewed in a similar manner. Mr. McSwain informed the Commission that no action would be taken unless a formal vote is made on items discussed. Chairman Leatherbury then suggested that the Commission continue the review independently and review those ideas at the next meeting using the excel chart provided by Commissioner Ward. A letter code would need to be formulated for the uses by right, not allowed and special use permit. All Commissioners were in consensus with the proposal.

Residential Facilities/Family day homes & Statement of Intents for Districts

Staff informed the Commission that the definitions were modified to correspond with the VA State Code. There was discussion about the residential facilities/family day homes memo, spreadsheet and definitions provided. Chairman Leatherbury asked whether anyone had revisions they would like made. Melissa Kellam was requested to draft performance standards for family day homes with 6 to 12 people and look at other localities for family day home performance standards. Commissioner Kellam moved to accept the suggested revisions in the residential facilities memo. Commissioner Coker seconded the motion which carried unanimously.

Statements of Intent for Districts

Commissioner Coker felt the intents should be more specific. The intents that have been provided do not provide any information about the purpose of the districts. Chairman Leatherbury questioned whether the intents were more beneficial to staff rather than the public. It was agreed that presently the intents were more beneficial to staff. Commissioner Kellam stated the intents should be easy for the public to use. Chairman Leatherbury proposed that the intent statements presented by staff, either be accepted or not accepted and then be modified. Commissioner Kellam suggested the grids be reviewed and then take a closer look at the intents. All members consented to the idea suggested.

Shoreline Width

Commissioner Kellam expressed concerns with the proliferation of docks potentially with high density residential development impeding access for waterman with reduced shoreline widths. She felt the 250 foot shoreline width was much more effective. Commissioner Coker added that decreasing the width also raises concerns regarding the amount of erosion and runoff as homes seek to be closer to the waterfront. Melissa Kellam explained that having large shoreline lot width would promote sprawl. Density is more appropriate because it consolidates development. Chairman Leatherbury asked what the pleasure of the Commission was regarding shoreline widths. Commissioner Coker noted she was in support in keeping it at 250 feet in the R zones. Commissioner Ward added that it depends on what they do with The Bay Act. Commissioner Kellam then made a motion to recommend to the Board of Supervisors that all Residential districts (R, R1, R3, R5), have a shoreline width of 250 feet minimum. This motion was seconded by Commissioner Coker with a 3-2 vote the motion carried. Commissioner Kellam then moved that the same 250 feet shoreline width be applied to the RM district. Commissioner Coker seconded with a vote of 3-2, the motion carried.

PUDs

Commissioner Stanley inquired about the two developments that have site plans and the existing standards they had, if any. Melissa Kellam noted that the plans were very vague, but did have standards in place. Commissioner Stanley then asked why they were removed from the village to PUD. Ms. Kellam stated, it was for the purpose of substantiating the vested rights of the development. Commissioner Kellam noted that you cannot rezone a property to a PUD. It was suggested that mobile home parks be zoned as such, allowing them to continue as well as new parks to be created under the PUD designation. Commissioner Kellam then suggested that legal counsel review the PUD criteria and submit some suggestions. A motion was made by Commissioner Kellam that the Planning Commission request staff work with the legal counsel on reviewing the PUD issues- rezoning sua sponte and criteria for development. Commissioner Stanley seconded, with all in favor and the motion carried.

Noise

Charles McSwain informed the Commission that legal counsel has drafted a noise ordinance that staff will review this coming Friday. The ordinance focuses on noise that exceeds a particular decibel level deals principally with residential noise as well as others.

Biomass

Staff noted that the Agricultural district was the only district that permitted small scale bio-mass production by right. The industrial district permitted the large scale bio-mass use by means of SUP. Commissioner Coker motioned to accept the proposed edits on Biomass conversion. This motion was seconded by Commissioner Kellam with all in favor.

Other

Commissioner Ward suggested the table be modified to show a distinction of large and small retail stores. He noted that the average small retail store is no more than 1,500 square feet in size and the larger being 2,500 square feet. The Commission supported this suggestion. Commissioner Kellam then suggested that MHP's be placed on next week's meeting agenda.

Commissioner Kellam mentioned hearing that The Board of Supervisors had decided to abandon the idea of moving The Bay Act from the Seaside. Chairman Leatherbury asked if he should call Chairman Larry Lemond and see what they are thinking. Commissioner Ward said he thought it was a procedural issue and not for the Commission to be concerned at this time. Commissioner Kellam moved to recess until April 23, 2014. The motion was seconded by Commissioner Stanley with all in favor.