

Minutes

Northampton County Planning Commission

Public Hearing

October 6, 2015

16404 Courthouse Road, Eastville, VA

7:00p.m., Board Chambers

Members Present – Dixon Leatherbury, Jacqueline Chatmon, Mike Ward, Sylvia Stanley, Mark Freeze, Dave Fauber

Members Absent – Kay Downing

Also in attendance - Peter Stith, Long Range Planner & Nyoka Hall, Recording Secretary

The meeting was called to order and a quorum was established.

The agenda was reviewed. Commissioner Chatmon motioned to approve the agenda as presented with a second from Commissioner Ward. The motion carried with all in favor (6-0).

Public Hearings:

Peter Stith read the following into the record:

- A. Ten Year Review of Church Neck AFD: The Church Neck AFD is located along both sides of Church Neck Road (SR 619) and extending along the north and south side of Sparrow Point Road (SR 657).

Chairman Leatherbury opened the hearing to the public for comments. There being no comments the hearing was then closed and opened for discussion amongst the Commission. Commissioner Freeze motioned to recommend the Church Neck AFD for renewal. The motion was seconded by Commissioner Stanley and carried (5-1) with all in favor except Commissioner Ward.

Peter Stith read the following into the record:

- B. Ten Year Review of Concord AFD: The Concord AFD is located along both side of Occohannock Neck Road (SR 183) and TB Road (SR 607) extending along the east and west side of Wardtown Road (SR 606).

Chairman Leatherbury opened the hearing to the public for comments.

Susan Tankard a participant of the Concord AFD read a letter into the record requesting the Commission recommend approval for both the Concord and the Jamesville AFD.



January 21, 2015

• **David's nursery LLC** •

*P.O. BOX 926 • EXMORE, VIRGINIA 23350 • PHONE: 757/442-7000 • FAX: 757/442-5504
Website: www.davidsnursery.com • Email: info@davidsnursery.com*

Nyoka Hall, Department Administrator
Department of Planning and Zoning
Northampton County
PO Box 538
Eastville, VA 23347

RE: Revalidation for Concord and Jamesville Agricultural and Forestal Districts

As required by Northampton County, reapplication for AFDs which will terminate in the current year must be reapplied for between January 15 and February 15 of the current year. This letter serves to notify the Department of Planning and Zoning that David and Suzanne Tankard, our children David B. Tankard Jr., Samuel Van Tankard, Mary Tankard Pack, and the David B. Tankard Family LLLP request that the land we own in the Concord AFD and the Jamesville AFD continue to retain this designation. Please be advised that the properties which we and our family own in these two AFD's are either:

1. Being actively farmed by David's Nursery LLC which comprise most of the productive acreage,
2. Are in the Federal CREP Program,
3. Or are forested acres.

The AFD designation protects the necessary functions associated with agriculture including operating irrigation motors and large equipment, spraying when necessary, as well as working an unpredictable schedule which may include late evenings and weekends. We are concerned that without this protection these

vital activities will be inhibited by present or future neighbors who do not understand the 24/7 concept of agriculture.

We started our business in 1978 and we continue to live on the farm. We both remain active in this family business though our sons, Dave Jr. and Van Tankard, are now in charge of operations. David's Nursery LLC has endured the economic upheaval of recent years and is slowly reclaiming market share. Our main market area spreads from DC to Maine and west to Pittsburgh. Occasionally we even ship to Chicago and Kansas City.

We feel the AFD tax relief is justified because our impact on county services is minimal. WE ARE NOT DEVELOPERS. We use this land for agriculture. The nursery is environmentally friendly and we comply with a myriad of regulations to ensure this aspect. At present, and this is January, we have 86 full time employees thus providing a significant payroll impact to local Eastern Shore businesses. Our work force is larger from March to October.

We request that the Planning & Zoning Commission and The Board of Supervisors continue to support Agricultural Forestal Districts as encouraged by the Northampton County Comprehensive Plan. To that end, David's Nursery would be pleased to give a tour to any Supervisor or Planning Commission member who may wish to see our operation and understand how the AFD designation is essential to ensure that we will be able to continue to farm as we do now.

Sincerely yours,

David B. Tankard
Suzanne V. K. Tankard

Mary Tankard Pack
Samuel V. Tankard

David B. Tankard, Jr.

David B. Tankard
Suzanne V. K. Tankard
David B. Tankard, Jr.
Samuel V. Tankard
Mary Tankard Pack

Ken Dufty a resident of Exmore, VA stated that he owns properties next to the Concord and Jamesville AFD's and added that he was in support of the AFD's as agriculture is the lifeblood of Northampton County.

There being no further comments; Chairman Leatherbury closed the hearing to the public and opened discussion amongst the Commission. Commissioner Freeze motioned to recommend the Concord AFD for renewal. The motion was seconded by Commissioner Chatmon and carried 5-1 with all in favor except Commissioner Ward.

Peter Stith read the following into the record:

- C. Ten Year Review of Jamesville AFD: The Jamesville AFD is located along both sides of Occohannock Neck Road (SR 183) and James Wharf Road (SR 614) and extending north-west along Sturgis House Drive (SR 676).

Chairman Leatherbury opened the hearing to the public for comments. There being no comments the hearing was then closed and opened for discussion amongst the Commission. Commissioner Freeze motioned to recommend the Jamesville AFD for renewal. The motion was seconded by Commissioner Fauber and carried 5-1 with all in favor except Commissioner Ward.

Peter Stith read the following into the record:

- D. Ten Year Review of Old Plantation AFD: The Old Plantation AFD is located along both sides of Jacobia Lane (SR 682) and Plantation Drive (SR 643).

Chairman Leatherbury opened the hearing to the public for comments. There being no comments the hearing was then closed and opened for discussion amongst the Commission. Commissioner Fauber motioned to recommend the Old Plantation AFD for renewal. The motion was seconded by Commissioner Stanley and carried 5-1 with all in favor except Commissioner Ward.

Peter Stith read the following into the record:

- E. Request to withdraw from Pickett's Harbor AFD: Denard C. Spady & Dora Weston Spady Wilkins have requested to withdraw property identified as tax map 112 double circle A parcel 39 and located at the intersection of Smaw Drive and Arlington Road.

Chairman Leatherbury opened the hearing to the public for comments. There being no comments the hearing was then closed and opened for discussion amongst the Commission. Commissioner Freeze motioned that the request to withdraw be granted. The motion was seconded by Commissioner Chatmon and carried with all in favor (6-0).

Peter Stith read the following into the record:

- F. Ten Year Review of Pickett's Harbor AFD: The Pickett's Harbor AFD is located along both sides of Arlington Road (SR 645) and extending west of Lankford Highway (SR 13).

Chairman Leatherbury opened the hearing to the public for comments. There being no comments the hearing was then closed and opened for discussion amongst the Commission. Commissioner Fauber motioned to recommend renewal of the Pickett's Harbor AFD. The motion was seconded by Commissioner Stanley and carried 5-1 with all in favor except Commissioner Ward.

Peter Stith read the following into the record:

- G. Ten Year Review of Point Pleasant AFD: The Point Pleasant AFD is located along both sides of Seaside Road (SR 600) and extending east of Lankford Highway (SR 13).

Chairman Leatherbury opened the hearing to the public for comments.

Cela Burge was present as representation for Tom Dixon. She requested a positive recommendation for this AFD as it has been a long standing farm and forestal tract.

There being no further comments the hearing was closed to the public and opened for discussion amongst the Commission. Commissioner Chatmon motioned that the Point Pleasant AFD be recommended for approval. The motion was seconded by Commissioner Freeze and carried 5-1 with all in favor except Commissioner Ward.

Peter Stith read the following into the record:

- H. Zoning Text Amendment 15-01 NHCO: The Northampton County Planning Commission proposes to amend the Northampton County Code 10/21/2009, Chapter 154, Appendix A Use Regulations, Category 4 Community Services, #14 “Medical Clinics (outpatient)” to be permitted by Major Special Use Permit in the A/RB, Agricultural/Rural Business Zoning District.

Chairman Leatherbury opened the hearing to the public for comments.

Jeff Walker questioned the reason behind the proposed request. Chairman Leatherbury explained that the reason was to pose a solution for medical facilities when the hospital leaves the County; this amendment is a proactive attempt.

Granville Hogg inquired if the request was being made by the medical ad hoc committee in preparation for the departure of the hospital. Chairman Leatherbury informed Mr. Hogg, that no conversation had taken place with the adhoc committee. The only communication about the proposed use has been with the group who is wishing to locate a facility in the County.

Cela Burge stated that it’s a good idea to permit medical facilities. The special use process may be appropriate for a use like this. She applauded the Commission’s attempt to think proactively as the hospital will be leaving.

With no further comments the public hearing was closed to the public and opened to the Commission for discussion. A motion was made by Commissioner Ward to recommend approval of Zoning Text Amendment 15-01 as submitted. The motion was seconded by Commissioner Stanley and carried with all in favor (6-0).

Peter Stith read the following into the record:

- I. Zoning Text Amendment 15-02 NHCO: The Northampton County Board of Supervisors proposes to amend the Northampton County Code 10/21/2009, §154.109 Wireless Communications Facilities Standards to resolve conflicts within the text and the Appendix A Use Regulations, Category 4 Community Services, #32 to permit Wireless Communication Facilities (WCF’s) including wireless broadband service towers up to 199 feet by Minor Special Use Permit in the Town Edge-Commercial General (TE-CG), Existing Business (EB), Commercial-1 (C-1) and Existing Industrial (EI) Districts.

Chairman Leatherbury opened the hearing to the public.

Katie Nunez, County Administrator was present as the agent for the Board of Supervisors to answer any questions. She added that there was some conversation with a service provider that was seeking some leniency in the placement of facilities. Commissioner Ward stated that according to Pat Coady,

the state is seeking install some emergency systems and questioned the probability of private enterprise co-locating on the structure. Ms. Nunez responded that she was not aware of anything at this time. She was aware that Mr. Coady had attended a conference, but had not been briefed on the information presented.

Ken Dufty of Exmore spoke in favor of the application. He referenced the Competitive Study and added that we are in need of medical facilities, communication, etc. to better Northampton County.

Granville Hogg made the comment, that as he looks at the County broadly, there is a need for the County to have a plan to see that all of the County residents have the opportunity for internet service. Placing towers at random could lead to many poor systems instead of 1 good system. He added that he would make the suggestion at the Supervisors meeting. The county needs to advocate for a centralized plan to serve all of the County residents. The approval for areas of blanketed service is not totally appropriate as everyone should be able to receive service.

There being no further comments, the hearing was closed to the public and opened discussion to the Commission. A motion was made by Commissioner Chatmon to recommend Zoning Text 15-02 for approval. The motion was seconded by Commissioner Freeze and carried with all in favor (6-0).

Consideration of Minutes

- A. August 4, 2015 regular meeting – Commissioner Chatmon motioned to approve the minutes as presented. The motion was seconded by Commissioner Ward and carried (5-0), Commissioner Fauber abstained.
- B. August 26, 2015 work session – Commissioner Chatmon motioned to approve the minutes as presented. The motion was seconded by Commissioner Ward and carried (5-0), Commissioner Fauber abstained.

Communications

Peter Stith informed the Commission that at the September 28th, 2015 Board of Supervisors meeting the Proposed Zoning Ordinance was voted out to public hearing. The Commission will have sixty days from tonight's meeting, October 6, 2015 to complete their review. The Joint Public Hearing has been scheduled for November 2nd. Chairman Leatherbury polled the Commission to determine a day suitable to begin the review. It was determined that the Commission would be meet on October 14th in addition to the already scheduled work session of October 21st.

Mr. Stith also informed the Commission that the Board has approved the Special Use Permits 2015-12 for the Montessori School and 2015-13 application for single wide mobile home for Tim Wivell. Also staff has been formatting both section I & II in preparation for distribution to the PRSG and CPAC. The PRSG membership list will be updated to reflect changes since 2012.

With no further business, Chairman Leathery called for a motion to recess. Commissioner Freeze motioned to recess until the October 14th meeting. The motion was seconded by Commissioner Stanley and carried with all in favor (6-0).

Chairman

Secretary