

Minutes

Northampton County Planning Commission

December 6, 2011

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, December 6, 2011, in the Board chambers located at 16404 Courthouse Road in Eastville, Virginia.

Those present were Chair David Fauber, Vice-Chair Martina Coker, Roberta Kellam, Severn Carpenter, Michael Ward and Mary Miller. John Wescoat, Jr., was absent. It is noted for the record that David Kabler's term has expired.

Also attending were Sandra G. Benson, Director of Planning & Zoning; and Peter Stith, Long Range Planner.

The Chair called the meeting to order at 7:00 p. m. and established a quorum present.

The agenda was reviewed and revised by inserting an additional item under Committee Reports/Presentations, as 10. B. Wind Subcommittee. Motion to accept the agenda as amended was made by Commissioner Coker and seconded by Commissioner Carpenter. The motion carried 6 to 0.

Public Hearings:

A. Special Use Permit 2011-09: The Trustees of Franktown United Methodist Church have applied to expand the existing Montessori School by constructing three new school buildings in lieu of one large previously-approved structure on property owned by the church located at 7551 Bayside Road in Franktown. The property, zoned H-Hamlet District, is described as being Tax Map 20-A-65.

Mr. Polk Kellam presented the petition on behalf of the church trustees. He noted that the school wants to expand the school facilities in smaller phases rather than constructing one large building as approved by the county last year.

Commissioner Miller asked if there was an outdoor recreation area designated for school use. Mr. Kellam replied that there is outdoor instruction for students but no identified field area.

The Chair called for public comments. There being none, the public comment portion of the hearing was closed.

Motion was made by Commissioner Coker to recommend approval of Special Use Permit 2011-09 as submitted since it meets the goal of the comprehensive plan, specifically, §6.3.2 to promote access to comprehensive and innovative state-of-the-art educational facilities, opportunities, and programs for county residents; and also the application satisfies the criteria for approving special use permits as set forth in zoning code §154.042. Second was made by Commissioner Miller who noted that this kind of use is exactly the kind envisioned within the Hamlet District. The motion carried 5 to 0 with one abstention from Commissioner Kellam.

Matters from the Public: none.

Consideration of Minutes

The minutes of November 1, 2011 were approved with one correction to page 5, next to the last paragraph, by adding the word “persons” after “enterprises”. Motion to approve as corrected was made by Commission Coker and seconded by Commissioner Carpenter. The motion carried 6 to 0.

New Business

The commission then conducted the annual election of officers for 2012 after previously receiving the written report of the Nominating Committee that recommended Commissioner Coker as Chair (District 1), Commissioner Ward as Vice-Chair (District 5), and Ms. Benson again as Secretary. The Chair called for other nominations from the floor. None were presented.

Motion was made by Commissioner Miller to accept the slate of officers as provided by the Committee. Second was made by Commissioner Kellam and the motion carried unanimously 6 to 0.

Discussion and review was then held on the proposed zoning text amendments as discussed by the Board of Supervisors. Ms. Benson noted that the Board has directed that the commission provide a recommendation to the Board within 60 days commencing on January 3, 2012. She then clarified that the Board will be the official applicant for public hearing purposes.

Commissioner Kellam asked if there was a resolution according to the Virginia Code or if there was an application from the Board to accompany the proposed amendments. Commissioner Miller also questioned if the commission could proceed if there was no resolution noted in the Board’s minutes. However, Ms. Benson explained that a Board resolution would be forthcoming in the near future and suggested that the commission proceed with review and discussion at this time. It was explained that staff recommended these changes to the Board except for those highlighted in yellow in order to bring the existing ordinance up to State Code standards. She also noted that staff has not recommended any revisions to the Board or

commission that are contrary to the law. A section by section review was then conducted as follows.

Section 154.003 Definitions:

- 1) Definition of Coastal Primary Dune: Commissioner Coker noted that this language is taken directly from State Code. She stated that the last sentence in the Coastal Primary Sand Dune definition appears to be redundant and unnecessary.
- 2) Construction Footprint definition: no changes as proposed. Ms. Benson noted that current language interpretation allows for no yard area around a home. State staff does agree in concept that allowing for yard area is reasonable. She added that the Board changed the staff recommendation from 25 feet to 50 feet since there was no prescriptive material that stipulated a 25-foot area. She noted that lot coverage ratio would still apply.

Section 154.040 Zoning Clearance:

- 1) Ms. Benson noted that current language as adopted in Section (B) (1) was not legal. The commission made no changes to the language as proposed.

Section 154.043 Amendments:

- 1) On page 5, delete the extra “no” in line 5 of Section (D) (2) and that all other typos, grammatical errors, and formatting be corrected in the final draft.

Section 154.067 Minimum Separation distances: Subsurface Absorption Systems and Wells:

- 1) By consensus the commission agreed that this section be deleted as proposed. However, Commissioner Miller expressed her opinion that the language as previously adopted provided additional safety factors. The Chair expressed his opinion that such matters should be managed by the health department and not the county. Ms. Benson added that the health department has its own setbacks that must be maintained. Commissioner Kellam also stated her support to remove the language as proposed from the zoning ordinance since there is a separate county code that addresses this matter.

Section 154.141 General Modification to Yard Regulations:

- 1) Concern was expressed about allowing certain types of accessory uses such as heat pumps or fuel tanks in a front yard setback as listed in A) Items 8 and 9 because of aesthetics. By consensus, the word “front” was deleted.
- 2) By consensus, the word “with” In Item A) (7) in the second line should be changed to “within” and the word, “monuments” should be deleted in the first line.

- 3) In Item (5) it was suggested that the word “stabilization” be inserted after “shoreline” in the first line and the words, “but not piers, board walks, and beach access stairs” should be deleted.
- 4) Commissioner Ward questioned if Item A) (4) conformed to the American with Disabilities Act and the Department of Justice criteria.

Section 154.142 Front Setback/Yard Regulations:

- 1) No changes as proposed.

Section 154.145 Height and Bulk Regulations:

- 1) No changes as proposed. Ms. Benson explained that current wording in this section is in conflict with the height requirements listed in Appendix B.

Section 154.146 Accessory Buildings and Fences:

- 1) Item (C) (5) needs to be refined for clarity since this is to specify the placement of fences. The terms, “post construction” and “flow of over land” were questioned. In the sixth line, the word “impeded” should be “impede”. By consensus, it was decided to omit Item 5 as proposed.
- 2) Also, it was suggested that retaining walls be addressed separately.

Section 154.164 Chesapeake/Atlantic Preservation District (CAP):

- 1) No changes as proposed.

Section 154.191 District Sign Regulations:

- 1) In section (B) the following language was added to the last line, “except where other provisions govern particular uses in this district.” By consensus it was agreed that the entire sign section as currently adopted should be reviewed at a later time.

Section 154.207 Cooperative Parking:

- 1) No changes as proposed.

Section 154.209 Parking Area Design:

- 1) Revise Item (D) to refer to Section 154.105.

Section 154.246 Nonconforming Uses, Lots or Buildings:

- 1) No changes as proposed. Ms. Benson noted that this section was simply reformatted for clarification purposes and there are no changes in the language as currently adopted.

Appendix A: Use Regulations:

- 1) The commission was agreeable to deleting all "W" references to wetlands matters. Ms. Benson noted that the adopted Wetlands Ordinance is a separate ordinance and does not involve zoning.
- 2) In Category 4 Community Service Uses, Item 13, "mass/community subsurface drainfield, on site", is proposed to be eliminated in the Use Chart (Appendix A) since it is specifically regulated by the Health Department. Concern was expressed by Commissioners Kellam and Miller about the elimination of the use due to potential vegetation removal and adverse impacts on neighborhoods especially if surface distribution of effluent is proposed. By consensus, the commission recommended that Item 13 be left as currently adopted and not eliminated from the Use Chart.

Before proceeding with unfinished business the Chair called for a short break at 8:55 p.m.

Unfinished Business

There were no procedural matters discussed.

Commissioner Miller reported that The Eastville Subcommittee will be Councilwoman Eleanor Gordon and Christine Mayhew who will meet in the near future with Commissioners Miller and Ward to define the public input process. One of the issues to be addressed will be the reported population changes that occurred during the last census.

Commissioner Kellam reported that work will resume on the Low Impact Commercial Uses (micro-business) draft language in the near future now that the commission knows what zoning amendments are being proposed by the Board. Commissioner Miller added that the Cape Charles Zoning Ordinance, Section 40, has a very good description of home business and area of low-impact home business that may provide useful information.

The commission reviewed the draft checklist to be used when considering zoning matters as created by Commissioner Coker. By consensus, the commission agreed that the checklist be used in future matters. Commissioner Coker will forward a final checklist to Ms. Benson for distribution to the commission after making several minor revisions and reformatting.

Zoning Code §154.111, agricultural ponds draft language, was then discussed. Commissioner Miller noted that a 25 foot setback might be too close for a pond if abutting a residential district

as opposed to another farm. It was determined that a 100-foot setback be required for ponds when abutting Village-2, Hamlet, and Town Edge-2 Districts; and that a 100-foot setback be required from an existing house or an improved, adjacent lot. It was noted that Section (E) (2) may be too restrictive for stormwater BMPs. Commissioner Kellam stated that she would research the matter for examples of safety and setback standards including grading slopes for pond edges.

Under other unfinished business Ms. Benson reported that she has not been able to communicate with Tom Bonadeo, Cape Charles Town Manager, about proceeding with the Town of Cape Charles Historic Town Entrance Overlay District since the last meeting. The Chair noted that he has mentioned this matter to Mr. Bonadeo several times. It was his understanding that Mr. Bonadeo expects to pursue this matter sometime in January but no definitive date has been scheduled.

Ms. Benson presented an updated version of the comprehensive plan review process as outlined by staff and previously reviewed by the commission. After discussion, the plan was approved by consensus. Ms. Benson noted that the Comprehensive Plan Action Committee (CPAC) proposes to develop an Economic Development Plan and it was her understanding that public meetings will be conducted as part of their process. However, she does not have a CPAC meeting schedule. Commissioner Ward asked if general or topical meetings would be needed. It was suggested that general meetings be held then topical meetings could be held if general input is deemed inadequate.

Motion was made by Commissioner Kellam that the commission accept the outline but that 8.I be placed before 8.H. Second was made by Commissioner Coker and carried unanimously 6 to 0.

It was suggested that some type of social media such as a face book page be dedicated to the comp plan update process as a timely means of communication to the public.

The potential stakeholders' lists were reviewed and combined. Additions made to the list were: watermen such as Donnie Miles, Tim Wivell and Marshall Cox; students, educators, homeowner's association groups, William Baines, Telemon, Social Services, Community Services Board, and representatives from each incorporated towns.

At this time a motion was made by Commissioner Coker that the commission continue discussion beyond 10:00 p.m. Second was made by Commissioner Miller and carried unanimously 6 to 0.

It was also suggested that representatives from the faith community such as local pastors be contacted to serve, Peg Volk to represent the arts/entertainment sector, and that Spencer Nottingham at SunTrust be included as a representative for the banking sector.

Commissioner Coker presented draft regulations for directional signage to amend §154.190 (C) (2) by adding two new items to be known as (q) Off-site Business Way Finding Signs and (4) Off-site Town Business Directory Sign. Commissioner Coker noted that since the Board had taken no action on the commission's previous business signage recommendation this amendment, if adopted, would assist small businesses in the interim.

After further discussion related to minor revisions, motion was made by Commissioner Miller to schedule the draft business signage regulations for public hearing. Second was made by Commissioner Coker and carried unanimously 6 to 0.

Committee Reports/Presentations

A status report on the Town of Eastville Subcommittee was presented earlier in the meeting by Commissioner Miller.

Director's report

Due to the time, the Director's Report that was part of the agenda packet and remaining agenda items were not discussed.

Adjourn

Motion to adjourn was made by Commissioner Coker and seconded by Commissioner Carpenter at 10:23 p.m.

Chair

Secretary