

Minutes

Northampton County Planning Commission

March 5, 2013

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, March 5, 2013, in the Board chambers located at 16404 Courthouse Road in Eastville, Va.

Those present were Chair Martina Coker, Vice-Chair Michael Ward, Mary Miller, Sylvia Stanley, Severn Carpenter, Dixon Leatherbury and Roberta Kellam.

Also attending were Peter Stith, Long Range Planner and Commission Secretary; and Kay Downing, Administrative Assistant.

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

Review and acceptance of the agenda

Upon motion by Commissioner Kellam the agenda was revised to move Item B from New Business to Item B under Public Hearing; to permanently remove Item A under Unfinished Business and to include under Unfinished Business the Transportation Section Parts I and II and to include the final review of the Population & Demographics Section under Item B as well. Second was made by Commissioner Stanley and the motion carried unanimously 7 to 0.

The scheduled public hearing was called to order.

Public hearing

Special Use Permit 2013-01: BECO Construction, Inc., has applied to operate a Live/Work Unit on property located at 26452 Lankford Highway in the Cape Center area. The property, containing 30,492 square feet of land, is described as Tax Map 98, double circle A, parcel 46 and is zoned EB Existing Business.

Ms. Cela Burge, agent for the applicant, stated that her client concurs with the statements contained in the staff report. She noted that the application does comport with the objectives of the comprehensive plan and would provide work-force housing. She added that this live-work unit would not change the existing character of the community and no negative impacts would be created to adjacent properties. She noted that the adjacent property to the north had recently received approval for the same type of special use. She read the definition of "live-work unit" which requires a residential use and may allow for a commercial use. Historically, BECO had used the building as an office in the mid 2000s. She added that approval from the Health Department is being sought since no original permits have been found. When asked if the building was occupied Ms. Burge replied no, but that it had been the subject of a violation before this permit application was filed. It was specified that a commercial section of the live-work unit must be operated by the present owner or occupant of the structure.

The Chair called for public comments. There being none the hearing was closed.

Commissioner Miller noted that all business uses allowed in the EB District would be allowed in this building if the special use permit is approved. She asked if a new use would trigger another review by the Va. Department of Transportation (VDOT). Mr. Stith noted that a business being located on the premises could possibly require a review by VDOT.

Action:

Motion to recommend approval of the application as submitted was made by Commissioner Kellam. The motion was seconded by Commissioner Ward and carried unanimously 7 to 0.

A briefing on Zoning Map Petition 2013-01 was then held with Ms. Burge, agent for the applicant known as the Robert H. Wells Revocable Living Trust. Ms. Burge stated that the applicant has applied to rezone property containing approximately 20 acres of land from C Conservation District to ESD-RVR Existing Subdivision District-Rural Village Residential. The parcel, described as Tax Map 38A1, double circle 1, lot A1, is located at 12432 Trout Lane.

Mr. Stith gave a brief zoning history of the property noting that the house was constructed in 1991 under former A/R Agriculture/Residential zoning. The parcel was originally zoned residential in 1974 then changed to A/R, a former zoning district that no longer exists. The parcel contains 20 acres which meets current A/RB Agriculture/Rural Business lot size requirements. He noted that the C Conservation District requires a minimum lot size of 50 acres. When asked, Mr. Stith stated that the 20-acre parcel was part of the original Vacluse Shores Subdivision plat. When asked why the parcel was rezoned to Conservation he noted that the change from A/RB to C occurred Dec. 28, 2000 but did not know exactly why it was changed. He stated that the property falls within the Coastal Barrier Resource System (CBRS).

Ms. Burge was asked why the rezoning was being sought. She explained that the owners would like to make improvements to the existing residence or replace it. She reiterated that the property was part of the original Vacluse development since 1974 as shown on the location plat location map. The landowners have paid Vacluse Shores Subdivision property owner association fees as well. She added that any improvement or addition would occur in the northern portion of the property.

Commissioner Kellam inquired about the density allowed in the ESD-RVR District. It was noted that ½ acre lots are allowed. Ms. Burge stated that the applicant proposes to offer a proffer to the Board of Supervisors that no subdivision of the 20 acres would take place. If accepted, that proffer would be recorded with the Clerk of the Court as a legal document.

Mr. Stith added that this 20 acre parcel is considered the remainder of the whole original subdivision and the County Attorney has deemed it as part of the original subdivision based on its history.

Commissioner Miller asked if the rezoning would be RVR or A/R. Ms. Burge noted that the former A/R zoning district no longer exists; therefore, the applicant is asking that the property be rezoned to ESD-RVR to match the rest of the Vacluse Shores Subdivision.

Matters from the public: none.

Unfinished business

The commission then discussed Section 3 Population & Demographics Section Part II of the comp plan and revisions were made, including but not limited to the following. Percentages on traffic fatalities should be removed; add sources/references to page 3-14 and the percentage listed in the tenth line of the first paragraph should be corrected; spelling, grammatical and punctuation errors are to be corrected; and more poverty data should be included by using 2010 census for Table 3.6 on page 3-10.

At this time Mr. Charles McSwain, the new Northampton County Director of Economic Development, was introduced to the commission.

Discussion was held on Section 8 Transportation Section Part II. Commissioner Miller noted that she was unaware of the VDOT template developed for local comp plans; therefore, that model was not used in this first draft. Instead, she noted that the draft developed by Accomack-Northampton Planning District Commission was utilized. The following edits were made, including but not limited to the following. On page 8-4 it was suggested that housing figures should reflect the 2010 census; however, the Chair noted that 2011 data show 30% of existing housing units as currently vacant. On page 8-4, the second sentence in the fourth paragraph should be deleted. Also, average daily traffic volume increased by 4% between 2002 and 2010 based on data supplied by the Chesapeake Bay Bridge & Tunnel (CBBT) District. Proposed commuter tolls and toll increases should be included in the document as well as the likelihood that the new road into Cape Charles would not be constructed for another 20 years. Under Section 8.4, on page 8-5, in the second paragraph there should be consistency in the number format. Three maps would be inserted that relate to Table 8.5.1. On page 8-8, 2010 data will be checked by staff. On page 8-10, in Section 8.5.2 the data listed in the last sentence of the first paragraph was questioned and should be verified. The number of accidents listed in Section 8.5.3 should be verified as well. On page 8-11, data used at the top of the page should be updated; and in the second paragraph, update data for consistency as well.

A five minute break was taken and discussion continued as follows. On page 8-18, in the first paragraph delete sentences 4, 5 and 6 referring to drainage issues in Section 8.5.12. The county flood plain map should be inserted as part of the document. In Section 8.6, second paragraph, in the first sentence delete the words "two of them with lights". On page 8-24, in Section 8.10.10 "kayak launch with parking" was added. In Section 8.11.1 reference to annual bicycle events should be inserted. Section 8.11.2 should be reworded for clarity. Language in Section 8.13 should include the picnic area south of Exmore. Table 8.16 should be thoroughly researched.

Commissioner Ward asked if the percentage of household income spent on transportation in rural areas was available. The Chair noted that the Healthy Communities report includes information on income spent on transportation.

Under other Unfinished Business the commission viewed the updated Annual Report which will be provided to the Board of Supervisors.

Consideration of Minutes

The minutes of February 5, 2013 were approved as submitted upon motion by Commissioner Kellam and second by Commissioner Ward. The motion carried unanimously 7 to 0.

New Business

There were no procedural matters to discuss.

Mr. Stith informed the commission that the Board has asked for an updated timeline on the comp plan process. The draft prepared by him was then reviewed by the commission. Commissioner Kellam suggested revisions and noted that all of the Part II data sections should be reviewed first before Part I sections are done. She also suggested that as each section of Part II is done it should be posted on the county website for public view and for feedback from the Plan Review Stakeholders Group (PRSG). However, staff questioned that process and Mr. Stith noted that the complete updated draft comp plan should be distributed at one time to the PRSG as many members of the group do not have internet access. Once that is done a meeting of the PRSG would be held for its input and comment. After that meeting, several public information meetings would be held prior to scheduling the public hearing. The commission agreed to give priority to all Part II sections of the plan and the revised the timeline to reflect that change.

Commissioner Kellam noted that the Environmental Section Part II should be completed for final discussion at the next work session.

Communications

It is noted for the record that Cape Charles Planning Commission and Town Council agendas were forwarded by email to the commissioners for their information.

Mr. Stith distributed 3 items for the commission's consideration. The first was the update to Section 5 Housing Plan Part II of the comp plan; the second was information concerning industrial wind turbines; and the third was a memo from the County Administrative concerning a directive to review and comment on the CPAC's economic report in the future.

Monthly Staff Report

The monthly staff report from Mr. Stith was submitted as follows.

1. Board/Town Action on Zoning Matters: The Town of Eastville adopted the Town Plan with the suggested changes at the February 5, 2013 meeting. There were no actions from the Board at the February meeting.

2. Comprehensive Plan Review: Continue to review and update sections of the Plan. I have been asked to submit a revised timeline to the Board and as of this date do not have a completed timeline. One will be provided to you at the meeting.

The Comprehensive Plan Advisory Committee gave their presentation to the Board on February 12, 2013 and have stopped their weekly meeting schedule. Once a draft Plan is completed they will meet to review the draft.

3. Joint Meeting with Board of Supervisors: Scheduled for March 25, 2013 at 5:00 in the Board Chambers to review work plan for 2013.

Mr. Stith noted that revised By-Laws have been distributed to each commissioner in the agenda packet.

The next work session was scheduled on Thursday, March 14, at 7:00 p.m. in the main conference room.

Adjourn/Recess

Motion to adjourn until March 14, 2013 at 7:00 p.m. was made at 10:15 p.m. by Commissioner Kellam and was seconded by Commissioner Carpenter. The motion carried unanimously 7 to 0.

Chair

Secretary