

**Northumberland County Planning Commission  
August 19, 2010  
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on August 19, 2010 at 7:00 p.m. in the Courthouse at Heathsville, VA with the following attendance:

Thomas Basker	Absent	Bill Kling	Absent
Chris Cralle	Present	George Kranda	Present
Kevin Elmore	Absent	Garfield Parker	Present
Alfred Fisher-Chairman	Present	Jim Stone	Present
Ed King	Present	Charles Williams	Present

Others in attendance:

Richard Haynie (Board of Supervisors Liaison)  
Luttrell Tadlock (Assistant County Administrator)  
W.H. Shirley (Zoning Administrator)

**RE: CALL TO ORDER**

Al Fisher, Chairman, called the meeting to order.

Jim Stone gave the invocation.

**RE: MINUTES- MAY 20, 2010 & JULY 15, 2010**

There was a correction to the July 15, 2010 minutes. With a motion from George Kranda, seconded by Charles Williams, and approved by all, the May 20, 2010 and July 15, 2010 minutes were approved with the one correction. The vote was as follows:

Thomas Basker	Absent	Bill Kling	Absent
Chris Cralle	AYE	George Kranda	AYE
Kevin Elmore	Absent	Garfield Parker	AYE
Alfred Fisher-Chairman	AYE	Jim Stone	AYE
Ed King	AYE	Charles Williams	AYE

**RE: BOARD OF SUPERVISORS REPORT**

Luttrell Tadlock gave the Board of Supervisors' Report.

**RE: ZONING REVIEW (R-5 PLANNED UNIT DEVELOPMENT) PUBLIC HEARING**

Luttrell Tadlock discussed with the public and the Commission the purpose of the public hearing.

Al Fisher opened the public hearing.

Greg Haugan stated he provided comments to Luttrell Tadlock (the Commission received copies of this letter and a copy is in this meeting's file). Although well written, Dr. Haugan believes there should be several things added to the proposed language:

- 1) Replace paragraph A in § 148-79 A. Area and density regulations with the following: In order to encourage the clustering in the PUD, the overall housing density (excluding common property area) in the PUD shall be equal to or less than 115% of that permitted in the Residential General Area Regulation set forth in § 148-33. An additional 25% increase in the density is permitted for environmental considerations as described below in § 148-XY.
- 2) Change paragraph B in §148-79 B. Area and density regulations with the following: There shall be a net open space of at least 50% and shall contain no more than 15% impervious surfaces excluding net open space.
- 3) Add a new paragraph E in §148-79. Area and density regulations with the following: A Major Water Quality Impact Assessment shall be submitted to the Zoning Administrator for appropriate action prior to issuance of a building permit. (Reference § 54-28 Chesapeake Bay Preservation Area Ordinance).
- 4) Add a new paragraph K in §148-80. Design Standards with the following: A Major Water Quality Impact Assessment shall be submitted to the Zoning Administrator for appropriate action prior to issuance of a building permit. (Reference § 54-28 Chesapeake Bay Preservation Area Ordinance).

Modify paragraph K §148-80. Design Standards as follows: A Property Owners Association (POA) shall be established as follows: 1. Developments containing common property must be subject to the submission and approval of a legal instrument or instruments encompassing restrictive covenants setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, private streets and other common facilities. No such instrument shall be acceptable unless and until approved by the County attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common land. 2. All common property shall be deeded to a POA. The exception is when part of the common property is established as an agriculture or forestry lot and therefore dedicated to that purpose or a conservation purpose and precluded from further subdivision. The developer shall file a declaration of covenants and restrictions that will govern the POA with the application for tentative plat approval. 3. The Property Owners Association, including covenants and restrictions, must be set up and legally constituted prior to the sale of any lot, dwelling unit or other structure located within the PUD. 4. All covenants and restrictions must be permanent and run with the land.

- 5) Add a new paragraph to §148-80 L. Design Standards with the following: The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of the surrounding area, with natural land forms and existing vegetation and with other development plans approved by the County. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the area's character.

- 6) It is recommended a new paragraph be added to move utilities underground: All electrical power transmission and telephone lines shall be placed underground except where prevented by local topography. Public or centralized sanitary sewer and water systems shall be exempt from area restrictions and constructed in accordance with the VA Department of Health requirements.
- 7) It is recommended that the following environmental incentives be included: The Zoning Administrator may recommend an increase in the total number of permitted dwelling units up to twenty-five (25) percent as indicated below; provided, however, that the land areas provided for each below-mentioned facility are over and above that required. The percentages for each item may be applied cumulatively and may not exceed more than twenty-five (25) percent.
  - a. Open Space
    - i. 2 percent: For each 2 acres of common space dedicated to parkland, over and above that required by this Article.
    - ii. 2 percent: Twelve-foot right-of-way provision for approved bridle, hiking and bicycling trails.
    - iii. 5 percent: Preservation and conservation of farmland and farmsteads.
    - iv. 10 percent: Dedication of an acceptable public use site (minimum of 20 acres), or public parkland and public water access or monetary contribution to provide these amenities in lieu of the amount to be determined at the time of subdivision review by the Board of Supervisors.
  - b. Site Planning design
    - i. 2 percent: Excellence in use of existing topography and/or land recontouring.
    - ii. 3 percent: Excellence in siting buildings and building groupings which may include variations in building setbacks.
    - iii. 2 percent: Provision in design for usable courtyards, gardens and patios.
    - iv. 1 percent: Proper consideration of sun and wind orientations.
    - v. 4 percent: Right-of-way provisions for riding, hiking and bicycling.
  - c. Landscape planting and screening
    - i. 1 percent: Provision of a landscaped buffer strip at least 10 feet wide between structures, in addition to that required by § 148-93

on all peripheral lot lines with a less restricted use (i.e., commercial).

- ii. 5 percent: For the retention or planting of 12 trees of 4 or more inches dbh per residential unit.
- d. Facilities and amenities
- i. 5 percent: Recreational facilities occupying 1 square foot for each square foot of residential floor area. See also § 148-182 Golf courses.
  - ii. 5 percent: Swimming pool (5 percent for each pool; not to exceed 10 percent).
  - iii. 1 percent to 3 percent: Tennis courts (1 percent for each court) and playground recreation equipment.
  - iv. 5 percent: Community center building and/or activities center.
  - v. 2 percent: Land area dedicated for public building site such as a fire station.
  - vi. 3 percent: Manmade lakes, reservoirs and water features (3 percent for lake of 5 to 10 acres, 4 percent for lake of 10 to 15 acres, 5 percent for lake of more than 15 acres (not to exceed 5 percent total credit lake)).
  - vii. 1 percent: Provisions for pedestrian leisure facilities, such as plazas, bicycle racks, benches, etc.
- 8) Change the height regulation language to read as follows:
- a. In order to maintain the character of the county, buildings may be erected up to a maximum height of 35 feet. Chimneys, flues, cooling towers, water towers, church spires, belfries, cupolas, flagpoles, and radio, television or communication aerials /towers not normally occupied are excluded from this limitation.
  - b. A public or semipublic building, such as a school, church, library or hospital, may be erected to a height in excess of 35 feet after public hearing and conditional approval by the Board of Supervisors. Increased frontage, side and rear yards may be required.
  - c. No accessory building which is within 10 feet of any party lot line shall be more than one story high.
- 9) Replace the existing common open space definition with: COMMON OPEN SPACE —Undeveloped land within a development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open

space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.

10) Suggestion that sidewalks be required.

11) Suggestion that PUDs be a required district for all subdivisions over 35 acres.

Lee Allain stated the citizens rely upon the Planning Commission and Board of Supervisors to consider land use issues. He feels the following language should be added to the proposed R-5 language: Land that is deemed SENSITIVE because of issues such as Blue/Green designation, Conservation Zoning, low elevation, proximity/insult to the Bay or reservoir, residence of endangered species, or historic value, shall require a determination of core suitability for development by the Planning Commission and Board of Supervisors prior to development plan review.

Ben Stilmar questioned where density would be addressed. He noted he purchased the book by Randall Arendt "Conservation Design for Subdivisions: A Practical Guide for Creating Open Space Networks". In this book, Arendt describes how one takes a piece of property and subtracts all unusable land from the total acreage to determine the acreage from which the density could be determined; therefore, the developer is not allowed a density for which he cannot build upon.

Ida Hall questioned why one should still be allowed to construct a PUD on Conservation Zoned land. The specific purpose of C-1 zoned land is to protect open space. PUDs in this district are contradictory.

George Kranda noted PUD's are issued through Special Exceptions and Special Exceptions are allowed to be placed in any Zoning District.

Luttrell Tadlock also stated even if the proposed language is passed, this will be a new zoning district in which an individual can request that his or her property be rezoned from Conservation District to a Planned Unit Development District.

Pete Kauneckas stated constructing a PUD on less desirable land that is zoned Conservation only gives the developer an out. Allowing PUDs on these lands defeats the whole purpose Conservation Districts.

George Kranda questioned what would be the unintended consequences for implementing something like this.

With no further comments, the public hearing was closed.

With a motion from George Kranda, seconded by Garfield Parker, and approved by all, the Commission requested Staff to see how the comments from tonight could be incorporated into the proposed R-5 Planned Unit Development District. The vote was as follows:

Thomas Basker	Absent	Bill Kling	Absent
Chris Cralle	AYE	George Kranda	AYE
Kevin Elmore	Absent	Garfield Parker	AYE
Alfred Fisher-Chairman	AYE	Jim Stone	AYE
Ed King	AYE	Charles Williams	AYE

**RE: OTHER BUSINESS**

There was no further business to be brought before the Commission.

**RE: PUBLIC COMMENT PERIOD**

Ida Hall distributed a list of Bluff Point Issues. A copy of this document can be found in this meetings file.

**RE: ADJOURNMENT**

With a motion from Chris Cralle, seconded by George Kranda, and approved by all, the meeting was adjourned. The vote was as follows:

Thomas Basker	Absent	Bill Kling	Absent
Chris Cralle	AYE	George Kranda	AYE
Kevin Elmore	Absent	Garfield Parker	AYE
Alfred Fisher-Chairman	AYE	Jim Stone	AYE
Ed King	AYE	Charles Williams	AYE