

**RICHMOND COUNTY PLANNING COMMISSION  
MEETING MINUTES**

June 8, 2015

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, June 8, 2015 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen  
Jesse Clark  
Rick Cox  
Chairperson Martha Hall  
Cassandra Jackson  
Clifton Jenkins  
John W. Lewis  
Joyce Pemberton  
Patrick Weakland

The following member was absent:

Vice Chairman Darnell Clayton

Also present:

Joseph Quesenberry, Planning and Zoning Administrator  
Mercedes Pierce, Planning Commission Secretary  
R. Morgan Quicke, County Administrator  
F. Lee Sanders, Chairman, Board of Supervisors  
John L. Haynes, Jr., Board of Supervisors  
Mrs. Kip Haynes  
Rob C. Smith, Zoning Attorney, Diatomite Corporation of America  
Jeff Howeth, Project Engineer, Diatomite Corporation of America  
Howard Kleinhendler, Diatomite Corporation of America  
Mario Parisi, Diatomite Corporation of America  
Harry Smith, Chairman, Board of Zoning Appeals  
R. Carter Wellford, Board of Zoning Appeals  
Alice Wellford  
Hill Wellford  
Approximately 5 others

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Chairperson Martha Hall called the meeting to order at 7:00p.m. Jesse Clark gave the invocation and Chairperson Hall led everyone in the Pledge of Allegiance.

Chairperson Hall informed everyone that the request for special exception for a firearms training facility was withdrawn; therefore, this public hearing would be removed from the agenda.

**APPROVAL OF MINUTES FROM JUNE 8, 2015 MEETING**

Rick Cox made a motion to approve the minutes as submitted. Joyce Pemberton seconded the motion and they were approved unanimously.

**FONES CLIFFS DEVELOPMENT DETAILED REZONING REQUEST – STAFF REPORT AND PLANNING COMMISSION RECOMMENDATION**

Joseph Quesenberry presented his Staff Report (Attachment 1), where he concluded “...that the majority of the Comprehensive Plan and Public Comments would recommend denial of the Rezoning request.”

Chairperson Martha Hall stated the Planning Commission will be voting on the rezoning request, with their recommendation being forwarded to the Board of Supervisors. Chairperson Hall informed everyone the Planning Commission spent a great deal of time discussing, thinking and asking questions about this matter.

Clifton Jenkins questioned the type of golf course to be built. Mr. Rob Smith stated Fones Cliffs will have an 18-hole championship golf course, which would attract tournament play. Mr. Smith informed everyone that 15-18 letters were submitted within the past few days encouraging approval of this project. Included in the batch was a letter from Mr. Lindsay Ervin, golf course architect, in which he believes people will stay for extended amounts of time with the presence of a nice golf course. Mr. Smith stated the economic analysis and the PKF report suggested that people will drive up to 90 miles to play at a golf course of this nature.

Joyce Pemberton made a motion to recommend the approval of this request for rezoning. Clifton Jenkins seconded this motion.

Chairperson Hall opened the floor for discussion.

Rick Cox stated that if this project moves forward, he does believe it can be an economic boon for the County, but he has a serious concern regarding the road situation at this

specific end of the County and would like to know what can be done to address this concern.

Jesse Clark commended the Chairperson and Mr. Quesenberry on the pace of this process. He also commended Mr. Smith on his detailed and thorough presentation. Mr. Clark stated he has not been polled by any other Commissioners regarding his vote, so they are all coming to a decision not knowing how anyone else will vote. Mr. Clark informed everyone he is speaking against the motion for approval because of his concerns regarding the impact this project would have on the County. He stated he was not persuaded by those individuals who spoke in opposition of this project during the Public Hearing. Mr. Clark believes the project could do good things for the local economy, but once he weighs both sides he ends up on the side of not recommending approval of it. With the present economy, Mr. Clark does not believe this project will be too successful and the project would really impact and change Newland Road and the residents in that community.

John W. Lewis stated that he is optimistic about this potential project and that it will deliver what it promises. He believes the County could see an increase of about \$2.6 million in tax revenue each year once the project is completed. Mr. Lewis stated he is hoping the companies involved hire as many local workers as possible since Richmond County has a high unemployment rate.

Ms. Pierce, Secretary, restated the motion, which was to recommend approval of the rezoning request for Fones Cliffs. The motion carried with a vote of 7-2 (*Glenn Bowen – yay; Jesse Clark – nay; Rick Cox – yay; Chairperson Martha Hall – nay; Cassandra Jackson – yay; Clifton Jenkins – yay; John W. Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

Mr. Rob Smith thanked the Commission for their professionalism and the great questions they asked.

**PUBLIC HEARING – ZONING ORDINANCE AMENDMENT: ACCESSORY STRUCTURE HEIGHT (A-1 ZONES)**

Chairperson Martha Hall opened the Public Hearing.

Mr. Quesenberry read the public notice for this hearing, which stated:

In accordance with §15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to §15.2-2310 of the Code of Virginia, 1950 as amended, the Richmond County Planning Commission hereby gives notice that a Public Hearing will start at 7:00 P.M., June 8th, 2015, in the Public Meeting Room, County Office Building, Warsaw, Virginia for the following:

- To receive public comment on a proposed amendment to the Richmond County Zoning Ordinance. The updated language provides for a height increase to accessory structures in Agricultural, General (A-1) Zones. Proposed language may be viewed in person at the Richmond County Administrator's office at 101 Court Circle, Warsaw, Virginia 22572 between 9:00 A.M. and 5:00 P.M.

Mr. Quesenberry informed everyone the notice was advertised in the Northern Neck News in advance per state requirements.

Mr. Quesenberry presented the proposed language which states, "Accessory buildings on residential lots: shall not exceed 35 feet in height unless allowed for by Special Exception, provided that it can demonstrate that an increased height is necessary."

There were no comments from the public.

Chairperson Hall stated that Joseph did a nice job with this and believes this will make things easier on residents.

Chairperson Hall closed the Public Hearing.

Jesse Clark made a motion to amend the language for the height of accessory structures according to the way Mr. Quesenberry presented it. John W. Lewis seconded the motion.

Mr. Clark stated he thinks this is a good idea.

The motion carried with a vote of 9-0 (*Glenn Bowen – yay; Jesse Clark – yay; Rick Cox – yay; Chairperson Martha Hall – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John W. Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

### **OTHER BUSINESS**

There was no other business to be discussed.

### **PUBLIC COMMENT**

There was no public comment.

### **ADJOURNMENT**

There being no further business, Chairperson Hall adjourned the meeting at 7:25p.m.

Respectfully submitted,

Mercedes Pierce  
Planning Commission Secretary

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D. BARRY SANDERS  
Code Administrator

T. RICHARD ENGLISH  
Code Compliance Officer

JOSEPH N. QUESENBERRY  
Planning & Zoning Administrator

Date: 06/08/2015

Original Application Date: 12/30/2014

Issue: Rezoning Request Case Report

Tax Parcel(s): 4-1, 4-2, 5-30

Location: Carter's Wharf Road and Cliffs Road  
America

Applicant: Diatomite Corporation of  
C/O Robert C. Smith,

Attorney

Staff Report: Joseph N. Quesenberry, Planning & Zoning Administrator

### REQUEST

A request to rezone approximately 976 acres located at the confluence of Carter's Wharf Road (Rote 622) and Cliffs Road (Route 625) from Agricultural, General (A-1) to Residential, Mixed Use (R-3), with conditional Business, General (B-1) and conditional Agricultural, General (A-1) located in designated areas. The applicant desires to create a luxury residential community and resort to be named Fones Cliffs. This Residential, Mixed Use development will seek to subdivide the property into lots for single-family dwellings, limited commercial establishments, a golf course, equestrian center and other limited activities.

### BACKGROUND

The 976 acres in question consists of three (3) parcels of land that were acquired by the applicant on February 11<sup>th</sup>, 1958 from Leesite Diatom and Chemical Corporation, consisting of the aforementioned three (3) tracts of land. Parcel 4-1 consists of 764.89 acres assessed at \$2,233,092; parcel 4-2 consists of 186.24 acres with an assessed value of \$223,488; parcel 5-30, further known as Luke's Island, sits at an acreage amount of 26.36 acres and an assessed value of \$418,357. The combined property contains over a mile and a half of frontage along the Rappahannock River, with cliffs rising over fifty (50) feet above the water in a nearly vertical ascent.



The "Fones Cliffs" area rises over fifty feet from the river below, creating an exhilarating natural landscape within Richmond County.

Cliffs Staff Report

According to the Detailed Zoning Request filed by Rob Smith on behalf of Diatomite Corporation of America, there will be a total of four (4) parcels created within the aforementioned 976 acres. Each of the new parcels within the request will include varying structures and amenities. Those amenities and uses will include the following:

**Parcel 1:**

Parcel 1 will consist of 44.26 acres, zoned as Business, General (B-1), and shall include the following:

- 116 room lodging facility (Lodge)
- 16,000 square feet of banquet, conference and classroom space associated with the Lodge
- 150 seat restaurant located at or within the lodging facility, to be no more than 5,700 square feet in size
- 18 rental cabins, not to exceed 2,200 square feet each (39,600 total square feet at 2,200 square feet each)
- 6.5 acres of traditional free standing office retail use

**Parcel 2:**

Parcel 2 will consist of 2.25 acres, zoned as Business, General (B-1), and shall include the following:

- May be used as a gas/convenience station, restaurant, real estate office, etc. The uses of this parcel will be in accordance with the Richmond County Zoning Ordinance for Business, General (B-1) Zoning designations.

**Parcel 3:**

Parcel 3 will consist of 3 acres, zoned as Business, General (B-1), and shall include the following:

- The uses of this parcel will be in accordance with the Richmond County Zoning Ordinance for Business, General (B-1) Zoning designations.

**Parcel 4:**

Parcel 4 will consist of 926.49 acres, zoned as Residential, Mixed Use (R-3), and shall include the following:

- 205 single family homes with parcels 100 feet in length
- 513 attached townhomes
- Horse stable, not to exceed 90 stalls
- Barn, not to exceed 10,000 square feet

- 7 community piers
- Hiking and equestrian trails
- Business uses on Luke's Island, not to exceed 5 acres
- 18 hole golf course (located within the Agricultural, General (A-1) Zones)

The full build out schedule for the development is projected by the developer to be 20 to 25 years.

## COMPREHENSIVE PLAN ANALYSIS

The 2020 vision for Richmond County is a product of input from citizens, community leaders and local officials. The vision is a picture of the community's shared values and aspirations. The results of this collaboration are as follows:

### 2020 Vision for Richmond County

- Rural quality of life and landscape reflecting the County's agricultural and forestal heritage
- Local businesses offering attractive job opportunities for skilled, local workforce
- Protected water resources and water quality
- Open spaces that promote traditional fishing, hunting and outdoor pursuits
- Housing that is affordable for the local workforce, the elderly and those with disabilities
- Development of recreational facilities at the Richmond County Park
- Protected historical and archaeological resources that portray the County's cultural heritage
- Local government, instituted for the common benefit, protection, and security of the community, that recognizes the constitutional rights of its citizens
- High quality education in an environment that is conducive to learning and supported by the necessary infrastructure

In following this vision, within Section IV (4) of the Richmond County Comprehensive Plan, adopted on July 11<sup>th</sup>, 2013, the community outlined several "Goals, Issues, Objectives, and Recommendations" for the County to follow as a path to year 2020. They are as follows:

- Protection of archaeological and historic resources
- Protection of natural resources and environment
- Protection of groundwater and drinking water
- Protection of rural character and viability of farming, fishing, and forestry
- Support of affordable housing
- Enhance economic base and employment opportunities
- Provide opportunities for broadband access
- Capital Improvement Plan



- Continued development of the transportation network

In review of these goals, issues, objectives, and recommendations, the staff recognizes that the proposed development is in conflict with many of the items listed above. In the opening paragraph of the aforementioned section, the Comprehensive Plan states that “Saving archaeological and historic sites from destruction can be done. The County recognizes that archaeological and historic sites are non-renewable resources. Once a site has been disturbed, or worse, destroyed, it can never be restored.” The plan goes on to further state in its goals and objectives that “The community has expressed a clear desire to protect the integrity of the natural resources with specific concern focused on the surface water.” In harmony with the language within the Comprehensive Plan, a slide presented by the developer states that the Fones Cliffs area is described as “likely the most unspoiled and pristine in the entire Chesapeake Bay watershed.”

In addressing the protection of the rural character and viability of farming, fishing, and forestry of the County, the Comprehensive Plan states that “Common in rural regions are commercially held large land tracts that, if no longer targeted for natural resource based activities, are typically put up for sale or development. Sale of these tracts of land can lead to drastic changes in land use thereby altering community character. These changes are often not in line with community/local planning.” It goes on to further state that “This, along with the desire to mirror the waterfront development of other localities and the ability through the increased use of “alternative” onsite waste water treatment to build on land once considered unsuitable for development, places increased pressure for land use change that can be in conflict with the goal to protect rural character and the viability of natural resource based activity.” The staff feels that the proposed project, at 718 dwellings and various amenities, will come in to direct conflict with the goals and objectives of maintaining Richmond County’s rural character.

Regarding the support of affordable housing, the developer anticipates prices in the range of \$385,000 to \$575,000 for a home within the proposed development. According to the U.S. Census Bureau, the median value of owner-occupied housing units from 2009 to 2013 in Richmond County was \$155,700. The same figure for the State of Virginia came in at \$244,600, reflecting significantly higher values than both local and state medians. The median household income of Richmond County residents for the same period was estimated to be \$47,803, with Virginia coming in at \$63,907. This is difficult to qualify as affordable housing for Richmond County.

Goal 6 of the Comprehensive Plan is to enhance the economic base and employment opportunities within Richmond County. The proposed Conditional Business, General (B-1) Zones will allow for commercial based activity within the County, providing employment opportunities for local workers. Construction firms and associated skilled workers, if hired from within Richmond County, can work to employ numerous local workers.

Goal 7 of the Comprehensive Plan is to provide opportunities for broadband access to the businesses and citizens of Richmond County. Through both the Rezoning Request and answers to questions submitted to the developer by the Planning Commission, broadband access seems to be a priority for the proposed development, with mention of a request for proposals to private firms in bringing this technology to a portion of the County that, at the current rate of activity, may not see this technology for many years.

## PUBLIC HEARING

The Richmond County Planning Commission held a Public Hearing on Monday, May 11<sup>th</sup>, 2015, to address public comment of the proposed rezoning and development of the "Fones Cliffs" property. There were a total of seven (7) speakers, three of which were Richmond County citizens. The staff believes that public comment from the citizens of both Richmond County and the region is an integral part of the process. In continuing with this, each of the seven (7) speakers spoke out against the project for a myriad of reasons. According to the recorded minutes, eagle nesting grounds, the rural character of Richmond County, and the possible loss of an historical and ecologically significant area of the state were all cited as concerns. The public speakers include the following:

Hill Wellford- *Against*  
Margaret Gerdts- *Against*  
Richard Moncure- *Against*  
Alice Wellford- *Against*  
Mac Garrett- *Against*  
Andrew Hofmann- *Against*  
Tayloe Emery- *Against*

## CONCLUSION

As the Planning and Zoning Administrator and staff liaison to the Planning Commission, I attempt to provide you with the most comprehensive and objective materials as possible to assist you in your decision making process. In utilizing the Comprehensive Plan, Public Comment, and statistical data, the staff finds that the majority of the Comprehensive Plan and Public Comments would recommend denial of the Rezoning Request.

Please feel free to contact me with any questions or comments concerning this report and Rezoning Request.

Sincerely,

Joseph N. Quesenberry  
Planning and Zoning Administrator