

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF JUNE 12, 2013

At a meeting of the Accomack County Planning Commission held on the 12th day of June 2013, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

1. CALL TO ORDER

A. MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. Phil Hickman, Chairman
Mr. George Parker, Vice-Chairman
Mr. Leander Roberts, Jr.
Mr. Spiro Papadopoulos
Mr. Bob Hickman
Mr. Alan Silverman
Mr. Pete Onley
Mr. Tony Picardi
Mr. David Lumgair, Jr.

Planning Commission Members Absent:

None

Others Present:

Mr. Rich Morrison, Director of Planning and Community Development
Mrs. Hollis Parks, Administrative Assistant

B. DETERMINATION OF A QUORUM

There being a quorum, Chairman Hickman called the meeting to order at 7:00 p.m.

2. ADOPTION OF AGENDA

The Planning Commission voted unanimously to adopt the agenda.

3. PUBLIC COMMENT PERIOD (Not a public hearing)

Chairman Hickman opened the floor for the public comment period. No one signed up or requested to speak.

4. MINUTES

A. May 8, 2013

Mr. Papadopoulos recommended that the following changes be made:

- April 10, 2013 minutes – page 2; clarify that the two errors Mr. Picardi pointed out were typing errors.
- Town Center at Wallops Island Spaceport Planned Unit Development – page 5; attach Mr. Baumgartner's PowerPoint presentation or reference that it is on file in the Planning Department.

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF JUNE 12, 2013

- Bridge Hill Conditional Rezoning Amendment – page 6 – third paragraph from the bottom; change the wording “...each Planning Commission member had an opportunity to address...” to reflect that each Planning Commission member was asked to address their concerns and ask questions.

On a motion by Mr. Silverman and seconded by Mr. Onley, the Planning Commission voted unanimously to hold the minutes until the July 10, 2013 meeting, pending amendments to satisfy Mr. Papadopoulos’ recommendations listed above.

5. OLD BUSINESS

A. Bridge Hill Conditional Rezoning Amendment

Chairman Hickman recused himself from this matter and turned the Chair to the Vice-Chairman, George Parker, due to a conflict of interest.

Mr. Parker recapped the May 8, 2013 public hearings that were held regarding the Town Center at Wallops Island Spaceport Planned Unit Development and the Bridge Hill Conditional Rezoning Amendment.

Mr. Morrison presented a brief PowerPoint presentation regarding the Bridge Hill Conditional Rezoning Amendment.

In his presentation, Mr. Morrison pointed out that if the proposed water and sewer do not satisfy the County ordinance requirements of “...owned and operated by a municipality or county,” relief from the Board of Zoning Appeals (BZA) may be sought.

Some discussion on how to proceed took place and on a motion by Mr. Silverman and seconded by Mr. Papadopoulos, the Planning Commission voted unanimously to consider and discuss the proposed utilities’ zoning issues first, technical questions second, provisions for management and oversight third, and financial viability fourth.

The Planning Commission began discussion on the zoning issues and Mr. Morrison informed the Planning Commission that he and David Fluhart, Accomack County Zoning Administrator, agree that what is being proposed is not “public” by definition, according to the Accomack County Zoning Ordinance. He further suggested that the application go to the Board of Zoning Appeals (BZA) for a Special Use Permit where it doesn’t currently satisfy the County Ordinance.

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF JUNE 12, 2013

Discussion took place on the definition of “public” and Mr. Papadopoulos asked if the Planning Commission should go by the State definition or the County definition. The rest of the Planning Commission informed Mr. Papadopoulos that in the past, the County Attorney has advised the Planning Commission to stand by the County definitions.

The Planning Commission then began to discuss technical issues and questions. Concerns regarding infiltration rates, homes being built close to the plant, Resource Protection Area (RPA), topography, basins, discharge, and stormwater were raised.

The Planning Commission questioned the applicant about managerial oversight; questions were asked regarding who will own the association for the Planned Unit Development and Bridge Hill and will there be sufficient oversight of the utility company to protect Accomack County.

Mr. Baumgartner informed the Planning Commission that the Department of Environmental Quality (DEQ) ensures that the facility is operating properly and that yearly reports must be submitted to the State Corporation Commission (SCC) for financial reasons. Mr. Baumgartner also informed the Planning Commission that the initial owners of the plant will be Atlantic Town Center and the owners will report to the officers of the corporation.

The Planning Commission asked Mr. Baumgartner what will happen if the company goes bankrupt and inquired about safeguards to protect the County. Mr. Baumgartner responded that funds are available at the State level if that were to ever happen.

More discussion regarding the SCC took place and Mr. Morrison informed the Planning Commission that before a utility can be considered by the SCC, it must serve at least 50 users and must be operational for at least one year.

Mr. Baumgartner requested the Planning Commission to allow him to provide additional detail of the SCC application process in writing; the Planning Commission agreed.

Discussion on the facility’s service area commenced. The Planning Commission asked Mr. Baumgartner if the service area had been identified and if so, where; Mr. Baumgartner responded that the service area will be the Planned Unit Development and Bridge Hill subdivision.

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF JUNE 12, 2013

The Planning Commission requested that Mr. Baumgartner also address the service area in writing and Mr. Baumgartner agreed.

After productively discussing the proposed utilities zoning issues, technical questions, provisions for management and oversight, and financial viability, the Planning Commission decided to defer any further discussion until the written correspondence was received by Mr. Baumgartner.

B. Town Center at Wallops Island Spaceport Planned Unit Development

Due to the time, this item was not discussed.

6. NEW BUSINESS

Chairman Hickman returned to the Chair.

There was no new business to discuss.

7. OTHER MATTERS

A. July 10, 2013 Meeting

It was announced that Mr. Parker will be unable to attend the meeting scheduled for July 10, 2013.

On a motion made by Chairman Hickman and seconded by Bob Hickman, the Planning Commission voted unanimously to appoint Commissioner David Lumgair to preside the Bridge Hill Conditional Rezoning Amendment and Town Center at Wallops Island Spaceport Planned Unit Development discussions at the July 10, 2013 meeting in Vice-Chairman George Parker's absence.

B. Rob Testerman

Mr. Morrison announced that Rob Testerman, who was the Land Use Planner for Accomack County for six years, accepted a job as the Town of Cape Charles Planner.

C. Joint Land Use Study Update

Mr. Morrison informed the Planning Commission that the Joint Land Use Study (JLUS) open house meeting would be held on June 27, 2013 from 4-7 p.m. in the Lockheed Martin building to discuss data that has been collected thus far.

Mr. Morrison also informed the Planning Commission that the JLUS website would be live soon. Once the website is live, staff will route the link to the Planning Commission.

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF JUNE 12, 2013

D. Town of Chincoteague – Planned Unit Development Plans

Mr. Papadopoulos requested that the Town Center at Wallops Island Spaceport Planned Unit Development plans be routed to the Town of Chincoteague for review and comment.

The Planning Commission agreed to have staff send the plans to the Town of Chincoteague for review and comment.

8. NEXT MEETING

The work session that was scheduled for Tuesday, June 25, 2013 has been cancelled.

The next regular Planning Commission meeting is scheduled for Wednesday, July 10, 2013 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

9. ADJOURNMENT

On a motion made by Mr. Parker and seconded by Mr. Picardi, the Planning Commission voted unanimously to adjourn the meeting.

The meeting was adjourned at 9:15 p.m.

E. Phillip Hickman, Chairman

Hollis Parks, Administrative Assistant