

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF JULY 10, 2013

At a meeting of the Accomack County Planning Commission held on the 10th day of July 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. 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:

Mr. George Parker, Vice-Chairman

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

On a motion made by Mr. Lumgair and seconded by Mr. Papadopoulos, the Planning Commission voted unanimously to adopt the agenda.

Mr. Bob Hickman disclosed that he had spoken to Ronnie Thomas, a citizen from Atlantic, about the agenda, particularly items to be discussed regarding the Bridge Hill Conditional Rezoning Amendment and the Town Center at Wallops Island Spaceport Planned Unit Development application.

3. PUBLIC COMMENT PERIOD (Not a public hearing)

Chairman Hickman opened the floor for the public comment period and the following person(s) signed up to speak:

▪ **Ronnie Thomas**

Mr. Thomas requested that the Planning Commission recommend denial of the Bridge Hill Conditional Rezoning Amendment and Town Center Planned Unit Development applications due to the lack of requested information.

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- **Angie Wingfield**

Mrs. Wingfield requested that the Planning Commission require the applicant to proffer that any disposal from the wastewater treatment facility must stay within the Bridge Hill or Planned Unit Development sites.

4. MINUTES

A. **May 8, 2013**

Staff presented the revised minutes of the May 8, 2013 meeting, as requested by the Planning Commission at its June 12, 2013 meeting.

On a motion made by Mr. Papadopoulos and seconded by Mr. Onley, the Planning Commission voted unanimously to approve the minutes of May 8, 2013.

B. **June 12, 2013**

Mr. Papadopoulos requested that his question regarding the difference between the State and County definition for “public” be included in the June 12, 2013 minutes.

On a motion made by Mr. Silverman and seconded by Mr. Picardi, the Planning Commission voted unanimously to approve the minutes of June 12, 2013, as amended by Mr. Papadopoulos.

5. OLD BUSINESS

Chairman Hickman recused himself from both the Bridge Hill Conditional Rezoning Amendment and the Town Center at Wallops Island Spaceport Planned Unit Development applications and turned the Chair to David Lumgair, due to a conflict of interest.

A. **Bridge Hill Conditional Rezoning Amendment**

Mr. Morrison presented a brief PowerPoint presentation that discussed items that had taken place since the last Planning Commission meeting.

Mr. Morrison recapped that on July 3, 2013, the attorney for the applicant, Mr. Baumgartner, wrote a letter to staff. It was then that staff became aware of a 100-day time frame set forth in Section 15.2-2285(B) of the Virginia Code which indicates that the Planning Commission’s recommendation “...shall be deemed approval...” if it fails to provide a “report” or recommendation within the 100-day time period.

It was clarified that July 10, 2013 was the 90-day mark of the 100-day time period and that the Planning Commission needed to make its recommendation to the Board of Supervisors at this meeting.

Discussion on how to satisfy the “report” requirements took place and it was decided

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that the “report” would be satisfied by way of a recommendation to the Board of Supervisors. The Planning Commission agreed that in its recommendation, more time to review the applications at hand would be requested.

Mr. Morrison prepared two motions for the Planning Commission; one to recommend approval and one to recommend denial of the Bridge Hill Conditional Rezoning Amendment. The Planning Commission asked Mr. Morrison to read the recommendation for denial out loud and he did so.

The Planning Commission discussed the prepared motion, made necessary changes, and made its recommendation.

On a motion made by Mr. Silverman and seconded by Mr. Bob Hickman, the Planning Commission voted unanimously to recommend denial of the Bridge Hill Conditional Rezoning Amendment, as requested by Atlantic Town Center Development Corporation and to request additional time to review the Conditional Rezoning Amendment application.

After careful review and deliberation of the proposed application and attachments stamp dated received March 26, 2013, filed by Atlantic Town Center Development Corporation, for property identified by Tax Map No. 27-A-85, the Planning Commission recommends denial of the Bridge Hill Conditional Rezoning Amendment, as requested, to the Board of Supervisors.

The Planning Commission offers the following reasons to deny the amendment:

- 1. The Planning Commission held a public hearing on the application on May 8, 2013 and spent the entire June 12, 2013 meeting trying to ascertain the details of the proposed wastewater treatment facility (wastewater treatment plant and treated wastewater discharge) and plans for the Bridge Hill property. The Planning Commission has requested additional information of the applicant. At this time, the Planning Commission does not have adequate information to recommend approval and notes that there are concerns beyond the wastewater treatment facility regarding the Bridge Hill Conditional Rezoning Amendment request.**
- 2. The Planning Commission is desirous that the Board of Supervisors provide it additional time to review and prepare a recommendation for the Bridge Hill Conditional Rezoning Amendment application. This recommendation of denial is being sent to the Board of Supervisors as a result of an interpretation**

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of Section 15.2-2285(B) of the Virginia Code and is intended to serve as the report required therein.

3. **The Comprehensive Plan addresses wastewater treatment in the Future Land Use Plan on page 6-7. As part of its review of the conditional rezoning amendment, the Comprehensive Plan guidance is evaluated by the Planning Commission. In absence of further information, the Planning Commission cannot form an opinion whether or not the proposed wastewater treatment facility is in keeping with the Future Land Use Section of the Comprehensive plan related to wastewater treatment and its application on the Bridge Hill site.**
4. **The Planning Commission has not had an opportunity to determine whether the proposed location, size, and scale of the wastewater treatment facility is appropriate for the Bridge Hill site.**
5. **In the opinion of the Planning Commission, there is not adequate linkage between the Bridge Hill application and the Town Center PUD application and therefore the Planning Commission views them as separate applications. The Bridge Hill application, as a standalone application, does not contain enough information to warrant a recommendation of approval.**
6. **The Planning Commission has identified the financial viability of the wastewater treatment facility as an area of focus. Insufficient information and lack of assurance relative to the financial viability has not been provided to the Planning Commission that would limit the financial risk to the public at large and therefore a recommendation of denial must be made.**

B. Town Center at Wallops Island Spaceport Planned Unit Development

Just as he did with the Bridge Hill Conditional Rezoning Amendment, Mr. Morrison prepared two motions for the Planning Commission; one to recommend approval and one to recommend denial of the Town Center at Wallops Island Spaceport Planned Unit Development. The Planning Commission asked Mr. Morrison to read the recommendation for denial out loud and he did so.

The Planning Commission discussed the prepared motion, made necessary changes, and made its recommendation.

On a motion made by Mr. Picardi and seconded by Mr. Roberts, the Planning Commission voted unanimously to recommend denial of the Town Center at Wallops Island Spaceport Planned Unit Development, as requested by Atlantic

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Group & Associates, Inc., and to request additional time to review the Planned Unit Development application.

After an abbreviated review of the proposed application and attachments which include: Planned Unit Development Report, Planned Unit Development Application Supporting Information, Town Center Architectural & Community Design Guidelines, and other supporting materials that deemed the application complete on April 1, 2013, as well as other materials submitted to support the application including a proposed Planned Unit Development (PUD) Ordinance submitted by the applicant, the Planning Commission offers the following reasons to deny the Planned Unit Development application:

- 1. The Planning Commission has not had an opportunity to review the PUD application as its focus has been on the accompanying Bridge Hill Conditional Rezoning Amendment request and in particular, the wastewater treatment facility proposed on that site to serve the PUD.**
- 2. The Planning Commission is desirous that the Board of Supervisors provide it additional time to review and prepare a recommendation for the PUD. This recommendation of denial is being sent to the Board of Supervisors as a result of an interpretation of Section 15.2-2285(B) of the Virginia Code and is intended to serve as the report required therein.**
- 3. The proposed wastewater treatment facility for the PUD is located on the neighboring Bridge Hill property. No zoning approvals for the wastewater treatment facility have been obtained and no review of on-site PUD sewage treatment has been undertaken by the Planning Commission. As such, it is not possible to recommend approval of a Planned Unit Development of this size and scale without an acceptable wastewater treatment facility.**

Examples of items that the Planning Commission will focus on are listed below. Other items will likely be identified with additional review time allotted.

- The Planning Commission will complete the required findings of Section 106-561, as required by the PUD Ordinance.**
- The Planning Commission will discuss the PUD Ordinance (specific to Town Center) submitted by the applicant at the May 8, 2013 meeting and hold a public hearing if the applicant's PUD Ordinance is found to be acceptable by the Commission.**

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- **The Planning Commission will work to resolve issues that were raised by individual Commissioners and the public at the Town Center Planned Unit Development and Bridge Hill Conditional Rezoning Amendment public hearings that were held on May 8, 2013.**
- **The Planning Commission will determine if the proposed PUD is in keeping with the Accomack County Comprehensive Plan of current adoption.**
- **The Planning Commission will evaluate the traffic patterns and impacts.**
- **The Planning Commission will evaluate the amount of water usage/availability at build-out.**

The Planning Commission asked Mr. Morrison if this matter should be discussed further and Mr. Morrison recommended that the matter go before the Board of Supervisors for discussion first.

The Planning Commission asked Mr. Baumgartner if the applicant is willing to proffer. Mr. Baumgartner responded and assured the Planning Commission that they absolutely are willing to.

6. NEW BUSINESS

Chairman Hickman returned to the Chair.

There was no new business to discuss.

7. OTHER MATTERS

A. Spiro Papadopoulos

Mr. Papadopoulos announced that he will not be at the August or September meetings.

B. Stormwater Workshop

Mr. Picardi announced that he and Spiro attended a Stormwater Workshop and requested that the Planning Commission be educated on the matter.

The Planning Commission seemed to like the idea of holding a work session regarding this matter in the distant future.

C. Chincoteague Water and Sewer

Chairman Hickman asked Mr. Papadopoulos what was discussed at the Chincoteague

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Town Council meeting regarding the Town's water and sewer.

Mr. Papadopoulos informed the Planning Commission that he is Chairman of the Wastewater Management Committee for the Town of Chincoteague and they prepared and presented a report to the Town Council. The Committee is recommending a management plan to address the commercial corridors of Chincoteague. He stated that the biggest problem is disposal. He further stated that he would like to initiate an informal meeting between the County and the Chincoteague to discuss this matter.

8. NEXT MEETING

The next regular Planning Commission meeting is scheduled for Wednesday, August 14, 2013 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

9. ADJOURNMENT

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

The meeting was adjourned at 8:45 p.m.

E. Phillip Hickman, Chairman

Hollis Parks, Administrative Assistant