

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF OCTOBER 8, 2014

At a meeting of the Accomack County Planning Commission held on the 8th day of October 2014, 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. David Lumgair, Chairman
Mr. Spiro Papadopoulos, Vice-Chairman
Mr. Leander Roberts
Mr. Bob Hickman
Mr. Steve Corazza
Mr. Pete Onley
Mrs. Angie Wingfield

Planning Commission Members Absent:

Mr. Alan Silverman
Mr. Tony Picardi

Others Present:

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

B. DETERMINATION OF A QUORUM

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

2. ADOPTION OF AGENDA

On a motion made by Mr. Roberts and seconded by Mr. Corazza, the Planning Commission voted to adopt the agenda.

3. PUBLIC COMMENT PERIOD (Not a public hearing)

Chairman Lumgair opened the floor for the public comment period and the following persons signed up or requested to speak:

- **Ronnie Thomas**

Mr. Thomas stated that he stands behind the Planning Commission on eliminating the Planned Unit Development Ordinance. He further stated that it is very cumbersome and that the Planning Commission gave six good reasons to eliminate it and thinks it's a great idea.

- **Phil Hickman**

Mr. Hickman spoke to the Planning Commission about the high level of noise in the Hortown/Wattsville/Wallops Island area due to the practice landings at Wallops

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Flight Facility and the Airport Protection Zone (APZ) from the Department of Defense (DoD). He suggested that if the Planning Commission goes with the premise that NASA needs to be protected, then it needs to look at each project that is in that area in regards to whether it is close to the APZ. Mr. Hickman went on to inform the Planning Commission that traffic on Route 175/Chincoteague Road during the week is comparable to peak summertime traffic three years ago. He urged the Planning Commission to be very aware of anything that opens on Route 175 and stated that anything that the Commission can do to limit that would be in the best interest of NASA and to the County.

4. MINUTES

A. September 10, 2014

On a motion made by Mr. Papadopoulos and seconded by Mr. Onley, the Planning Commission voted to approve the meeting minutes of September 10, 2014.

B. September 23, 2014

On a motion made by Mr. Roberts and seconded by Mr. Hickman, the Planning Commission voted to approve the work session minutes of September 23, 2014.

5. OLD BUSINESS

A. Atlantic Town Center Development Corporation Conditional Rezoning

Mr. Morrison presented a brief PowerPoint presentation on the Atlantic Town Center Development Corporation conditional rezoning request. He also presented the finalized motion of denial, including the prioritized list as discussed at the September 23, 2014 work session, to the Planning Commission.

Mr. Hickman moved, seconded by Mr. Onley, to recommend denial of the Atlantic Town Center Development Corporation conditional rezoning request to the Board of Supervisors with the following motion:

Following careful review of the Conditional Rezoning application dated July 2, 2014, the proffer statement last dated August 19, 2014, and the Development Plan Exhibit dated 1-03-14 submitted by the Atlantic Town Center Development Corporation, the Planning Commission recommends that the Board of Supervisors deny the conditional rezoning request for the following reasons: A) The applicant has not met the expectations of the Planning Commission to commence action on the site (condition #1 of the Conditional Use Permit issued on April 22, 2014); B) NASA's final input dated September 17, 2014 requests that the property remain zoned Agricultural; and C) That the Planning Commission does not believe that a compelling or reasonable case has been advanced by the application to warrant rezoning the entire property from Agricultural to Residential at this time.

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The Planning Commission offers the following findings of fact to support its recommendation:

1. No market studies or economic data that support the need of the development concept advanced by this application have been submitted. As such, there is no way to determine whether or not the Planning Commission's desire to accommodate "...additional market rate multiple housing options for people working in the education, medical, and aerospace professions," as referenced in the Village Development Section of the Future Land Use Plan, is satisfied.
2. The Navy's Fleet Landing Carrier Practice operations have led to the development of new Aircraft Accident Potential Zones (APZ's) as well as Aircraft noise zones (noise zones). The information is now mapped and potential impacts of the APZ's and noise zones are being analyzed as part of the Joint Land Use Study. The Planning Commission, following general Department of Defense guidance and NASA input has serious concerns about placing dense residential development in close proximity to an APZ and in an area where predictable aircraft noise is known to exist.
3. NASA has commented on the proposed conditional rezoning application twice and each time has commented that the existing Agricultural zoning be retained. The most recent comments from NASA are dated September 17, 2014.
4. The Planning Commission is of the opinion that not only is the financial information provided by the applicant at the public hearing not reliable enough to warrant a rezoning, but also, the proffers submitted are not appropriate for a development of this magnitude and do not afford the County much assurance that is not already provided by law or regulation.
5. The application does not contain a specific property development plan, site development plan, or details. No reasonable phasing schedule or construction schedule/details have been provided for consideration. Due to the lack of detailed information, the Planning Commission is unable to support this conditional rezoning application as it lacks clarity and certainty.
6. The Village Development Section of the Future Land Use Plan suggests that "to the extent possible, multiple-family housing developments should be in close proximity to goods and services for the convenience of residents and to afford residents of the developments with transportation alternatives to personal vehicles, such as walking, biking, or using other transportation forms." Although a concept has been advanced that shows land areas that may ultimately develop to achieve what the plan envisions, no solid development plan or commitment has been advanced that can provide the Planning Commission the information needed to make a determination that the rezoning is in accord with the Future Land Use Plan's objectives.

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The motion carried with a 7-0 vote:

Ayes: Hickman, Onley, Roberts, Papadopoulos, Lumgair, Corazza, Wingfield

Nays: None

Absent: Silverman, Picardi

B. Town Center Utility Facility Conditional Use Permit Amendment

Mr. Morrison presented a brief PowerPoint presentation on the Town Center Utility Facility Conditional Use Permit Amendment request.

Mr. Morrison informed the Planning Commission that since the September 23, 2014 work session, the applicant submitted a letter requesting the separation of the two requests (an increase in capacity and to relocate the wastewater and water treatment plant.) He presented the two prepared motions, as requested by the Planning Commission at the work session: one motion recommending approval of the relocation of the wastewater and water treatment plant and a second motion recommending denial of the request for an increase in capacity.

Motion #1:

Mr. Onley moved, seconded by Mr. Corazza, to recommend approval of the request to relocate the wastewater and water treatment plant to the Board of Supervisors with the following motion.

After careful consideration, the Planning Commission recommends approval of the request made by Atlantic Town Center Utility Company, Inc. on tax map #'s 27-A-115 and 27-A-116 to amend the previously-approved Conditional Use Permit on April 22, 2014 to relocate the package plant to a new position as depicted on Utilities Plan C-101 (A2) stamp dated on September 17, 2014. The Planning Commission also recommends that the most recently submitted Utilities Plan C-101 (A-2) depicting the proposed location of the package plant replace the site plan entitled 'Utilities Plan C-101' stamp dated February 4, 2014. The Planning Commission recommends that condition number two (2) of the Conditional Use Permit approved April 22, 2014 reflect the most recent submission for amendment. All other conditions still apply with the previously approved capacity standing. The following reasons are offered to support its recommendation:

- 1. It is acceptable to the Planning Commission that the wastewater treatment plant be relocated further away from the currently existing residential development near the northwestern portion of the property to now move in closer proximity to the previously-approved drainfield location towards the southwestern portion of the property.**

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- 2. The applicant is seeking relocation which was suggested at previous public hearings by the Planning Commission and Board of Supervisors.**

The motion carried with a 7-0 vote:

Ayes: Onley, Corazza, Roberts, Papadopoulos, Hickman, Lumgair, Wingfield

Nays: None

Absent: Silverman, Picardi

Motion #2:

Mr. Hickman moved, seconded by Mrs. Wingfield, to recommend denial of the request to allow for an increase in capacity of the wastewater and water treatment plant to the Board of Supervisors with the following motion.

After careful consideration, the Planning Commission recommends denial of the request to amend the Conditional Use Permit approved on April 22, 2014 on tax map #'s 27-A-115 and 27-A-116, submitted by Atlantic Town Center Utility Company, Inc., stamp dated on September 2, 2014, to allow for an increase in water and wastewater treatment capacity for a maximum of 30,000 Gallons per Day respectively. The following reasons are offered to support its recommendation:

- 1. As the request for a Conditional Rezoning on tax map #27-A-116 from Agricultural to Residential has been recommended for denial, there is no need to increase the water and wastewater capacity to service the development that would have potentially occurred if the Conditional Rezoning request had been approved at this time. The utilities plan (C-101 A2) submitted with the amendment request does not contain nor reflect the level of detail as was previously seen in the approved Conditional Use Permit application.**
- 2. The Planning Commission had the expectation that the applicant would develop the property before coming back for amendments to the Conditional Use Permit as appears to be indicated by condition number one (1) of the previously-approved Conditional Use Permit.**

The motion carried with a 7-0 vote:

Ayes: Hickman, Wingfield, Roberts, Papadopoulos, Lumgair, Corazza, Onley

Nays: None

Absent: Silverman, Picardi

6. OTHER MATTERS

A. Joint Land Use Study (JLUS) Update

Mr. Morrison informed the Planning Commission that the Office of Economic Adjustment (OEA) is looking at the timeline and public participation plan and that staff is currently waiting on OEA to let us know what the next steps are.

7. 7:30 P.M. PUBLIC HEARING

A. Planned Unit Development District Regulations

Mr. Morrison presented a brief PowerPoint presentation on the Planned Unit Development District Regulations.

Chairman Lumgair opened the public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the elimination of the Planned Unit Development District Regulations. The following persons signed up or requested to speak:

▪ **Ronnie Thomas**

Mr. Thomas requested that this matter not go to the Board of Supervisors for public hearing in December due to Christmas. He requested that it wait until January 2015.

The Planning Commission agreed that it would leave the decision of when it is presented to the Board of Supervisors up to staff.

Chairman Lumgair closed the public hearing.

Mr. Papadopoulos moved, seconded by Mr. Corazza, to recommend removal of Article XXII, Planned Unit Developments from the Accomack County Zoning Ordinance to the Board of Supervisors.

Mr. Hickman moved to amend the motion to include reasons to support the recommendation. Mr. Papadopoulos and Mr. Corazza accepted the amendment.

The following reasons are offered to support the Planning Commission's recommendation:

- 1. The Commonwealth of Virginia designated Accomack County as a high growth locality based on population growth exceeding five (5) percent between 1990 and 2000. As Accomack County did not experience the continued five (5) percent population growth from the 2000 to 2010, the Planning Commission believes that the need for the Planned Unit Development regulations are now superfluous. Accomack County's growth**

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projections for the 2020 census year also indicate that the five (5) percent growth rate will not be met.

2. As observed in the previous Planned Unit Development application, the current regulations have proven to be cumbersome, time-consuming, costly, and difficult to interpret.
3. The Planning Commission believes that the regulations were not adequately reviewed or understood properly at the time of adoption. It was the intention of the Planning Commission that at the time of implementation, the Planned Unit Development regulations could be amended to better fit the County's needs. However, the Planning Commission has come to the conclusion that there are more suitable alternatives.
4. After much time and effort, the Planning Commission developed a suitable alternative to the Planned Unit Development regulations in the form of the Village Development District including a Mixed-Use Development (as a conditional use) that has since been adopted by the Board of Supervisors.
5. The Planning Commission believes that the Mixed-Use Development (as a conditional use) of the Village Development District can be implemented more manageably, can be done in stages and create the same situation that can be created with the Planned Unit Development regulations, is not constrained by the 100-day review requirement, and is smaller-scale and is more suitable, appropriately-sized, and consistent with Accomack County.
6. The Planning Commission believes that the current Planned Unit Development regulations encourage developments that are too large and out of scale with the current and planned development in Accomack County.

The motion, as amended, carried with a 7-0 vote:

Ayes: Papadopoulos, Corazza, Roberts, Hickman, Lumgair, Onley, Wingfield

Nays: None

Absent: Silverman, Picardi

8. NEW BUSINESS

No new business to conduct at this time.

9. OTHER MATTERS (continued)

B. Staff Update

▪ **David Fluhart Retirement**

Mr. Morrison announced the retirement of David Fluhart, Building and Zoning Director. It is anticipated that Mr. Fluhart's last day of work will likely be sometime in mid-November 2014.

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- **Eastern Shore Solar Conditional Use Permit**

Mr. Morrison informed the Planning Commission that staff anticipates a Conditional Use Permit to be filed sometime soon and he is expecting a request from the applicant that the Planning Commission and the Board of Supervisors hold a joint meeting possibly in December.

- **Village Development District**

Mr. Morrison updated the Planning Commission that the Village Development District was approved by the Board of Supervisors. He noted that changes were made to the District regarding setbacks and suggested that the Planning Commission hold a future work session to discuss the matter.

C. October 28, 2014 Work Session

Mr. Morrison asked the Planning Commission if it wished to hold a work session on October 28, 2014. Discussion ensued and the consensus was that a work session would be held.

10. NEXT MEETING

There is a Planning Commission work session scheduled for Tuesday, October 28, 2014 at 7:00 p.m. in the School Board Conference Room, Room, 201, in Accomac.

The next regular Planning Commission meeting is scheduled for Wednesday, November 12, 2014 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

11. ADJOURNMENT

On a motion made by Mr. Papadopoulos and seconded by Mr. Roberts, the Planning Commission voted to adjourn the meeting.

The meeting was adjourned at 8:00 p.m.

David Lumgair, Jr., Chairman

Hollis Parks, Administrative Assistant