

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MAY 8, 2013

At a meeting of the Accomack County Planning Commission held on the 8<sup>th</sup> day of May 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

##### **Planning Commission Members Absent:**

Mr. David Lumgair, Jr.

##### **Others Present:**

Mr. Rich Morrison, Director of Planning and Community Development  
Mr. Rob Testerman, Land Use Planner  
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. Parker and seconded by Mr. Onley, 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. One person signed up to speak but the comments were related to one of the public hearing matters; Chairman Hickman informed the person to speak during the appropriate public hearing. No others signed up or requested to speak.

### 4. MINUTES

#### A. March 26, 2013

**On a motion made by Mr. Parker and seconded by Mr. Roberts, the Planning Commission voted unanimously to approve the minutes of March 26, 2013.**

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### **B. April 10, 2013**

Mr. Picardi pointed out two typing errors that needed to be corrected. Mr. Parker also asked that two of his questions/concerns that took place during the Town Center Planned Unit Development discussion at the April 10, 2013 meeting, when the Planning Commission was raising concerns and asking questions to make the applicant aware of what will be raised at the public hearing, be included into the minutes. The first question/concern that he requested to be included was the need for a list of things that the applicant wishes to do differently than what is allowed under the existing zoning ordinance and the second question/concern was the need for an explanation why the applicant is proposing a Planned Unit Development.

**On a motion made by Mr. Parker and seconded by Mr. Silverman, the Planning Commission voted unanimously to approve the minutes of April 10, 2013, with the above noted changes made.**

### **C. April 23, 2013**

**On a motion made by Mr. Parker and seconded by Mr. Bob Hickman, the Planning Commission voted unanimously to approve the minutes of April 23, 2013.**

## **5. OLD BUSINESS**

### **A. Work Sessions**

Chairman Hickman recommended that the May 28, 2013 and the June 25, 2013 work sessions be cancelled due to staff restraints.

**On a motion made by Mr. Parker and seconded by Mr. Roberts, the Planning Commission voted unanimously to cancel the May 28, 2013 and June 25, 2013 work sessions.**

### **B. Joint Land Use Study (JLUS) with the Navy**

Chairman Hickman, George Parker, and Rich Morrison discussed and explained the Joint Land Use Study and its purpose.

### **C. Comprehensive Plan Update**

The Planning Commission asked staff if there were any updates on the Comprehensive Plan and staff informed the Planning Commission it is currently working towards posting the updated sections of the Comprehensive Plan onto the new County website.

The Planning Commission also asked how the Joint Land Use Study schedule will affect the Comprehensive Plan and the Planning Commission's work on the Comprehensive Plan.

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Mr. Morrison informed the Planning Commission that the original intent was to take the recommendations from the Joint Land Use Study (JLUS) and include them into the Comprehensive Plan update but now, the JLUS will not be completed in time, according to the schedule that was created for the Comprehensive Plan update.

### 6. **NEW BUSINESS**

There was no new business to discuss.

### 7. **OTHER MATTERS**

#### **A. Subdivision Agent Report**

The Subdivision Report from March 16 – April 15, 2013 was presented for informational purposes.

### 8. **7:30 PUBLIC HEARING**

Chairman Hickman reminded the public that new public hearing guidelines have been put into effect. Chairman Hickman read the public hearing guidelines.

He also reminded everyone that due to a conflict of interest, he would be recusing himself from the Town Center at Wallops Island Spaceport Planned Unit Development and Bridge Hill Conditional Rezoning Amendment public hearings.

#### **A. Emmett Taylor Conditional Use Permit: Borrow Pit**

Mr. Testerman presented the planning report and reminded the Planning Commission that Mr. Taylor is requesting a Conditional Use Permit to allow for the development of a 19-acre borrow pit near the intersection of Route 679/Atlantic Road and Taylor Farm Road.

Mr. Testerman also informed the Planning Commission that two representatives from the Department of Mines and Minerals were present to answer any questions that the Planning Commission may have.

Chairman Hickman opened the public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Conditional Use Permit request. No one signed up or requested to speak. Chairman Hickman then closed the public hearing.

Concerns were raised by the Planning Commission regarding the conditions of approval; it was stated that a date, name, etc. should be included when referencing a site plan.

Tom Bibb from the Department of Mines and Minerals answered some of the Planning

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Commission's questions concerning the reclamation of the borrow pit; what will happen after the pit is completed.

The Planning Commission requested that Mr. Taylor submit a copy of the approved Mines and Minerals permit and site plan to the County.

**Mr. Parker moved, seconded by Mr. Bob Hickman to recommend approval of the Conditional Use Permit request to the Board of Supervisors as recommended by staff, with the exception of condition of approval #1, which should be amended to identify the site plan.**

**Mr. Phil Hickman amended to include a condition of approval that the applicant's Mines and Mineral approval permit and site plan be submitted to Accomack County. Mr. Parker accepted the motion and the amended motion carried with a 7-1 vote:**

**Ayes: Roberts, Papadopoulos, B. Hickman, Silverman, P. Hickman, Parker, Onley**

**Nays: Picardi**

**Absent: Lumgair**

### **B. Town Center at Wallops Island Spaceport Planned Unit Development**

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 opened by reading an email between himself, Mark Taylor, and Rich Morrison. The email discussed and clarified that the applicant for the Town Center at Wallops Island Spaceport Planned Unit Development (PUD) and the applicant for the Bridge Hill Conditional Rezoning amendment are two completely separate entities. It was also noted that Accomack County has not received any correspondence between the two applicants binding them together. A copy of this email may be viewed in the Accomack County Planning and Community Development Department.

Mr. Morrison presented a brief PowerPoint presentation about Planned Unit Developments in general and this PUD specifically.

Mr. Parker then opened the floor for the applicant's attorney, Mark Baumgartner, to present a PowerPoint presentation.

Mr. Baumgartner addressed concerns such as the owner/applicant issue and discussed the Town Center at Wallops Island Spaceport Planned Unit Development plans and desires.

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Mr. Baumgartner's presentation may be viewed online at:

[http://www.boarddocs.com/va/coa/Board.nsf/files/98YSR363DBF6/\\$file/Baumgartner%20PUD%20Presentation.pdf](http://www.boarddocs.com/va/coa/Board.nsf/files/98YSR363DBF6/$file/Baumgartner%20PUD%20Presentation.pdf)

Following Mr. Baumgartner's presentation, Mr. Parker opened the public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Town Center at Wallops Island Spaceport Planned Unit Development. The following persons signed up or requested to speak:

- **Ronnie Thomas**  
Mr. Thomas will hold comments until the Bridge Hill public hearing.
- **Angie Wingfield**  
Ms. Wingfield submitted written comments and stated that tax map number 27-A-99, which is included the proposed PUD application, is owned by Accomack County, not the applicant. She asked if this posed a problem since the applicant submitted and signed the PUD application as owners and did not submit this as part of the owner's report dated December 6, 2012.
- **Lee Wingfield**  
Mr. Wingfield recommended that the Planning Commission postpone action on this matter.
- **Jim McGlynn**  
Mr. McGlynn spoke in favor of this development; he stated that it would be a great opportunity.

Mr. Parker closed the public hearing.

### **C. Bridge Hill Conditional Rezoning Amendment**

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

Prior to the applicant's presentation, the Planning Commission addressed concern with the proffers. The Planning Commission requested that the applicant clarify who is making the monetary contribution in proffers C and D, which the applicant stated that the development will be responsible for the contributions.

Mr. Parker then opened the floor for the applicant's attorney, Mark Baumgartner, to present a PowerPoint presentation.

Mr. Baumgartner discussed the plans for the Bridge Hill site. It is proposed that the site will still be used as a subdivision but a portion of the property will be used for the

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wastewater treatment facility for the proposed Town Center at Wallops Island Spaceport Planned Unit Development. He further discussed the plans for the facility.

Mr. Baumgartner's presentation may be viewed online at:

[http://www.boarddocs.com/va/coa/Board.nsf/files/98YSRR63F0EE/\\$file/Baumgartner%20Bridge%20Hill%20Presentation.pdf](http://www.boarddocs.com/va/coa/Board.nsf/files/98YSRR63F0EE/$file/Baumgartner%20Bridge%20Hill%20Presentation.pdf)

Following Mr. Baumgartner's presentation, Mr. Parker opened the public hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Bridge Hill Conditional Rezoning Amendment. The following persons signed up or requested to speak:

- **Angie Wingfield**

Ms. Wingfield submitted written comments that raised concerns with the proposed facility and requested detailed drawings and information on the disposal of wastewater. Ms. Wingfield also asked a few questions to the Planning Commission regarding the type of facility proposed – public or privately owned – and the facilities potential users; Mr. Parker informed Ms. Wingfield that staff would write down her questions and try to have them answered.

- **Lee Wingfield**

Mr. Wingfield submitted written comments that addressed the same concerns as Angie Wingfield.

- **Ronnie Thomas**

Mr. Thomas submitted written comments that raised concerns with the lack of detail about the proposed facility.

- **Robert Tittle**

Mr. Tittle stated that he is concerned with being forced to use the facilities that are proposed by the applicant, which will force citizens to pay a water bill.

Mr. Parker closed the public hearing.

Following the public hearing, Mr. Parker requested each Planning Commission member to address their concerns and ask questions to the applicant. Staff prepared a list of the concerns raised and questions asked by the Planning Commission and it is attached.

As outlined in the Public Hearing Guidelines, Mr. Parker gave the applicant 10 minutes, 5 minutes for the PUD and 5 minutes for Bridge Hill, to respond to the questions and concerns raised by the Planning Commission and the public.

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Mr. Baumgartner clarified that according to state law, the wastewater treatment facility must be a public facility because it will be serving more than 50 units. He also clarified that the only customers that will be required to use the facility will be those within the Planned Unit Development or Bridge Hill subdivision. Mr. Baumgartner also spoke about phasing of the Planned Unit Development as well as the wastewater treatment facility, as well as other matters.

Mr. Parker asked if the applicant would be willing to put their response in writing; the applicant agreed.

Mr. Parker also wanted to make note of the letter from Commissioner Lumgair, who was unable to attend the meeting. Mr. Parker asked that the applicant address Mr. Lumgair's questions and concerns in the written response as well.

### **9. NEXT MEETING**

The work session that was scheduled for Tuesday, May 28, 2013 has been cancelled.

The next regular Planning Commission meeting is scheduled for Wednesday, June 12, 2013 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

### **10. ADJOURNMENT**

**On a motion made by Mr. Onley and seconded by Mr. Bob Hickman, the Planning Commission voted unanimously to adjourn the meeting.**

The meeting was adjourned at 9:45 p.m.

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E. Phillip Hickman, Chairman

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Hollis Parks, Administrative Assistant

## **PLANNING COMMISSION PUBLIC HEARING SUMMARY**

**WEDNESDAY, MAY 8, 2013**

**PREPARED BY: ROB TESTERMAN**

### **TOWN CENTER PLANNED UNIT DEVELOPMENT:**

The following persons from the public offered comments:

- **Angie Wingfield:**  
Tax parcel number 27-A-99, which is owned by Accomack County, is included in the PUD application, but not in the owner's report.
- **Lee Wingfield:**  
Requested the Planning Commission to delay approval.
- **Jim McGlynn:**  
Has seen so many businesses plummet on the Eastern Shore and thinks this is a wonderful opportunity for Accomack County.

### **BRIDGE HILL CONDITIONAL REZONING AMENDMENT:**

The following persons from the public offered comments:

- **Angie Wingfield**  
The application does not include detailed drawings. Site conditions may limit the gallons per day and disposal on ribs. The County should ask for bonding for the project. Since Bridge Hill and the PUD are owned by separate entities, does it require a Conditional Use Permit as It could still be viewed as a remote facility? Can the plant be used by anyone since it is not tied to the PUD?
- **Lee Wingfield**  
Addressed the same concerns as Angie Wingfield.
- **Ronnie Thomas**  
Lack of detail given for the proposed facility.
- **Robert Tittle**  
Will surrounding residences be required to tie into the system at some point and have to pay a water bill?

### **Planning Commission Members Questions/Concerns:**

- **Tony Picardi**
  - Of the 650 residential units, what is the price scale in mind?
  - Who will be the customers of Bridge Hill?
  - Will the 181 Bridge Hill lots be done in phases?
- **Pete Onley**
  - Will there be affordable housing available?

- Will Phase I include a mix of residences, single-family, multiple-family, apartments, etc.?
- **Alan Silverman**
  - The 20<sup>th</sup> phase calls for apartments; I would like to see a plan to increase the supply of rentals. Why are the apartments deferred to the 20<sup>th</sup> phase?
- **Bob Hickman**
  - Don't put the County at a liability; the project needs to be bonded.
  - Suggests changing the wording regarding the wells and water usage.
  - Wants to see final plans.
- **Spiro Papadopoulos**
  - Would like to see the life expectancy of the rib system and how it compares to the timing of all of the phases of the development.
- **Leander Roberts**
  - Will there be recreational opportunities?
  - How will it play into NASA's new flight zones?
- **George Parker**
  - The ownership issue needs to be addressed.
  - Wanted to make note of Commissioner Lumgair's letter. Please read and address Mr. Lumgair's questions and concerns.

**Applicant Response:**

- Under state law, it cannot be a private facility because it will serve over 50 lots.
- Ribs are a part of the plan but they don't want to limit themselves to that, there are other beneficial uses.
- The 20<sup>th</sup> phase will have 50 residential units, the first four phases will have 120 residential units, and the next four will have an additional 170 residential units; multi-family included. The downtown area is envisioned to be a rental area. Phase I will have apartments with rental units.
- PUD and Bridge Hill residents will be required to tie in to the wastewater treatment facility. Town Center has no ability or desire to force service on anyone else. Town Center has proffered capacity to the county, if it is wanted.
- Bridge Hill subdivision would be done in phasing but that phasing has not been developed at this time.