

Accomack County Planning Commission Minutes of June 13, 2012

Virginia: At a meeting of the Accomack County Planning Commission held on the 13th day of June 2012, in the Accomack County Administration Building Board Chambers, Room #104, Accomac.

1. **CALL TO ORDER:**

A. MEMBERS PRESENT AND ABSENT

Planning Commission Members Present

Mr. E. Phillip Hickman, Chairman
Mr. George Parker, Vice-Chairman
Mr. Leander Roberts
Ms. Toni Trepanier
Mr. C. Robert Hickman
Mr. Alan Silverman
Mr. Tony Picardi
Mr. David Lumgair

Members Absent:

Mr. Pete Onley

Others Present:

Mr. Rich Morrison, Director of Planning and Community Development
Mr. Robert Testerman, Land Use Planner
Ms. Hollis Fate, Administrative Assistant

B. DETERMINATION OF 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 Chairman Hickman, the Planning Commission voted unanimously to adopt the agenda with the following change:

- **Conduct the following items before Public Comment Period and Old Business:**
 - **New Business**
 - **Staff Report**
 - **Other Matters**
 - **Minutes**

Mr. Roberts arrived for the meeting at 7:05 p.m.

3. **NEW BUSINESS:**

A. Zoning Ordinance Changes –Chesapeake Atlantic Preservation Area

Mr. Testerman gave an overview of the proposed changes. The County has been notified that there are a few sections of the code that are missing or out of compliance with state regulations. The purpose for these changes is to bring Accomack County into compliance with the Department of Conservation and Recreation.

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Mr. Testerman further noted that the amendments being proposed are in the Zoning Ordinance (Chapter 106) Sections 226, 385, 386 and 389.

Mr. Parker asked why there is a 2,500 square feet limit for building on the bayside and a 3,500 square feet limit on the seaside.

Mr. Testerman answered that the bayside is under state requirements and the seaside is under county requirements. The 2,500 square feet limit on the bayside was very restrictive so when the County expanded the Bay Act to the seaside, it was changed to 3,500 square feet.

On a motion made by Mr. Parker and seconded by Mr. Silverman, the Planning Commission voted unanimously to schedule a public hearing on this matter for the July 11, 2012 meeting.

4. STAFF REPORT:

A. **Route 13 Discussion**

Mr. Testerman prepared a draft report for the Planning Commission to review that would go to the Board of Supervisors once approved. Mr. Testerman welcomed any feedback from the Planning Commission.

Mr. Parker suggested some language change to the report. He suggested the following:

- In the last paragraph, eliminate “thus” and replace it with the end of the sentence that reads “in order to address County-wide issues”

Mr. Lumgair recommended adding the two lists that were created at the March 27, 2012 work session.

Mr. Morrison said the lists can be added as an attachment.

Mr. Picardi asked about the recharge basins and why they weren't mentioned in the report.

Chairman Hickman answered that it was not included in the report because it was decided that there wasn't going to be a specific Route 13 Overlay District.

The Planning Commission discussed and decided to incorporate methods to protect the groundwater recharge spine in the various zoning district ordinances.

Mr. Silverman agreed that recharge basins need to be included. He feels that they need to be addressed.

The Planning Commission requested the changes be made and that this item be placed on the agenda for the July 11, 2012 meeting.

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5. OTHER MATTERS

A. **Joint Land Use Study**

Mr. Morrison informed the Planning Commission that Amber Levofsky from the Office from Economic Adjustment was here preparing the County for the Joint Land Use Study with the Navy.

B. **VDOT – Church Road (Route 609) and Horntown Road (Route 709)**

Mr. Testerman informed the Planning Commission of two road improvement projects which the Virginia Department of Transportation (VDOT) needs approval from the Board of Supervisors to acquire land within the Locustville and Horntown Agricultural and Forestal Districts. This matter will be presented to the Board of Supervisors at its June 20, 2012 meeting.

Mr. Parker suggested that wording on both resolutions be changed. It states, "...the action would have no effect upon the preservation enhancement..." Mr. Parker suggests the work "no" be changed to "negligible."

6. MINUTES

A. **May 9, 2012 Minutes**

On a motion made by Mr. Parker and seconded by Mr. Silverman, the Planning Commission voted unanimously to approve the minutes of May 9, 2012.

B. **May 22, 2012 Work Session Minutes**

On a motion made by Mr. Parker and seconded by Mr. Silverman, the Planning Commission voted unanimously to approve the work session minutes of May 22, 2012.

7. PUBLIC COMMENT PERIOD (Not a public hearing):

Chairman Hickman opened the floor for the public comment period.

The following persons signed up to speak and the following is a summarization of each:

- Mark Baumgartner – gave an outline of the Future Land Use Map Amendment proposal and urged the Planning Commission to recommend approval to the Board of Supervisors.
- Ronnie Thomas – spoke against extending the Future Land Use area to the Bridge Hill property ("Area C")
- Steve West – spoke against Future Land Use Map amendment and future development.
- Bill Paige – in support of the staff recommendation to recommend approval for "Area A" and "Area B" only.
- Hayden Gordon – spoke against development in the Wattsville area.

Chairman Hickman said that his family owns farmland that is included in the proposal. Mr. Hickman stated that he has met with Mark Taylor, County Attorney, and filed a disclosure form. Mr. Taylor informed Mr. Hickman that he is legally able to discuss and act on this matter. Chairman Hickman filed his disclosure on April 11, 2012. (The disclosure form can be viewed at the Department of Planning office)

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Chairman Hickman asked Chris Carbaugh, the Atlantic Town Center Properties developer, if he would like to speak. Mr. Carbaugh was in attendance of the June 7, 2012 Planning Commission mobile work session and was not permitted to address any concerns during the discussion.

Mr. Carbaugh replied that he was disappointed that he wasn't privileged to be part of the discussion. Mr. Carbaugh also stated that he was not permitted to ride in the van with the Planning Commission and he did his best to follow the van around. He pointed out that a lot was toured but what the Planning Commission viewed is not what Atlantic Town Center is proposing. He further deliberated his disappointment for the discussion that took place at the public portion of the meeting that was held at Arcadia High School. Mr. Carbaugh said that decisions, opinions, and recommendations had changed for reasons he was unsure of.

Chairman Hickman answered Mr. Carbaugh and said that he wasn't excluded because he is Chris Carbaugh or that he is with Atlantic Town Center. Mr. Hickman told Mr. Carbaugh that he was not permitted to ride in the van with the Planning Commission due to space; had Mr. Carbaugh rode in the van, any member of the public would have expected the same and there was not enough room. Mr. Hickman further stated that there are not public comment periods at work sessions unless the Planning Commission specifically asks someone to comment.

Chairman Hickman closed the public comment period.

8. **OLD BUSINESS:**

A. Future Land Use Map Amendment – Wattsville Village Development Area

Mr. Morrison gave a presentation that outlined the following:

- Timeline of this amendment
- A map that identified the mentioned areas – Area A, Area B (Doggety Property), and Area C (Bridge Hill Property)
- As a result of the June 7, 2012 mobile work session, staff prepared two motions for the Planning Commission: one approving the proposal in its entirety and one denying the proposal in its entirety. The motions are not staff recommendation.
- Staff recommendation is in the Planning Report and is in support of approving “Area A” and “Area B” of the proposal but not “Area C” which is the Bridge Hill Property.

Chairman Hickman noted that Ms. Trepanier has missed the majority of the discussion regarding this amendment and he asked if she had any input on the matter.

Ms. Trepanier responded that she does have an opinion and that she believes the Comprehensive Plan is geared towards what is proposed and that this type of development be in the northern part of the County in conjunction with Wallops Island.

Mr. Parker requested that Mr. Morrison explain why staff is recommending what it is.

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Mr. Morrison responded that staff's recommendation is to approve "Area A" and "Area B" in full or in part. Mr. Morrison further noted that staff has not offered support because of any pending development project. The Wattsville area along Chincoteague Road/Route 175 is a possible area for growth in the foreseeable future so there is some rationale to having a development-ready parcel large enough to accommodate the growth.

Chairman Hickman stated that everyone knows that a Planned Unit Development (PUD) application is coming if this is designated Village Development so the Planning Commission needs to consider that factor. Chairman Hickman further discussed the PUD and does not think it will have middle to lower income housing. The Bridge Hill property ("Area C") currently has subdivided lots on record that are relatively large.

Mr. Lumgair referred back to when the Planning Commission worked on the PUD ordinance; it was discussed and moderately-sized PUDs were supported. Mr. Lumgair stated that the size of this PUD will be almost 300 acres and is inconsistent with the Comprehensive Plan. He further noted that he cannot support a PUD of this size.

Mr. Silverman read his June 12, 2012 letter to the Planning Commission that outlined his views on the matter. (The letter can be emailed upon request or viewed at the Department of Planning office)

Mr. Roberts pointed out that the Planning Commission has always talked about and encouraged a Planned Unit Development.

Mr. Robert Hickman voiced his concerns with this matter. He is concerned with the size and also of being pushed where the developer wants the County to go instead of where the Comprehensive Plan wants the County.

Mr. Parker wrote an email addressed to Chairman Hickman and Mr. Morrison on June 6, 2012 with some conversational thoughts because he did not think he was going to make the June 7, 2012 mobile work session. He fortunately was able to make the discussion portion of the meeting that was held at Arcadia High School. Mr. Parker read his email to the Planning Commission, staff, and public. (The email can be emailed upon request or viewed at the Department of Planning office)

Mr. Parker asked the applicant if they are planning any industrial uses and the applicant responded that there are no industrial uses planned.

Mr. Parker then addressed and discussed some of the points made in Mr. Silverman's June 12, 2012 letter addressed to the Planning Commission.

Mr. Parker questioned whether or not the Planning Commission should vote for approval or denial in its entirety or if the Planning Commission should consider staff's recommendation for partial approval.

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Chairman Hickman asked the applicant if the Planning Commission recommended approval of only “Area A,” would they be able to do what they want.

Mr. Baumgartner answered on behalf of the applicant and stated that in order to do the plan envisioned, Atlantic Town Center Properties will need the entire proposal to be approved.

Mr. Picardi stated that the Planning Commission’s job is to plan, not speculate. He noted that the public has overwhelmingly told the Planning Commission that they want the rural lifestyle to stay the same. Mr. Picardi said that the Planning Commission needs to help direct growth where it is desired.

Mr. Picardi moved, seconded by Mr. Lungair to recommend denial of the Future Land Use Plan/Map Amendment as requested by Atlantic Town Center Properties, LLC, including property (owned by Blanche Douglas c/o Alma Doggetty – Tax Map Number 27-A-97) recommended for inclusion by the Planning Commission.

The Planning Commission upon request has reviewed, discussed and debated a proposed Future Land Use Plan/Map amendment (detailed description attached). The Planning Commission has determined that it cannot support the amendment as proposed. As such, the Planning Commission recommends that the proposed amendment be denied. The following reasons to support its recommendation are offered:

- 1. The Wattsville Village Development area was established as part of the 2008 Comprehensive Plan. The land within the areas bounded by the Wattsville Village Development area remains much like it was in 2008 and there is currently inadequate market pressure to justify additional land designated for growth in the area. The Planning Commission strongly believes that growth needs to be directed and occur within the existing Wattsville Village Development area. As such, the Planning Commission believes that an expansion of the Wattsville Village Development area is not warranted at this time.**
- 2. The properties in question are designated for Agriculture in the Comprehensive Plan of current adoption and a significant portion of each is currently being utilized for agricultural purposes.**
- 3. The preservation of productive agricultural land is one of the primary themes in the Comprehensive Plan of current adoption as illustrated by the following excerpts from the Comprehensive Plan:**
 - “The county’s number one planning objective is to direct development towards existing population centers” – page 6-13**
 - “Encourage new residential and commercial development to occur in and around existing towns and villages, in accord with the future land use map of this plan” – page 5-4.**

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- **“Agricultural land needs to be preserved” – page A-1**
- 4. The Planning Commission believes that the expansion of the Wattsville Village Development area for development by this Future Land Use Plan/Map amendment is counter to the preservation of productive agricultural lands.**
- 5. The Planning Commission believes that the creation of a Planned Unit Development, as envisioned and articulated by Atlantic Town Center Properties, LLC, as the basis for this application to amend the Future Land Use Plan/Map is not in keeping with the historical land uses or existing development characteristics of the Wattsville area.**
- 6. The Planning Commission believes that a need for multiple family housing (specifically market rate apartments and town houses) exists in the County, however, nothing in the record leads the Planning Commission to conclude that this perceived need can only be satisfied at the location of the proposed Future Land Use Plan/Map amendment.**
- 7. The Planning Commission finds that there is a surplus of land available and ready for single family home construction and that no additional land is needed to be designated for that purpose. Additionally, the Planning Commission is satisfied that adequate land inventory exists in the Wattsville Village Development area and surrounding areas to support commercial, office, and industrial growth for the foreseeable future.**
- 8. The Planning Commission supports job creation and continued growth in the Wallops area and urges the Board of Supervisors to agree that growth should occur in areas designated by the Future Land Use Plan of current adoption.**
- 9. The Planning Commission had initial discussion of the Future Land Use Plan/Map Amendment in response to a letter from Mr. Baumgartner, Atlantic Town Center Properties, LLC’s representative.**
- 10. The Planning Commission scheduled a public hearing on April 11, 2012. The applicant (applicant’s representative) and the public were allowed to comment (April 11, 2012 minutes). The Planning Commission held a public hearing on May 9, 2012. The applicant and the public provided comments on the request. The Planning Commission discussed the matter after closing the public hearing (May 9, 2012 minutes). In response to a number of questions raised by Planning Commission, a site visit, tour of the Wattsville Village Development area, and work session were conducted by the Planning Commission on June 7, 2012.**

After careful consideration of all materials submitted, the information gathered at meetings held on April 11, 2012 and May 9, 2012 as well as the tour/work

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session on June 7, 2012, the majority of the Planning Commission finds that the current land use designation (Agricultural) shown on the Future Land Use Plan/Map of current adoption is valid and appropriate following review. Therefore the Planning Commission is not persuaded to recommend any amendment to the Wattsville Village Development area at this time.

Mr. Robert Hickman moved to amend the motion on the floor; he recommended denial of “Area B” and “Area C” only. (Which would recommend approval of “Area A”) Mr. Picardi did not accept and the motion to amend failed.

The original motion was lost with a (4-4) vote:

Ayes: Parker, Phillip Hickman, Picardi, Lumgair

Nays: Roberts, Trepanier, Robert Hickman, Silverman

Mr. Silverman moved, seconded by Mr. Roberts to recommend approval of the Future Land Use Plan/Map Amendment as requested by Atlantic Town Center Properties, LLC, including property (owned by Blanche Douglas c/o Alma Doggety – Tax Map Number 27-A-97) recommended for inclusion by the Planning Commission.

After careful review and deliberation of the proposed Future Land Use Plan/Map amendment (detailed description attached), the Planning Commission recommends to the Board of Supervisors that the Future Land Use Plan of current adoption be amended from Agriculture to Village Development. The Planning Commission offers the following reasons to support the amendment:

1. An application for a Future Land Use Plan/Map amendment was filed with the County as a precursor to a Planned Unit Development application. The requested amendment if approved, will allow the County to review the proposed Planned Unit Development (PUD) upon application, and ultimately make a decision on whether the County wishes to approve or deny the PUD.
2. The Planning Commission believes that a need for multiple family housing (specifically market rate apartments and townhouses) exists and that the multiple family housing needs for the northern portion of the County could be met in an appropriately sized and designed development in or around Wattsville.
3. The proposed Future Land Use Plan/Map amendment request can be approved at this time, and if determined by the Planning Commission and the Board of Supervisors that an excess of Village Development area exists or has been created, then compensating adjustments can be made during the upcoming Comprehensive Plan review process.

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- 4. Route 175 (Chincoteague Road) is an appropriate place for development in the Wattsville area.

Mr. Robert Hickman moved to amend the motion on the floor; he recommended approval for “Area A” only. (Which would recommend denial of “Area B” and “Area C”) Mr. Silverman did not accept and the motion to amend failed.

The original motion was lost with a 3-5 vote:

Ayes: Roberts, Trepanier, Silverman

Nays: Robert Hickman, Phillip Hickman, Parker, Picardi, Lumgair

Mr. Silverman moved, seconded by Ms. Trepanier to recommend approval for “Area A” and “Area B” as recommended by staff.

Mr. Lumgair amended to remove “Area B” from the recommendation. Mr. Silverman did not accept and the motion to amend failed.

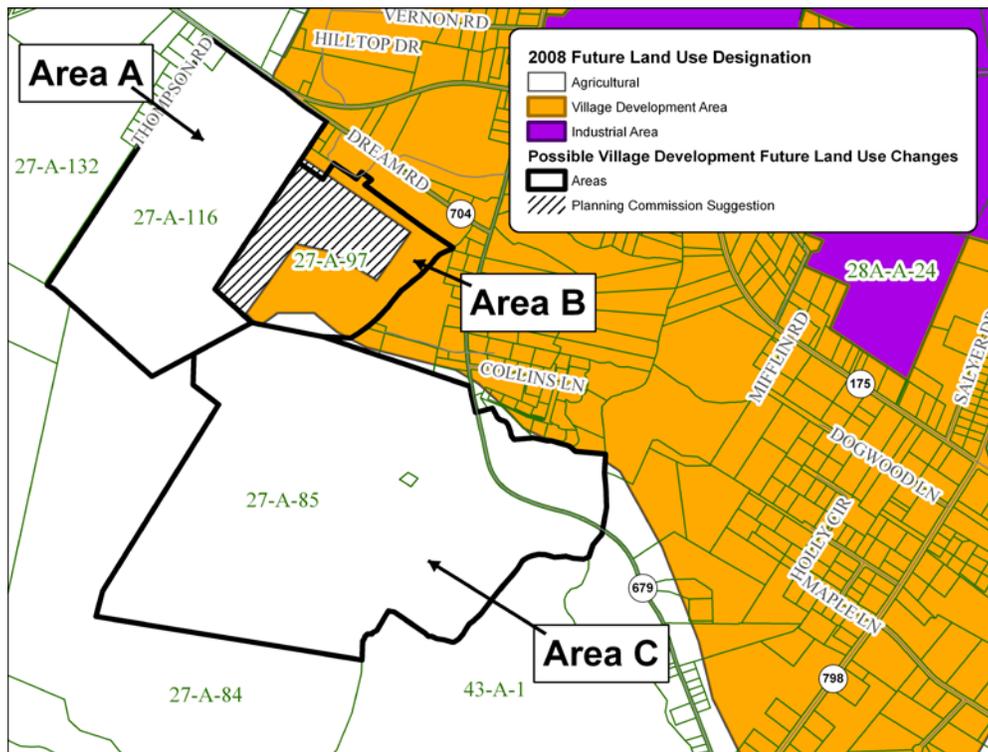
Mr. Picardi amended to only recommend approval for part of “Area A.” Mr. Silverman did not accept and the motion to amend failed.

The original motion was carried with a 6-2 vote:

Ayes: Roberts, Trepanier, Robert Hickman, Silverman, Parker, Lumgair

Nays: Phillip Hickman, Picardi

Below is a map outlining “Area A,” “Area B,” and “Area C” –



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9. NEXT MEETING:

The next regular Planning Commission meeting is scheduled for Wednesday, July 11, 2012 at 7:00 P.M. in the Accomack County Board Chambers, Accomac.

10. ADJOURNMENT:

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

Chairman Hickman adjourned the meeting at 9:30 p.m.

E. Phillip Hickman, Chairman

Hollis Fate, Administrative Assistant