

PLANNING COMMISSION Workshop
With the WASTEWATER ADVISORY COMMITTEE

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

October 9, 2012 - 6:00 P.M. – Council Chambers - Town Hall

NOTE CHANGE IN TIME!

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

AGENDA REVIEW/DISCLOSURES:

1. Request from Wastewater Advisory Committee for review of Zoning Issues in proposed Phase 1 Service Area

ADJOURN



STAFF REPORT

To: Planning Commission and Wastewater Advisory Committee
From: Bill Neville, Director of Planning
Date: October 9, 2012
Subject: Workshop on zoning and development issues

- ❖ **Review Comprehensive Plan guidance**
 - ❖ **Identify zoning issues for consideration of a phased public wastewater service district on Chincoteague Island**
 - ❖ **Consider update to the Land Subdivision and Development Ordinance**
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In response to a request from the Town of Chincoteague Wastewater Advisory Committee (WAC), the Planning Commission was asked to evaluate the question of whether our current zoning and land development ordinances are adequate to guide future growth in the event that public sewer service is available as an alternative to individual septic drainfields.

The WAC discussed that our ordinances currently limit new growth and development primarily by maximum building height and minimum parking requirements. Individual lot setbacks provide for building separation and open space; however in most cases it is the capacity of the land for wastewater disposal that limits the size and intensity of land uses. The potential removal of this control will require planning for new development, but also the expansion of existing homes and businesses as owners invest in their properties.

Several case studies have been presented from similar communities which have decided to transition from septic to sewer. Regulatory changes in different combinations include: the adoption of a sewer ordinance with design standards, adoption of an overlay district with design guidelines, revision to existing zoning district regulations, and increased use of the special use permit to accomplish neutral flow. Cost considerations were identified as an important issue; however a comparison is difficult without more information about who will use public sewer.

A presentation at the last WAC meeting on September 29th by representatives of AquaPoint promoted decentralized wastewater treatment and disposal technologies that can be designed to serve those areas/uses where it makes sense to build it. Capital costs to develop the infrastructure

were proposed to be offset by increased property value and new construction connection fees over time. This strategy raises some interesting questions.

Discussion at the last Planning Commission meeting on September 11th identified the need to refer back to the Comprehensive Plan for the community's 'vision' for future growth and development to see which areas should be planned for sewer service. Sections from the Plan are attached to the staff report

***“Primary Goal** – The Town of Chincoteague seeks to change over time in an economically and environmentally sustainable manner so that it retains the most endearing and unique physical and cultural features of the Town and provides the setting for a harmonious community life.”*

Creating a preliminary list of zoning issues may be useful to establish the range of ideas that should be researched and considered before an answer is provided to the WAC members. This effort will overlap with the Commission's work on defining the architectural and community character of Chincoteague Island.

Preliminary List of Zoning/Development Issues – if Public Sewer was available:

- a) Would small structures be torn down and lots assembled to allow for new larger residential, commercial or recreational uses?
- b) Will individual residential or commercial structures be expanded based on increased sewer capacity?
- c) Are front, side and rear yards currently being used for individual advanced treatment facilities that make the landscape unusable?
- d) Are there examples from other communities that have made a transition from septic drainfields to public sewer?
- e) If public sewer is phased in certain areas, how will it be extended to future areas?
- f) Will waterfront views be blocked by new hotel and condominium development?
- g) Should the public be informed and allowed to comment on all new development?
- h) What zoning tools are used in other communities?
 - Floor area ratio
 - Minimum open space
 - Special exception for large size or high traffic impact uses
 - Sewer service districts
 - Sewer tap or EDU allocations
 - Infill and redevelopment ordinances
 - Overlay districts
 - Form based code
 - Subdivision/Development Ordinance
 - Public Facilities/Design Standards Manual
 - Land use/Zoning permits
- i) What zoning tools should be considered by the Town of Chincoteague?

The answer to the question raised by the Wastewater Advisory Committee will depend on whether the goal is to limit growth, or encourage compatible new businesses and renovation of existing neighborhoods, or allow redevelopment of large single ownership parcels like the campgrounds. A combination of all three is described in the 2010 Town Plan.

Staff recommends that the Planning Commission consider these ideas in a workshop with the WAC and refine the issues so that a more comprehensive report can be prepared. The workshop will encourage an open discussion that is centered on answering the questions listed above.

Selections from the Comprehensive Plan

TOWN OF CHINCOTEAGUE COMPREHENSIVE PLAN



Chincoteague, Virginia
January 4 2010: Approved Version

Chincoteague owes its economic fortune to its serene and fertile coastal landscape. Windswept beaches, quiet village life, and thriving waterways have made it one of Virginia's premiere resort islands, world famous for its oyster beds and clam shoals. Its quaint setting has made it a favorite destination for two centuries of vacationing families. Today, it is the gateway to Assateague Island National Seashore and the Chincoteague Wildlife Refuge, welcoming over 1 million people a year to two national landmarks. (Page 4-1)

Given continued economic growth on the Island, hopefully, both the old downtown commercial area and the newer Maddox Boulevard area can continue to grow in future years, even though at a much slower rate than earlier projected. The Town of Chincoteague has a unique opportunity to both encourage and direct future growth to the long term good and betterment of all local residents. (Page 1-13)

Planning for Commercial Growth

Encourage commercial development to match the scale and density of Island neighborhoods. Limit overall square footage, massing of individual buildings, and expanses of paved areas to blend with the rural scale of the Island. Provide an appropriate rhythm of buildings along streetscapes with view corridors to the coast, wherever possible. Prevent strong shadowing effects from buildings near public coastlines and parks.

Town Centers – Maintain services and year-round uses in existing Town commercial centers for pedestrian access and community identity. Address parking and traffic issues and sewage and septic needs. (Page 4-19)

Vacant Land

It is critical that future development criteria, particularly in the larger tracts or where higher than normal density is proposed, adequately address the issue of wastewater and drainage. (Page 1-13)

Sewage Disposal

Presently there is no central sewerage collection and treatment system serving the Island. Wastewater on Chincoteague is disposed of primarily by discharge directly into seepage pits, cesspools, or by the use of holding tanks or septic tanks and drain fields. The maintenance of these individually owned sewerage systems on the Island, is

provided by the periodic pumping of facilities by private firms. Recently a few packaged sewerage systems have been installed by residents of the Island and are in use.

Sewerage disposal is probably the most controversial subject on the Island. At the one extreme are those who feel that there are no sewerage problems on the Island. On the other extreme are those who believe that every cesspool and septic system on the Island has either failed or is about to fail. In addition, different state and federal agencies have confused the issue by referencing the "sewerage problems" on Chincoteague in numerous reports and documents, without apparent substantial supporting evidence. For example the state Department of Health, Division of Shellfish Sanitation has "restricted" approximately 30% of the waters surrounding Chincoteague (mostly on the west side of the Island) because the "potential for contaminating" shellfish growing areas is present. Whether the potential pollution is fossil (fuel, as many suspect) or fecal is not spelled out.

The closure term itself (restricted) causes concern until one discovers that with proper permits and procedures, shellfish in most of these areas can be removed and sold. In defense of the Division of Shellfish Sanitation, they are currently trying to get more definitive language approved by the State. It also should be noted that those shellfish beds currently being utilized in surrounding waters have, to the best of knowledge, never been closed by any State or Federal agency. In fact, the Division of Shellfish Sanitation has categorically stated that "the water quality is excellent" in those areas. (Page 5-7)

OBJECTIVE #2: Promote and support tourism, which is Chincoteague's primary economic engine.

Balance Year-Round Economy

- Promote more year-round economic activity that takes advantage of the unique historic and cultural character of the Town.
- Promote sound local economies by conserving the Island's unique values and providing protections from developments that may cause irreversible damage. The Island's natural attributes and its heritage are its most valuable economic resources.
- Encourage development that enhances the environmental, historic, and scenic qualities of the Island to promote a healthy coastal environment to foster economic vitality.
- Encourage efforts to diversify the Island economy consistent with the quality and character of the existing Chincoteague Island.
- Give top priority to year-round job opportunities for permanent Island residents and increase the Island's self-sufficiency to diversify the economic base so that the Island will be less reliant on the tourist trade.
- Private initiatives will influence the future of the Island at least as much as government regulations. Encourage creative and environmentally sound economic initiatives, ensure that regulations affecting small businesses do not cause unnecessary burdens and review regulations that might discourage new small business start-ups.

- Recognize the importance of the summer economy as a base for the year-round economy and manage it through public and private actions including infrastructure and capital planning.

OBJECTIVE #3: Provide opportunities for public access and recreational enjoyment of the shoreline.

Sewerage

- Continue studying the feasibility of developing public sewer collection and treatment facilities. (Appendix A)

Question 19: The Town should consider construction of public wastewater treatment facilities (i.e., a municipal sewer treatment plant and collection system).
(Appendix B)

Agree	Disagree	Undecided	Marked "N/A"	Left Blank
57%	16%	27%	0%	0%

Agree:

- After the adoption of this plan or similar plan.
- As long as the treated sewage is not going to be released in the Bay (similar to current concerns at Captain’s Cove in Greenbackville).
- Only after zoning regulations are improved to prevent large condo developments.
- I know it will be expensive, especially for seniors, but it is past due.
- Self contained sewer system and soon before all the water is contaminated. Improve municipal water systems.
- We need new zoning in place first.
- Soon.
- Most of old town is in need of update.
- Strongly agree.
- Should have been done 10+ years ago.
- Do it.
- Yes – definitely ASAP, just walk or ride a bike around the island on some hot summer days and you will get “wind” of why this should be a high priority undertaking.
- Only after a new zoning plan is approved.
- As long as we do not destroy any sea beds.
- This should be top priority along with expedition of new bridge – this determines further increases/decreases of residential development.
- As a minimum for the old town commercial and residential areas.
- The island can only hold so much – possibility of spray fields.
- But not if will allow too much building.
- Only if it does not allow too much large construction on island.
- Over due – 20 years late.
- Essential, with all the townhouses and condos going up.
- Most important question on survey!
- All new construction should be forced to wait for this! And pay for this!
- But have restrictions in place to prevent another Ocean City.

- Should decide yes or no on this item before making decisions about neighborhood density.
- If this will help attract quality restaurants and improve the general H2O, sewage health concerns, then do it!
- Definitely –
- Agree on condition that new zoning laws are in effect restricting multi-family, townhouse, condos before sewer and that no discharge be allowed into our waters!!
- But zoning ordinances restricting density, height and mass must be in place before the sewer system is planned.
- Very necessary.
- This is a must.
- Only if adequate zoning were in place to prevent over development.
- But this should not be an excuse to negate restrictions on development.
- Most definitely!
- Only if the town has the guts to maintain current height limitations.
- The town should have taken action in this area years ago and have had the opportunity to do so.

Disagree

- Central sewage will only encourage more development – greed has no limits.
- Strongly disagree. This will only increase development and completely change the character of the town.
- Should give consideration to NASA facility.
- We thought this was already designed: get it done.
- Developers would know no limits.
- Will allow too much growth.
- Again – who’s paying for this? Local tax payers have had enough.
- This will automatically lead to over-development....i.e. Ocean City!
- Its way too late for that.
- Any “public sewage system” will accelerate “Ocean City” style developments. The town should be the agent for all new systems that Boggs et al install. Impact fees should result for every new sewage system. The Burbage development in “Mystic Harbor” should be examined if you want to see the future sewage problems Chincoteague will face.
- No new condos!

Undecided:

- Only if development/sprawl can be managed.
- Only if we can also restrict large development.
- My big concern here is that it might cause uncontrolled over-development.
- Not if it permits unrestricted building on currently unbuildable lots.
- Agree only if there is strict observance of the 3-story limit on building heights and no discharge of polluted* effluent to Chincoteague Channel or other waterways (*including nutrients).
- I agree if this is best for the environment and having some control over expansion.
- If this is the best for the environment and keeping some control over expansion.
- Only if stringent regulations would prohibit over development.
- Do not want waste running in bay.
- Mixed feelings: public sewage – EXPENSIVE – would agree if development were restricted.
- Only if zoning prevents overbuilding and destruction of the character of the island. Many considerations – what would be the cost to residents and the town?
- Not until regulations and planning are in stone.
- Whatever makes the most sense to protect our environment and waterways.

- Or possibly help subsidize the new on site systems w/BNR.
- A study should be conducted by “experts” in the field to determine the necessity of sewage plant vs. current systems in use. As I understand it sewage treatment plant has a multitude of unwanted environmental impacts and conventional systems are far less intrusive if they work properly.
- Not unless strict, enforceable zoning is in place.
- Agree in principal but this could open a flood gate of hyper dense development with sky's-the-limit building heights. Manhattan south!
- This can be very expensive for people and especially for those on fixed incomes and many of the older people who have worked as self employed and do not have retirement benefits.

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PLANNING COMMISSION MEETING 11 September 2012 MINUTES

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix, Vice Chair
Mr. Tripp Muth, Councilman
Mr. Michael Dendler

Mr. Jeff Potts
Mr. Spiro Papadopoulos

William Neville, Planning Director

Members Absent:

Mr. Steve Katsetos

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm.

The invocation was provided by Chairman Rosenberger, followed by the Pledge of Allegiance led by Chairman Rosenberger.

AGENDA

Councilman Muth moved to approve the agenda, seconded by Commissioner Papadopoulos. The motion was unanimously approved.

PUBLIC PARTICIPATION

1 member of the public was present. There were no comments.

Chairman Rosenberger closed the public comment portion of the meeting and requested approval of the meeting minutes.

1. Approval of the August 14, 2012 minutes.

The minutes were corrected to note that Town Manager Ritter attended the meeting. Councilman Muth moved for approval of the minutes, seconded by Commissioner Potts. The motion was unanimously approved.

2. Old Business

- Discussion Items
 - a) Ordinance Review for Existing Mixed Use Buildings

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Mr. Neville identified a specific building along the downtown Main Street as an example of existing multi story structures where there is commercial use on the first floor and an opportunity for residential use on the upper floors. Based on the request heard by the Commission at the last meeting, the staff report has been revised to clarify the applicable C-2 zoning criteria and the intent of the Comprehensive Plan.

The building at 4071 Main Street, based on its age, size and location, does not have to meet off-street parking requirements. This allows the Commission to support mixed use for an individual property without having to address ordinance revisions generally at this time. Sample findings were included for Commission review.

Staff recommends that general revisions to the Ordinance to address mixed use building standards should be placed in the 'basket' for an annual review that could start in January.

Councilman Muth indicated his approval for encouraging mixed use buildings as an idea that is supported by the Comprehensive Plan. Chairman Rosenberger and Commissioners discussed the importance of parking and residential use in the downtown area. Commissioner Potts requested a report on the number of parking spaces available in the downtown area. Discussion continued about sewer connections to the Sunset Bay Utilities treatment plant.

Commissioner Papadopoulos and Councilman Muth stated that the Planning Commission review of this one case was advisory to assist the Zoning Administrator and should not turn into a case by case review of each property. If a change needs to be considered in the ordinance standards for mixed use buildings, it should adopt a uniform requirement for all properties if possible.

Commissioners directed staff to delete the 5th bullet of the proposed 'findings' and revise the last bullet to read: 'The Planning Commission does not see a conflict between provisions of this ordinance (C-2) and proposed mixed-use of the building at 4071 Main Street'. A memo will be directed to the Zoning Administrator and these ideas will be taken under advisement during the next annual review of the Zoning Ordinance.

Chairman Rosenberger gave credit to Mr. Lewis for bringing the question of mixed use in this building to the attention of the Commission and identifying zoning issues that need to be

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addressed in a consistent manner. Commissioners ended with a discussion of whether a second floor rental unit in a commercial building was an income producing commercial use or a residential use.

b) Request from Wastewater Advisory Committee for review of Zoning Issues in proposed Phase 1 Service Area

The Planning Commission was requested to consider what changes, if any, should be made to the Zoning and Development Ordinances to make sure that the Town is ready for potential growth and development in areas proposed for public wastewater treatment service. Case studies provide examples of how other communities have adapted their land use planning process along corridors, by neighborhood or watershed, or for an entire town.

Staff suggested that the Commission explore and discuss a range of different solutions in order to identify an approach for the Town of Chincoteague. Commissioner Papadopoulos explained why the Wastewater Advisory Committee thought that this issue should be considered by the Planning Commission. Rather than allowing sewer availability to drive patterns of growth, he believes that it should support the land use recommendations of the Comprehensive Plan and Development Ordinances.

Commissioners discussed the potential for new development on Chincoteague Island if both sewer service and market demand combined. Questions and concerns included the initial capital investment in infrastructure and what revenue would be needed to support the system, how will the waste be treated and where is the disposal area, and what growth can still be anticipated along Maddox Boulevard with the new bridge alignment?

Commissioners agreed that a phase one service area for businesses along Main Street and Maddox Boulevard as proposed in the recent regional study would be the most likely solution. Commissioner Papadopoulos talked about supporting the Town's economic engine (business districts) with the infrastructure needed for the future. Councilman Muth noted that plan for converting from septic to sewer in Chatham MA was projected to occur over the next 30 years.

Chairman Rosenberger suggested using 'what if' scenarios to consider the long term implications of making sewer service available to commercial areas or adjacent residential areas, and would those changes generate other needs for public services. He

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described a comprehensive planning approach to evaluate the options. Commissioner Papadopoulos encouraged the Commission to be at the leading edge of decision making before the Town is faced with a sudden need for action from federal regulation, environmental change, or economic recovery.

A workshop with the WAC was suggested where as a group, all positive benefits and concerns can be organized with a reasonable timeline for taking action. Councilman Muth encouraged everyone to stay focused on a narrow target (know your shoe size before you go shopping). Commissioner Potts was concerned about the variables of what action each commercial or residential property owner may take to expand their property, and what about the large campground parcels that may choose to redevelop?

Councilman Muth raised the ‘flow neutral’ land use control idea. There was general concern that a workshop discussion should not be all about growth, but that it should also address the public health issue of non-conforming cesspools and drainfields that should be replaced. Mr. Neville was asked about ways to pull all of these ideas together.

The Town’s Comprehensive Plan was identified as a document that followed a community vision process. This should provide a reference point for how Chincoteague has decided it should grow and maintain its character. Case studies of similar communities have been provided to keep from ‘re-inventing the wheel’. Mr. Neville provided examples of how each type of zoning tool could be practically applied to Chincoteague:

- Corridor overlay district (established distance – no extension)
- Zoning district (C-2 and C-3 only with revised standards)

Commissioners discussed the Comprehensive Plan as an idea document, and the Zoning Ordinance as an implementation document and the need to sort through which tools are needed. Mr. Neville suggested that core principles from the Plan could be highlighted to guide the workshop. A workshop date was set for the next regular PC meeting on October 9th at 6pm.

Mr. Neville added that the question raised by the Chairman of a financially sustainable sewer system will cross over the work of both the WAC and the PC since there will have to be enough customers over a large enough area to make the system viable. Residential use, grants and Tangier Island were discussed.

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3. New Business

- Discussion Item

- a) Ordinance Review for Rental Cottages

A hybrid residential unit that is built to travel trailer standards was identified for future consideration. Mr. Neville asked that it would be placed in the annual review 'basket' since there was not an immediate need to take action.

4. Commission Members Announcements or Comments

Councilman Muth reported that the new parking restrictions on Church Street seemed to be working out well. Commissioner Potts expressed concern for the narrow residential lots that had relied on street parking. Vice Chairperson Cherrix mentioned that Clark Street is also dangerous because of on street parking. Commissioner Papadopoulos welcomed Mr. Dendler to the Commission and highly recommended the CPEAV training class. Chairman Rosenberger mentioned the Main Street VDOT grant.

ADJOURN

Commissioner Papadopoulos moved to adjourn the meeting, seconded by Councilman Muth. The motion was unanimously approved.

Ray Rosenberger, Chairman



CERTIFICATE of RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:

COMMUNITY PLANNING MONTH

WHEREAS, change is constant and affects all Virginia cities, towns, suburbs, counties, and rural areas; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as *National Community Planning Month* throughout the United States of America and its territories; and

WHEREAS, this month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the Commonwealth of Virginia; and

WHEREAS, we recognize the many valuable contributions made by professional community and regional planners of the Commonwealth and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, I, Robert F. McDonnell, do hereby recognize October 2012 as **COMMUNITY PLANNING MONTH** in our **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of all our citizens.




Governor


Secretary of the Commonwealth