

July 22<sup>nd</sup>, 2010

Hello Powhatan Community,

Below is a statement I released to the Powhatan Today and below that is an addendum to the statement containing more elaboration which was too long for the newspaper but not too long for the Internet.

Thank you all for your continued interest in our county,

joe

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## **Statement to Powhatan Today**

Dear Powhatan Today Editor,

Per your request, I will elaborate on the action the Board of Supervisors took on Monday, July 12, regarding the Walmart application. I do so as the Supervisor who made the motion to defer. These opinions are mine alone.

In this case, the applicant had not finalized the application within the “ten days in advance of the meeting” deadline. As late as the morning of the meeting, the applicant made changes. The last minute changes of substance by the applicant automatically warrant a minimum of a 30-day deferral for two reasons. Primarily, it allows time to digest the substantive changes and, secondarily, such a deferral policy helps encourage applicants to 'get their act together' well in advance of the deadline for changes. The deadline is ten days in advance to avoid the essence of much of what I detail below. But in a case of this size, a 30-day deferral is not sufficient. I have forcefully expressed this sentiment numerous times in the past on both the dais and elsewhere. It should come as no surprise then.

There are two overarching issues with the Walmart application. The first issue is the concept of a Walmart store in Powhatan County. The second issue is the community planning effort associated with a potential new shopping center on the north side of Route 60. The concept of a Walmart is about what much of the community debate and public hearings to date have been. The details, significance, and negotiation points of the community planning effort are complex, time consuming, and have potentially detrimental long-term effects....particularly if the process is rushed.

I moved to table the Walmart application to allow the applicant, the citizens, and the Board of Supervisors further time to understand the features and implications of the application. I did not consider a time limit to the continued consideration and deliberation because I felt strongly that such a limit would amount to an expression of intent that the community planning effort would be finished at such an interval. Taking all near-term time pressure off was necessary to give everyone involved a chance to think and consider carefully. Deadlines, even those that can be

extended (as deferrals in 30+ day increments), create unneeded pressure and cloud clear and prudent judgment. People already thought the matter would be settled that very night. Taking all near-term time pressure off was necessary to give everyone involved a chance to think clearly.

The only deadline is per state code; and it is the requirement that the County decide a zoning matter within one year. It is not the Board's intention to let the year expire before deciding finally the matter. When the application is brought back up, it will be advertised for weeks in advance and presented like any re-zoning case.

There is only one chance to get this right and, once done, it will forever affect many future development issues in that area specifically and in Powhatan generally. The Board of Supervisors' decision requires clear and prudent judgment because the rezoning application for this potential new shopping center has already gone through numerous changes, revisions, alterations, and deletions in the several months since it was originally filed with the Planning Department. What all those mean and the extent to which they satisfy the members of the Board of Supervisors' development goals for Powhatan County takes time to discover.

To reiterate, in light of all this, I moved to table the application. I have a duty to give our community time to reflect on the application and look for areas that still need work before the Board of Supervisors can be sure an acceptable development plan has been achieved.

There are citizens who would have accepted the application in its original form months ago and there are citizens who will never accept the application in any form. My duty as a Supervisor is to examine the areas in between those two extremes.

During the July 12<sup>th</sup> meeting numerous citizens spoke about the application. Their concerns were almost exclusively about the concept of a Walmart in Powhatan County. There was virtually nothing said about the community planning issues associated with a potential new shopping center. The Board of Supervisors must consider both the concept and the community planning issues. Both points take time and careful study to ensure Powhatan County gets the highest quality development as conceived in the massive community planning effort that was adopted the very night of that first Board of Supervisors Walmart hearing – the 2010 Comprehensive Plan.

The 2010 Comprehensive Plan represents this county's freshest first principles of future development based on hundreds of citizens contributing thousands of hours coupled with planning experts. The beauty of those first principles of future development is that they were conceived over the last several years without the pressure of a major commercial development application and without the modern confusion of emotion inherent in the concept of a Walmart in a rural community.

It is those first principles – harmonious development of land, future development that is the least possible burden to existing development, maintenance of an open-space focused community, general quality growth and development – that I will continue to pursue and exclusively support in the final stages of this application's deliberation. As one resident

indicated, those were the aspirations on which I campaigned in 2007 and they are the aspirations with which I continue to serve since election.

There are those who have commented that this issue is the first time in recent memory that the Powhatan County Board of Supervisors has taken a firm, deliberative stance on thinking thoroughly about a major rezoning application. I will not argue whether that is true, but on behalf of this Board of Supervisors, I will accept the compliment nonetheless.

There are also those who have argued that delays in the application could result in the application being withdrawn and located elsewhere, possibly on another parcel in Powhatan County, but possibly elsewhere. If the applicant so chose such an alternative, it would be wholly appropriate from a community planning perspective to have future development locate on previously zoned land. That is the point of the land having been previously zoned – it is called compact growth and development when future development goes there. Appropriate proffers for that previous speculative zoning should have been collected at the time of zoning so nothing would be lost.

The Walmart application is in a much better form than it ever has been despite howling calls for rapid and unquestioned adoption every step of the way. The Board of Supervisors will continue to negotiate community planning concerns with the applicant to make it even better.

To deny the application just because it is a Walmart would be just as foolhardy as accepting the application without vetting it according to and insisting upon this community's needs from the Board of Supervisors perspective. The community is stuck with the costs of mistakes or omissions for decades.

As a final note, I highly suggest all those with a great interest in the Walmart application obtain a copy of the *Route 60 Citizen Work Group Final Report* and, in particular, the *Best Practices Subcommittee Report*. Both explain in great detail this community's highest ideals for development in the Route 60 corridor. The Board of Supervisors with the final ratification of the 2010 Comprehensive Plan adopted both.

I have been contacted by a great number of people about this issue. I continue to request input from Powhatan citizens. You can contact me at: 804-794-4437 or [joe@joewalton.com](mailto:joe@joewalton.com)

Respectfully,

Joseph B. Walton  
Supervisor, District 1  
Powhatan County Board of Supervisors

P.S. – an expanded version of this statement will be distributed via email and available on my website – [joewalton.com](http://joewalton.com)

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## **Addendum to Statement to Powhatan Today**

Further clarifying the motion to table:

As stated above, that very night, just the *first* Board of Supervisor hearing on the matter, the applicant desired several changes that the Board of Supervisors accepted prior to the Public Hearing. However, their acceptance was a formality to enter into the Public Hearing with the application in the form the *applicant* desired, not necessarily the final form the Board of Supervisor desired.

There was no immediate way of knowing whether the changes were in the best long-term interest of the county or went far enough to mitigate still outstanding concerns of my peers or mine. Final decisions about detail work of major significance, from the dais, at 10:30 PM are dangerous.

Circulating changes to such a massive rezoning application through the appropriate people inside the county administration, among the Board members and not the least of which the public at large takes time and should not be rushed. In fact, I already had a list of community planning concerns and I know my fellow supervisors had their own remaining questions even before the latest changes. Adding to my own list was consideration of the nature and scope of the immediate changes themselves with respect to my existing concerns – compounding a complex community planning effort even more!

Thus, only continued study in the interim will allow for the citizens and the Supervisors to fully appreciate the application as it is currently, look for changes towards making sure the best community planning goals are achieved, and ensure that there are no regrettable undersights or oversights to a major shopping center rezoning.

On the idea that the Comp Plan was just adopted:

A rezoning application has no pre-existing status after/before a planning policy guideline update – a Comprehensive Plan for instance. Ordinance changes do create situations where pre-existing conditions prevail with respect to planning decisions but a rezoning application itself represents an Ordinance change. Thus, and as I said months ago, the now current Comprehensive Plan is just as significant and relevant a guideline for deliberating on this Walmart application as the previous Comprehensive Plan was. Both are still guidelines nonetheless.

Indeed the Walmart application, in its latest form, has acknowledged as much by including many proffered conditions that are guideline results of the recently completed 2010 Comprehensive Plan. It is entirely appropriate then for the Board of Supervisors to continue to look for other areas where the Walmart application can be brought into conformance with the Comprehensive Plan as it stands. It is helpful that Walmart application has already acknowledged such thinking as valid.

On the loss of proffers associated with this application:

The purported loss of proffers of the current application, should it be withdrawn, implies that there may be proffers that do not have a nexus in mitigating the applied for development's burden on existing development. The mitigations would not be proffered if that were the case. Indeed, any future application on the parcels involved in a withdrawn Walmart application would be expected to mitigate its development impact according to Powhatan County's first principles of development as contained in the then current Comprehensive Plan. Thus, there will be nothing lost, only delayed in receipt.

Additionally, and despite various statements to the contrary, there are no immediate vicinity parcels where the applicant's current development plan and interests can be met without at least some ministerial action. Were there such a parcel it would have been chosen primarily.

The speculation of relocation to outside the county is, of course, possible. However, it is not my job to soften the pursuit of the harmonious development of land according to the Comprehensive Plan based on fear of what will happen if I pursue it. If future development wants to come to the county on the county's terms then it is welcome. If it does not then it is best located elsewhere. My goal is for the county to be as tough a negotiator in pursuit of the aforementioned first principles as the citizens expect and as the various applicants are purported to be in pursuit of their agenda.

On the belief that it would be voted for or against that night:

There appears to have been a widely held belief that the Board of Supervisors would vote to approve or deny the Walmart application on July 12<sup>th</sup>, 2010. Anyone who has cursorily followed this case would know each level of handling has taken a couple iterations before handing it off. The applicant requested deferrals in the few months after initial submission, the Architectural Review Board met a few times and the Planning Commission did as well in workshop and meeting form. That the Board of Supervisors is taking its due deliberative course should be expected. Furthermore, anyone who follows these processes knows far smaller issues have been ultimately determined only after extensive deliberation

In conclusion:

I will provide greater specifics about the application in the future; this statement and addendum was intended to clarify my position at the present time with regard to the Board of Supervisors action to table the Walmart application for further consideration and deliberation.

Respectfully,

Joe Walton  
Supervisor, District 1  
Powhatan County Board of Supervisors