

At a meeting of the Accomack County Planning Commission held on the 9<sup>th</sup> day of September, 2020, at the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia, via a hybrid in-person and electronic (conference call) meeting.

**1. CALL TO ORDER**

**MEMBERS PRESENT AND ABSENT**

**Planning Commission Members Present:**

Mrs. Angela Wingfield, Chairwoman

Mr. John Sparkman

Mr. Brantley Onley

Mr. C. Robert Hickman

Mr. Leander Roberts

Mr. Kelvin Pettit

Mr. Lynn Gayle

**Planning Commission Members Participating Electronically:**

Mr. David Lumgair

**Planning Commission Members Absent:**

Mr. Roy Custis, Vice Chairman

**Others Present:**

Mr. Rich Morrison, Deputy County Administrator of Building, Planning, and Economic Development

Mrs. Stephanie Woods, Administrative Assistant to the Deputy County Administrator

Mr. Tyler Rosa with Verizon Wireless

Mr. Stuart Squire with Verizon Wireless participated electronically

**DETERMINATION OF A QUORUM**

There being a quorum, Chairwoman Wingfield called the meeting to order at 7:00 pm.

**2. ADOPTION OF AGENDA**

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

**3. PUBLIC COMMENT PERIOD**

Chairwoman Wingfield opened the public comment period.

There being no public comments; Chairwoman Wingfield closed the public comment period.

**4. MINUTES**

August 12, 2020: *On a motion made by Mr. Roberts and seconded by Mr. Onley, the Planning Commission voted unanimously to approve the August 12, 2020 meeting minutes as presented.*

## **5. NEW BUSINESS**

### **A. Discussion of Agricultural Ordinance Amendment to allow Antennas and Towers over 100 feet in height by Special Use Permit, and scheduling of a Public Hearing.**

Mr. Morrison informed the Planning Commission of the requested change to the Agricultural District Ordinance to allow for Antennas and Towers over 100 feet by Special Use Permit to go before the Board of Zoning Appeals instead of through a rezoning process. Mr. Hickman inquired about Towers under 100 feet. Mr. Morrison stated that those towers would be allowed by right in the Agricultural District. Mr. Gayle expressed his agreement in having the ordinance amended to allow for Antennas and Towers by Special Use Permit in the Agricultural District.

*On a motion by Mr. Onley and seconded by Mr. Gayle the Planning Commission voted unanimously to schedule a public hearing for October 14, 2020 for an Agricultural Ordinance Amendment to allow Antennas and Towers over 100 feet in height by Special Use Permit.*

### **B. Discussion of Agricultural Ordinance Amendment to allow for any use of land and/or any permanent or temporary location of any building or structure thereon not specifically permitted by Right or Special Use Permit, and scheduling of a Public Hearing.**

Mr. Morrison informed the Planning Commission of the requested change to the Agricultural District Ordinance, using laymen's terms stating it as a "catch all". Mr. Morrison stated that the Residential District has the same ordinance clause under Special Use Permits. Mr. Morrison stated there is a limited number of uses in the Agricultural District and this would allow items to be considered by the BZA for things that are not enumerated in the ordinance specifically right now. Chairwoman Wingfield inquired about the use of the word temporary in the language. Mr. Morrison stated that there are some temporary uses and gave several examples.

Mr. Morrison stated that the Ordinance has a Zoning Administrator, and that the decision by the Zoning Administrator can be appealed. Mr. Morrison indicated that the ordinance is very rigid since its adoption in 1974 and that a lot has changed over the years and that we need to try to change with it. Mr. Gayle informed the Planning Commission members that the Board of Zoning Appeals are appointed by a judge and therefore considered mini judges and that if someone wishes to appeal a decision by the BZA it goes before the Court. Mr. Morrison agreed with Mr. Gayle and stated that BZA decisions are not precedent setting.

*On a motion by Mr. Pettit and seconded by Mr. Gayle the Planning Commission voted unanimously to schedule a public hearing for October 14, 2020, for an Agricultural Ordinance Amendment to allow for any use of land and/or any permanent or temporary location of any building or structure thereon not specifically permitted by Right or Special Use Permit.*

## **6. PUBLIC HEARING**

### **A. Cellco dba/Verizon Wireless Rezoning – RZONE-000038-2020**

Chairwoman Wingfield opened the public hearing for Rezoning Application RZONE-000038-2020. Mr. Morrison informed the Planning Commission that staff received the discussed proffers for the conditional rezoning of the land. Mr. Morrison invited Mr. Rosa to speak from Verizon. Mr. Rosa stated that he feels that the conditional rezoning to allow the tower will benefit the County and the surrounding area. Mr. Gayle stated that at his most recent Farm Bureau meeting, farmers are more and more in favor to allow cell towers for

better reception to better aid them in the updates with farming equipment. Mr. Sparkman inquired if there was a fee earned by the land owner. Mr. Rosa stated that there is a lease agreement with the landowner and each agreement is different.

With no more questions from the Planning Commission and no more public comments, Chairwoman Wingfield closed the Public Hearing.

*On a motion from Mr. Hickman and Seconded by Mr. Gayle the Planning Commission voted unanimously to recommend approval of the application made by Cellco Partnership d.b.a. Verizon Wireless (RE), as amended, to the Board of Supervisors, to conditionally rezone 13.9 acres from Agriculture to General Business on property located at tax map 110-9-B1 and adjacent to 16055 Pungoteague Road and depicted on a drawing dated July 14, 2020 subject to the following conditions offered by Cellco and Mr. Ted L. Belote property owner:*

*A Proffer Statement dated August 21, 2020 has been submitted and is part of the amended application; the proffer statement offers the following Permitted Uses:*

- 1. General Business: The Rezoned Property shall only be used for a communication tower in excess of 100 feet in height in accordance with Section 106-403(1) of the Accomack County Zoning Ordinance and for no other General Business (B-1) uses not otherwise permitted by this Proffer Statement, whether permitted by right or special use.*
- 2. Agricultural: The County acknowledges that the Owner uses the Rezoned Property for agricultural purposes and that the Owner will continue to use the Rezoned Property for such agricultural purposes as a legally nonconforming use pursuant to Section 106-202 of the Accomack County Zoning Ordinance.*
- 3. Residential: Section 106-403(7) authorizes the Owner to apply for a special use permit for residential uses, including single-family dwellings, in the B-1 zoning district.*

*The following facts support the rezoning:*

- 1. The proffers submitted, insure that rezoning will not unduly or have the potential to unduly change the general character of the nearby area*
- 2. There has been a need established for a cellular tower to improve service in the Pungoteague area.*
- 3. A special use permit is required from the Board of Zoning Appeals, and as part of its review, the BZA, will evaluate the tower specifics and potential impacts of the tower.*

## **7. OLD BUSINESS**

### **A. Discussion of Lighting Ordinance Amendments and possible scheduling of the Public Hearing.**

Mr. Morrison stated that he feels there will be little to no public interest with the two previously discussed Agricultural Ordinance Amendments, but feels that there will be some definite interest in the Lighting Ordinance Amendment. The Planning Commission discussed and decided to place this item for discussion on a future agenda.

### **B. Staff report on Building Permit data.**

Mr. Morrison updated the Planning Commission on building permit data from June 2019 through the end of August 2020.

## **8. SUBDIVISION AGENT REPORT**

Nothing to report on at this time.

**9. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS**

Mr. Morrison informed the Planning Commission that there were three (3) applications that had been submitted for the BZA October hearing.

**10. OTHER MATTERS**

**A. Discussion of Fall 2020 Work Sessions.**

Mr. Morrison stated that the case load for the Planning Commission is down during this time but that the work load for staff is high due to open staff positions. Mr. Morrison discussed this with the Planning Commission and the Planning Commission decided to suspend work sessions for the current time being.

**11. NEXT MEETING**

The next Planning Commission regular session is scheduled for Wednesday, October 14, 2020 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, Accomac. To be held as a hybrid – electronic (conference call) and in-person meeting.

**12. ADJOURNMENT**

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

The meeting was adjourned at 8:30 p.m.

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Angela Wingfield, Chairwoman

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Stephanie Woods, Administrative Assistant of Building, Planning, & Economic Development