

At a meeting of the Accomack County Planning Commission held on the 12th day of April 2023 at the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mrs. Angela Wingfield, Chairwoman
Mr. Leander Roberts, Jr, Vice Chairman
Mr. Lynn P. Gayle
Mr. Brantley Onley
Mr. Kelvin Pettit
Mr. Robert Hickman

Planning Commission Members Absent:

Mr. Glen “Adair” Tyler
Mr. John Sparkman

Others Present:

Ms. Maxie Brown, Interim Zoning Administrator
Mr. Lee Pambid, Deputy County Administrator
Mr. Paul Seltzer, Deputy Director
Ms. Shawnta McCain, Administrative Assistant II

DETERMINATION OF A QUORUM

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

2. ADOPTION OF AGENDA

On a motion made by Commissioner Gayle and seconded by Commissioner Hickman, the Planning Commission voted unanimously to adopt the agenda.

3. PUBLIC COMMENT PERIOD

Chairwoman Wingfield opened the public comment. There being no one signed up to speak, Chairwoman Wingfield closed the public comment period.

4. MINUTES

• March 8, 2023 Meeting Minutes

On a motion made by Chairwoman Wingfield and seconded by Commissioner Hickman, the Planning Commission voted unanimously to approve the March 8, 2023 meeting minutes with corrections.

5. OLD BUSINESS

A. REZ-000395-2022: Conditional rezoning request submitted by MCAP Eastern Shore Land, LLC to rezone Tax Map #85-2-2A from Agriculture to Village Development District

On April 12, 2023, the Planning Commission continued discussion on the proposed Tax Map #85-2-2A to rezone the parcel from Agricultural to Village Development District to develop a 40-unit senior housing, patio home development. The property is located across Hermitage Road from the existing Commonwealth senior living community. The applicant also submitted a Proffer Statement with the conditions/restrictions:

- Units to be for sale or lease by the owner.
- A minimum of 80% of the residential units will be occupied by at least one member of the household who is age 55 or older.

Staff provided an overview of the staff report and questions raised at the last meeting:

- I. **Legal interpretation of Proffer Statement and concern about the 80% age restricted poulation.** Staff indicated that proffers must be voluntary. The applicant has indicated their preference to maintain the proffer statement, as written, noting that there may be situations that should accommodate persons under 55 to be a resident and/or caregiver. Regarding the proffer language pertaining to the rent or sale of units, staff noted that the County does not have the authority to regulate the form of property ownership; however, the applicant/developer may voluntarily proffer a certain type of ownership.
- II. **Amount of farmland and forestland lost as a result of the proposed development.** Staff reported that according to the County’s GIS 2021 aerial mapping, approximately 6 acres was used for farmland and 5.5 acres was forested.
- III. **Adjoining property owner restrictions based on the proposed rezoning; state rules regarding discharge of firearms; restrictions on shooting range from residence.** Staff reported that there are no specific restrictions, except Sec. 10-1 of the County Code which prohibits hunting with a firearm on or within 50 feet of any primary or secondary highway. Section 38-35 exempts hunting and target practice at an established firing range from noise ordinance restrictions if located at least 500 feet from any residence or place of business, unless the owner of the residence or place of business waives this distance requirement.
- IV. **Need for vegetated landscaping buffer along Hermitage Road. This could be accomplished with proffer language or a standard landscaping plan provided by the applicant.** Staff reported that there was no ordinance requirement for the landscaping; however, additional landscaping may be required later as part of the CUP application process.
- V. **Zoning Ordinance does not define senior living.** Staff reported that federal and state housing laws define “housing for older persons”.
- VI. **Property management services and to what extent will the proposed facility be using the management services from the adjoining facility.** Staff reported the adjacent senior living facility would provide general management and related services.

Commissioner Hickman expressed concern about the required 200-foot setback not being maintained. Commissioner Hickman mentioned that it was put in affect to mostly protect the farmers because of complaints about farming operations. Commissioner Gayle inquired how much setback was being requested. Ms. Brown suggested 150’ with a requested 50’ setback but deferred to the applicant. Mr. Willis stated that they will be seeking a waiver for the required setback. Mr. Willis stated the requested setbacks would be 15’ side; 35’ rear; and 50’ front, which would conform to the Village Development District setbacks. Mr. Willis stated that it was their intent to apply for a variance before the CUP process. Commissioner Hickman was concerned that the applicant may not have a hardship, which was required in order to obtain a variance.

On a motion made by Commissioner Hickman and seconded by Commissioner Onley, the Planning Commission recommends that the Board of Supervisors approve the Conditional

rezoning pertaining to case REZ-000395-2022, for the application of MCAP, Eastern Shore, LLC, for the conditional rezoning of parcel 85-2-2A from Agricultural to Village Development, subject to a Proffer Statement, dated February 27, 2023.

- B. Consideration of holding a work session on April 25, 2023 to continue discussion on proposed ordinance amendments to allow administrative approval of nonconforming lots created between May 1, 1973 through December 31, 2022, provided certain criteria are met.**

Ms. Brown recommended that a work session be held to provide a more informal discussion of the matter. Chairwoman Wingfield stated that she would possibly not be here for the Work Session.

On a motion made by Commissioner Gayle and seconded by Commissioner Hickman, the Planning Commission voted unanimously to hold a Work Session on Wednesday, April 25, 2023 at 7:00 p.m. in the Board Chambers, Room 104.

6. NEW BUSINESS

There is no new business at this time.

7. PUBLIC HEARING

8. SUBDIVISION AGENT REPORT

There was no report presented.

9. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS

There are three (3) applications received and scheduled for the May 3, 2023 BZA meeting.

- **SUSE-000480-2023: Annette Miller – Tax Map #42-A-102B**
- **SUSE-000481-2023: Don Grigsby Jr. – Tax Map #102-A-43F**
- **VAR-000484-2023: Talia Taylor – Tax Map #100-A-67F**

10. OTHER MATTERS

As an information item, Ms. Brown reported that the Board of Supervisors will be considering an alternative wetland mitigation ordinance. Commissioner Hickman inquired about the phrase “off-site compensatory mitigation sites.” Ms. Brown responded that she has not been involved with the Board’s alternative ordinance considerations, but the alternative ordinance is more restrictive and more in line with Northampton County’s ordinance.

11. NEXT MEETING

The next Planning Commission Meeting is Wednesday, May 10, 2023 at 7:00 p.m. in the Accomack County Board of Supervisors Chambers, Room 104.

A work session has been scheduled for Tuesday, April 25, 2023 at 7 p.m. in the Accomack County Board of Supervisors Chambers, Room 104.

12. ADJOURNMENT

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

The meeting was adjourned at 7:17 p.m.

Angela Wingfield, Chairwoman

Shawnta McCain, Administrative Assistant of Building, Planning & Economic Development