

**A G E N D A**  
**ISLE OF WIGHT COUNTY PLANNING COMMISSION**  
**March 22, 2022**

**1. CALL TO ORDER**

INVOCATION

PLEDGE OF ALLEGIANCE

**2. ROLL CALL/DETERMINATION OF A QUORUM**

BRIAN CARROLL, CHAIRMAN

BOBBY BOWSER, VICE-CHAIRMAN

CYNTHIA TAYLOR

JAMES FORD

THOMAS DUERIG

JENNIFER S. BOYKIN

GEORGE RAWLS

THOMAS J. DISTEFANO

**3. ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS**

**4. APPROVAL OF AGENDA**

**5. CONSENT AGENDA**

**A. FEBRUARY 17, 2022 BOARD OF SUPERVISOR ACTION LIST**

**B. FEBRUARY 22, 2022 REGULAR MEETING MINUTES**

**6. CITIZENS' COMMENTS**

**7. PUBLIC HEARINGS**

**8. OLD BUSINESS**

**A. THE CROSSINGS PROPOSED PROFFER AMENDMENT**

Application of James River Crossings, Inc., Owner, to Amend the Proffered Conditions of the Crossings Commercial Development Located at 14217 Carrollton Boulevard to Allow Additional Subdivision of Commercial Property While Maintaining the Limit on Commercial Building Space

**9. NEW BUSINESS**

**A. COUNTY ATTORNEY'S REPORT**

**B. PLANNING DIRECTOR'S REPORT**

**10. CLOSED MEETING**

**11. ADJOURNMENT**

## PLANNING REPORT

### ATTACHMENTS:

| Description                                       | Type       | Upload Date |
|---------------------------------------------------|------------|-------------|
| FEBRUARY 17, 2022 BOARD OF SUPERVISOR ACTION LIST | Cover Memo | 2/23/2022   |

ACTION LIST  
BOARD OF SUPERVISORS  
FEBRUARY 17, 2022

1. Approval of Agenda: Supervisor McCarty moved that the agenda be approved. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

2. Closed Meeting

No action was taken following the closed meeting

3. Citizens' Comments

- A. Robert Hines of Smithfield expressed his concern with the development proposed in the Town of Smithfield called The Grange at 10Main which he feels will double the population, increase traffic and have a negative impact on Town residents. On a second subject, CRT, he stated that he believes that all history, positive and negative, should be taught in school.
- B. Richard Sienkiewilz of Carrollton asked the Board to deny the request of Mr. Kooiman for a height variance.
- C. Chris Edwards, Fire Chief of the Smithfield Volunteer Fire Department, advised that the Fire & Advisory Board is requesting the Board to work with the Town of Smithfield to save Waterworks Lake for water supply for the Smithfield Volunteer Fire Department.
- D. Volpe Boykin of the Carrsville District recommended that the Board's salary be increased from \$13,000 to \$24,000 annually to ensure that the County attracts and retains good supervisors in the future.
- E. Chris Torre of Smithfield expressed concern with County taxes being utilized to subsidize the development in Smithfield called The Grange at 10Main.
- F. Steven Morinszko of Carrollton asked the Board to deny the request of Mr. Kooiman for a height variance.
- G. Elizabeth Hopkins of Gray Street in Smithfield spoke against using taxpayer funds to build a farmer's market.

- H. Jeff Brooks of Smithfield spoke against using taxpayer funds to build a farmer's market.
- I. Steve Turner of Carrollton asked the Board to deny the request of Mr. Kooiman for a height variance.
- J. Ty Ehlers of Spring Crest Drive asked the Board to deny Mr. Kooiman's request for a height variance.
- K. Herb DeGroft asked the Board to carefully scrutinize anything the School Board sends to the Board involving taxpayers' money and funding for public schools.

4. Consent Agenda

- A. Resolution to Amend the FY2021-22 Grant Fund Budget and Appropriate Funding from the Virginia Department of Motor Vehicles (\$960)

Assignment: S. Humphries

- B. Resolution to Amend the FY2021-22 Operating Budget and Appropriate Funding for Pass Through Dominion Energy funding from the Virginia Department of Emergency Management (\$25,000)

Assignment: S. Humphries

- C. Resolution to Amend the FY2021-22 Operating Budget and Appropriate Funding for Vehicle Repairs from Insurance Proceeds (\$6,366)

Assignment: S. Humphries

- D. Resolution to Amend the FY2021-22 Operating Budget and Appropriate Funding for the 2021 Local Emergency Management Performance Grant (\$7,500)

Assignment: S. Humphries

- E. Resolution to Amend the FY2021-22 Budget and Appropriate Funding from the Virginia DHCD Covid-19 ARPA SLFRF Municipal Utility Assistance Program (\$94,182)

Assignment: S. Humphries

- F. Resolution to Amend the FY2021-22 Grant Fund Budget and Appropriate Funding from Virginia Department of Health Rescue Squad Assistance Fund (\$15,109)

Assignment: S. Humphries

- G. Resolution to Amend the FY2021-22 Grant Fund Budget and Appropriate Funding for the DCJS Violence Against Women's Act Grant (\$30,795)

Assignment: S. Humphries

- H. Resolution of the Board of Supervisors of Isle of Wight County, Virginia to Request the Virginia Department of Transportation Include Certain Streets in the System of State Highways (Benn's Grant Subdivision, Phases 6,7,8, 10A1, 10B1 and parts of Phases 2, 3 and 10A2)

Assignment: Oliver

- I. Resolution of the Board of Supervisors of Isle of Wight County, Virginia to Request the Virginia Department of Transportation Include Certain Streets in the System of State Highways (Holland Meadows Phase 2 Subdivision)

Assignment: Oliver

- J. Resolution to Amend the FY2021-22 Budget and Appropriate Funds from the Federal Government (\$2,122,797)

Assignment: S. Humphries

- K. Resolution to Amend Chapter 2: Financial and Accounting Article 1, Section 1.33 of the County Policy Manual

Assignment: Clark

- L. Minutes

- . November 22, 2021 Special Joint Meeting
- . December 9, 2021 Work Session
- . December 9, 2021 Regular Meeting
- . December 22, 2021 Special Meeting
- . January 6, 2022 Organizational Meeting
- . January 20, 2022 Regular Meeting

Assignment: Storm

Supervisor McCarty moved that the Consent Agenda be adopted. The motion was adopted unanimously (5-0) with Supervisors Acree, McCarty, Grice, Rosie and Jefferson voting in favor of the motion and no Supervisors voting against the motion.

5. Regional and Inter-Governmental Reports

No reports were offered.

6. Appointments

- A. Fire & Rescue Association: Supervisor Acree moved to approve the list of members. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Storm

- B. Commission on Aging: Supervisor Grice moved to reappoint Debra Frank to the Commission on Aging. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Storm

- C. Community Policy & Management Team: Supervisor McCarty moved to appoint Dr. Cornell Jones as the parent representative. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Storm

7. Special Presentations

- A. Special Needs Task Force: The Board received a Power Point presentation outlining past events of the Special Needs Task Force as follows: Let's Connect Event on March 10, 2020; Field Day on May 22, 2021; and County Fair Day on September 17, 2021. The next Let's Connect event is scheduled for April 26, 2022. Howard Meissel, a resident of Battery Park and member of the Special Needs Task Force identified the goals of the Special Needs Task Force.

Supervisor Grice moved, and rescinded his motion, that the County move forward with a Special Needs Commission. He then recommended that staff return to the Board's March meeting with an outline of how the Commission will be formed, its makeup and its mission statement. Staff is to advise what a therapeutic position would involve at the County level to facilitate those services. Said position is to be incorporated into the budget for the upcoming 2022-23 fiscal year.

Assignment: Smith

- B. COVID-19 Vaccine/Testing Update: Dr. Nancy Welch, Acting Director, Western Tidewater Health District, provided a COVID-19 vaccine update.

Supervisor Grice requested that the emergency services staff return to the Board at its next meeting with ideas on what can be undertaken on the part of the County to encourage additional vaccinations.

Assignment: Drewery

Supervisor Grice moved that masks as of March 1, 2022 in County facilities will be optional. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Keaton/Drewery

- C. Valerie Butler, on behalf of the Isle of Wight NAACP, presented Will Drewery with a service award honoring him this year.

## 8. County Attorney's Report

No report was offered.

## 9. Public Hearings

Resolution to Amend the FY2021-22 Budget and Appropriate Funds from the Federal Government (\$2,122,797): Supervisor McCarty moved that the Resolution be adopted.

The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: S. Humphries

10. County Administrator's Report

- A. County Administrator Keaton provided an update on the issuance of General Obligation Bonds.
- B. Assistant County Administrator Robertson provided a legislative update on the 2022 General Assembly Session.

11. Unfinished / Old Business

- A. Ordinance Amendment Allowing Deer/Bear Hunting with rifles: Supervisor McCarty moved to table action on the ordinance amendment and direct the County Attorney to investigate if a hunter can be restricted from hunting in a Development Service District; determine a number of feet a hunter must be from a home; and review the ordinances of Smithfield, Windsor and Sussex. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Jones

- B. Local Matching Funds for the Virginia Technology Initiative (VATI) Grant Application: Supervisor McCarty moved to authorize the Chairman to sign the Letter of Support for the program and with a revised loan amount. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Robertson

12. New Business

- A. Request of Jerry Kooiman on behalf of KS Carrollton, LLC, Property Owner, for a Height Exception for the Heritage Apartment Building located at 23321 Sugar Hill Road to Allow the Building to Exceed the Maximum Height Limit of 35 Feet Permitted in the Urban Residential District by 2.25 feet for a Total Building Height of 37.25 Feet Requested: Supervisor Grice moved that the discussion be tabled

until the Board's March 3, 2022 work session at which time Mr. Kooiman is to return with a mitigation plan. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- B. Updated Voting Districts, Precincts and Polling Places: Supervisor McCarty moved to authorize a public hearing for Board's March 3, 2022 work session. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Jones

- C. Resolution to Adopt Financial and Accounting Policy Amendments to Isle of Wight County Policy Manual: Supervisor McCarty moved to amend the resolution to go from \$50,000 to \$100,000 knowing that the State amount is \$200,000. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: S. Humphries

- D. Impact of Personal Property Valuations: Supervisor McCarty moved to authorize the County Attorney to advertise a public hearing on the Personal Property tax rate of \$4.30. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Jones

- E. Interim Salary Adjustments for Public Safety Employees: Supervisor McCarty moved that a 7% raise be granted to the Sheriff's office at this time for Captains and below (with the exception of the Sheriff himself) and that the Sheriff return to the Board with suggestions on a hiring bonus that is payable out over a period of time which will assist in the recruitment of people in addition to an outline of programs similar to those used at West Point and the Airforce Academy. The motion was adopted (5-0) with Supervisors Jefferson, McCarty, Acree, Grice and Rosie voting in favor of the motion and no Supervisors voting against the motion.

Assignment: S. Humphries

## PLANNING REPORT

### ATTACHMENTS:

| Description                               | Type       | Upload Date |
|-------------------------------------------|------------|-------------|
| FEBRUARY 22, 2022 REGULAR MEETING MINUTES | Cover Memo | 3/16/2022   |

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY  
PLANNING COMMISSION HELD ON THE TWENTY-SECOND DAY OF  
FEBRUARY IN THE YEAR TWO THOUSAND AND TWENTY-TWO**

**CALL TO ORDER**

Brian Carroll, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on February 22, 2022, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

**INVOCATION**

Commissioner Taylor delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Chairman Carroll invited everyone present to join in the Pledge of Allegiance.

**ROLL CALL/DETERMINATION OF A QUORUM**

**PRESENT**

Brian Carroll, Chairman  
Bobby Bowser, Vice-Chairman  
Cynthia Taylor  
Jennifer S. Boykin  
George Rawls  
Thomas Distefano

A quorum was determined.

**ABSENT**

James Ford  
Thomas Duerig

**ALSO IN ATTENDANCE**

Robert W. Jones, Jr., County Attorney  
Amy Ring, Community Development Director  
Amanda Landrus, Secretary

## **ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS**

Chairman Carroll asked if there were any requests to table or withdrawal agenda items. Amy Ring, Community Development Director, stated there were no requests.

## **APPROVAL OF AGENDA**

Chairman Carroll called for a vote to approve the agenda. Commissioner Bowser made a motion to approve the agenda. Commissioner Taylor seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

## **APPROVAL OF CONSENT AGENDA**

Chairman Carroll called for a vote to approve the consent agenda. Commissioner Distefano made the motion to approve the agenda with the option to correct the minutes when Commissioner Ford is present to verify who seconded the motion at the previous month's meeting, and Commissioner Bowser seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

## **CITIZENS' COMMENTS**

Chairman Carroll opened the floor for any citizen comments. There being no comments, Chairman Carroll closed citizen comments.

## **PUBLIC HEARINGS**

Chairman Carroll called for the public hearing on the following application:

Proposed Revisions to the Isle of Wight County Zoning and Subdivision Ordinance.

Amy Ring, Community Development Director, gave an overview by giving the following PowerPoint presentation.

# Proposed Zoning and Subdivision Ordinance Changes Public Hearing

Planning Commission Regular Meeting  
February 22, 2022



## Background

- Planning Commission recommended approval of the draft changes by a vote of 6-0 in October 2021.
- Planning Commission discussed additional changes to the Zoning and Subdivision Ordinances during the Planning Director's report and moved to continue discussion of new changes at their next regular meeting.
- Board held a public hearing at their November 18, 2021, and approved the Subdivision and CBPA Ordinance changes only.
- Board voted to send the Zoning Ordinance revisions back to Planning Commission with a change which was not previously considered by the Planning Commission.



## Board of Supervisors & Staff Proposed Changes

1. Reduce minimum setback requirement for accessory structures located in the side yard setback for RR and RAC to 5 feet.
2. Shipping containers or dumpsters used for renovation or construction work to be considered temporary structures. Permitted for a total of sixty (60) days, after which a zoning permit must be obtained through the planning and zoning department for a period not to exceed six months.
3. Add a supplemental requirement for owners and operators of reptile breeding facilities to keep a current report on file with the County Department of Emergency Services with a list of any poison species to be kept on the property.
4. Add clarification to language prohibiting utility scale solar energy facilities in the DSDs does not apply to those solar facilities classified as minor utility use types and are considered incidental and accessory to the principal use of the property.



## Article III – Use Types

### Add Short Term Rentals as a commercial use type in Article III, “Use Types.”

Sec. 3-6000. - Commercial use types.

Short Term Rental.\ the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty consecutive days, in exchange for a charge for the occupancy. A short term rental operator shall be further defined as the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity



## Short Term Rentals – Proposed Criteria

1. Zoning permit is required.
2. Local contact who is available to respond to and resolve complaints during the entire length of the rental period. Failure to respond and resolve complaints will result in the revocation of the permit.
3. Operators must obtain a business license and register for transient occupancy and state sales tax.
4. Must meet current building and zoning regulations and be subject to a safety inspection from the County to confirm the installation of smoke alarms, fire extinguisher and a posted emergency exit plan prior to permit approval.
5. \$500 penalty for failure to obtain required permits. Repeated violations may result in the prohibition on rental of applicable properties.
6. One off-street space per guest room is required in addition to the parking required for the house.
7. Rentals are limited to owner-occupied residences. No visible evidence of the conduct of a short-term rental is allowed on the outside of the property.
8. Event rentals are not permitted.



## Article V – Other Criteria

- Proposed changes to Section 4 -1005, "Table of Permissible Uses," to include adding Short Term Rentals as a permitted use in the RAC and RR districts and as a conditional use in all other residential districts.
- Building Code Safety Inspection Items:
  - No requirement for ADA compliance as long as renting out no more than five rooms with a maximum occupancy of 10 people
  - Fire extinguisher required in the kitchen only



## Subdivision Ordinance – Application No Longer Valid

### 3.2. - Review and approval procedures.

C. Application requirements. ....The following requirements shall apply to all applications for subdivision approval. Applications for re-approval of an expired approval shall be processed in the same manner as any other application.

#### 6. Administrator's comments --Term of validity.

The Administrator's comments or commitments on a proposed site development plan that did not achieve approval shall maintain efficacy for six months from the date the comments are rendered. After this period, these comments or commitments shall be void.



## Subdivision Ordinance – Lot Shape

### 3.2.3.B. Exception to subdivision requirements.

4) Boundary line adjustments to any valid and properly recorded plat, including vacation or alteration, provided the requirements of Section 15.2-2275 of the Code of Virginia and the following requirements are met:

- ~~(a) The adjustment does not result in the creation of irregularly shaped lots;~~
- (a) The adjustment is executed by the owner or owners of such land as provided in Section 15.2-2264 of the Code of Virginia;
- (b) The adjustment does not result in any new violations to the dimensional requirements of the zoning ordinance;
- (c) The adjustment does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and
- (d) No easements or utility rights-of-way shall be relocated or altered without the express written consent of all persons or entities holding any interest in the easement or rightsof-way.



## Subdivision Ordinance – Lot Shape

5.11.1. Shape. Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly related to natural topography, and conform to requirements of this ordinance and the zoning ordinance. Lots shall be generally regular in shape, such as rectangular or pie -shaped, and may not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes, the only exception to this rule being elongations ~~for use as~~ to provide access to a public street within a flag lot. For lots with a width of sixty (60) feet or greater, lot proportions should provide approximately two and one -half (2.5) feet of lot depth for every one (1) foot of lot width.

5.11.4. Side lines. Side lines of lots shall be reasonably straight and approximately at right angles or radial to the street line.



## Subdivision Ordinance – Lot Shape



Following the presentation, Chairman Carroll opened the public hearing.

There being no public comment, Chairman Carroll closed the public hearing and called for discussion from the Commission.

Commissioner Taylor stated that staff did a good job of revising the ordinance to address the Planning Commission's previous comments and made the motion to recommend approval of the

the revisions to the Board of Supervisors. Commissioner Bowser seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, and Carroll voting in favor of the motion, and no Commissioners voting against the motion (6-0).

Motion was carried and will go to the Board of Supervisors on March 17, 2022.

### **OLD BUSINESS**

Ms. Ring confirmed there were no old business items.

### **NEW BUSINESS**

Chairman Carroll called for any New Business items:

Application of James River Crossings, Inc., Owner, to Amend the Proffered Conditions of the Crossings Commercial Development Located at 14217 Carrollton Boulevard to Allow Additional Subdivision of Commercial Property While Maintaining the Limit on Commercial Building Space.

Amy Ring, Community Development Director, stated that this item went to the Board of Supervisors at their last regular meeting, because the proposed amendment did not change the use or density of the proffered conditions on this property. The Board of Supervisors voted to send this to the Planning Commission for their review and recommendations.

Ms. Ring gave the following presentation.

# The Crossings Proposed Proffer Revisions

Planning Commission Regular Meeting  
February 22, 2022



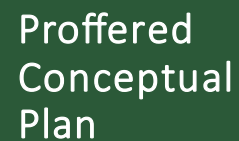
## SITE DESCRIPTION

|                    |                                         |
|--------------------|-----------------------------------------|
| Tax Map ID#:       | 34-01-070                               |
| Location :         | 15150 Benns Church Boulevard (Rte. 17)  |
| Current Zoning :   | Conditional – General Commercial (C-GC) |
| Election District: | D4                                      |
| Approved Use:      | Up to 240 apartment units               |



SITE  
LOCATION

- The Crossings is a planned residential and commercial development that received its initial approval in 2002 and has undergone several revisions in the 20 years since this date.
- The property must be developed in general conformance with proffered conditions including a 2008 concept plan.
- Applicant seeks to amend the proffered conditions as they apply to the large remaining commercial parcel to allow additional subdivision of the property while maintaining the cap of 202,100 square feet of commercial building space.
- Amendment does not change the use or density of the project.





## PROFFER CHANGES DESCRIPTION

- Besides allowing a departure to the original proffered layout of the remaining commercial parcel, no other changes are proposed to the proffered conditions.
- All original cash and physical improvement proffers remain the same.
- Future development must still abide by all other design proffers, including such items as use types, architectural elements, pedestrian pathways, and transportation items.

## RECOMMENDATION

Because the proposed proffer changes do not impact the use or density of the original project and are generally consistent with the approved master plan for the community, staff recommends approval of the revised proffer conditions.



Ms. Ring did state that the proffered uses on the second slide should also include planned commercial uses which did show up on the slide.

Commissioner Taylor asked if there was a reason given to why the change is being requested.

Ms. Ring stated the applicant feels this is more marketable and had interest from users who were not interested in the shopping center.

Bobby Jones stated at the time of the Board of Supervisors meeting there was not a rendering on what the applicant was suggesting, so the Board was unsure on what they were looking at.

Commissioner Boykin asked if the applicant had an estimate on how many new businesses that could potentially go onto the property versus the old plan.

Ms. Ring stated the square footage of commercial space would stay the same, but the applicant is asking for several smaller buildings instead of one large strip center.

Commissioner Boykin stated that the old plan seemed to have a better traffic flow compared to the new plan and could potentially cause traffic problems.

Ms. Ring stated that VDOT said the new plan would not change the ultimate traffic count based on the original TIA which was based on all retail users, but fast food or medical users could potentially change that traffic count. She added that this property is zoned Conditional General Commercial with the conditions mostly surrounding the layout, roads, traffic improvements and architectural elements rather than the types of uses that go there.

Commissioner Taylor asked if they were planning on creating new lots for these buildings.

Ms. Ring confirmed they are wanting to subdivide.

Commissioner Taylor expressed concern that they would not have enough road frontage to subdivide these lots.

Ms. Ring stated Spadea Way would provide road frontage and any new roads they develop would be required to be a public road if serving three or more lots. Ms. Ring added the applicant is aware of that requirement.

Commissioner Distefano stated in the VDOT letter there was a request to follow up if the use type was changed to higher intensity use and asked if there has been any new information provided.

Ms. Ring responded they are providing updated TIA on a case-by-case basis and currently have one for a gasoline station with a convenience store.

Commissioner Distefano asked if the revised concept plan is just a suggested plan to show the number of buildings with possibility of the layout changing.

Ms. Ring verified this was correct.

Commissioner Rawls stated that he guesses it comes down to how the Planning Commission wants this to look, like a strip mall or a town center.

Commissioner Taylor stated that the new concept plan looks nicer.

Commissioner Distefano asked if the number of parking spaces changed.

Ms. Ring responded that the number of parking spaces is not required for this but will be looked at site plan review.

Commissioner Boykin asked how much could change from this conceptual plan before being required to ask the Commission and Board for approval.

Ms. Ring stated that this concept plan is not reflected on the current proffer statement so this would be a prototypical plan with the possibility of what could be done, but they are not bound to this layout. She added that if the applicant adheres to the zoning and subdivisions ordinances they would not have to come back before the Planning Commission.

Commissioner Boykin asked if the applicant could submit a concrete plan.

Ms. Ring stated that a comment could be that the proffers should reference a conceptual plan. Ms. Ring added that the zoning and subdivision ordinance requirements would still need to be met. The concept plan is just a model versus something that would meet the ordinance.

Commissioner Taylor stated that she doesn't see how the interior units would be able to meet the subdivision requirements.

Commissioner Boykin stated that she would like to see a concrete plan.

Commissioner Distefano agreed and stated that without the applicant being there to speak on the plan, it lacks detail.

Commissioner Boykin stated she would like to see a concrete plan, because something was approved several years ago that has turned into something else. Mrs. Boykin added she would also like an updated TIA.

Commissioner Distefano stated more he would like to see more clarity in the detail but wants to be cautious to not become overly restrictive to lock the applicant into something.

Commissioner Bowser asked Ms. Ring when she received the new concept plan.

Ms. Ring stated it was received on February 14<sup>th</sup>.

Commissioner Bowser expressed concern that this could possible be rushed and thrown together in efforts to have something for them to look at.

Commissioner Rawls stated the concept plan lacks architectural details.

Ms. Ring stated the applicant is still bound by architectural elevations that were previously proffered but stated more detail can be asked for.

Commissioner Distefano asked if there was a previous proffer for the building material and appearance to be like Eagle Harbor Apartments.

Ms. Ring responded the proffer applied to the condos. Ms. Ring stated that the shopping center proffered an elevation that was a combination of brick, stucco, and EFIS and had a colonial appearance.

Commissioners Rawls stated he liked the look of the buildings compared to the strip mall but would still like to see more detail on what it would look like.

Ms. Ring stated she would pass this information along to the applicant, and the discussion could be continued at the next meeting should the applicant submit more information.

Chairman Carroll called for a vote to table this item until the next meeting.

Commissioner Distefano made the motion to table the Proffer Revision Request pending additional details on the design. Commissioner Bowser seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, and Carroll voting in favor of the motion, and no Commissioners voting against the motion. (6-0)

Chairman Carroll called for the 2021 Planning Commission Annual Report.

Amy Ring stated the 2021 Planning Commission Annual Report was in the agenda package and is open to changes or amendments should the Planning Commission have any.

Commissioner Distefano asked that there should be a correction on page 8 for the rezoning table to include the date the Board of Supervises approved Accelerated Properties. Commissioner Distefano also requested that detail be added to the ninety-four percent alignment rate with the Board of Supervisors to state that the item that was not unanimously agreed on between the Planning Commission and Board of Supervisors was because of architectural detail missing on the fence that was then included when the Board heard this item.

Commissioner Distefano made the motion to approve the 2021 Planning Commission Annual Report with the two changes that was suggested. Commissioner Rawls seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, and Carroll voting in favor of the motion, an no Commissioners voting against the motion. (6-0)

### **COUNTY ATTORNEY'S REPORT**

Bobby Jones confirmed there was no items for the County Attorney's Report.

### **PLANNING DIRECTOR'S REPORT**

Chairman Carroll called for the items on the Planning Director's Report.

Amy Ring stated that there were two items requested at the January meeting, the Residential Development Pipeline Report and Development Activity Report that is in the agenda package for the Planning Commission's information.

Ms. Ring stated the Rushmere Village Plan Community Meeting Thursday, February 24, 2022, at 3:30PM and 6PM at Gravel Hill Baptist Church. Amy Ring added that the County's Parks and Recreation Department will also be there to talk about the Hardy Park Master Plan and to get feed back from the public. Mrs. Ring stated staff will also give a presentation and kick off the community survey for the Rushmere Village Master Plan.

### **CLOSED MEETING**

Chairman Carroll confirmed there were no items to discuss in closed meeting.

**ADJOURNMENT**

There being no further information to discuss, Chairman Carroll adjourned the meeting at 6:33PM.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chairman, Isle of Wight County Planning Commission

Attest: \_\_\_\_\_  
Secretary

# **PLANNING REPORT**

## **APPLICATION:**

Application of James River Crossings, Inc., Owner, to Amend the Proffered Conditions of the Crossings Commercial Development Located at 14217 Carrollton Boulevard to Allow Additional Subdivision of Commercial Property While Maintaining the Limit on Commercial Building Space

## **ELECTION DISTRICT:**

D4 (Formerly in the Newport District)

## **LOCATION:**

14217 Carrollton Boulevard on Tax Parcel Number 34-01-070

## **BACKGROUND:**

The Crossings is a planned residential and commercial development that received its initial approval in 2002 and has undergone several revisions to its conditional zoning in the 20 years since this date. The current proposed proffer amendment would allow the property owner to further subdivide the commercial property, shown as Phase I on the 2002 proffered conceptual plan labeled as Exhibit 1A, into additional parcels while maintaining the limit on the commercial building space to 202,100 square feet.

The proposed amendment does not change the use or density of the previously approved development. Besides allowing a departure to the original proffered layout of the remaining commercial parcel, no other changes are proposed to the proffered conditions.

The Board of Supervisors considered the amendment at their January 20, 2022, regular meeting and voted to send the application to the Planning Commission for discussion and recommendation. Since the January Board meeting, the applicant has submitted a revised conceptual plan for the parcel for the Planning Commission and Board's consideration.

## **DESCRIPTION:**

The application proposed to amend the proffers for the Crossings development to occur on parcel 34-01-070 which is zoned Conditional-General Commercial. The amendment does not change the use or density of the previously approved development. The proposed change would allow subdivision of the larger residual parcel into smaller lots while keeping the total square feet of commercial space limited to 202,100. No other changes are proposed to the proffered conditions.

The Planning Commission discussed the application as a new business item at their February 22, 2022, regular meeting and voted to continue their discussion until their next regular meeting due to outstanding concerns that they wanted the applicant to address. Staff sent a list of the concerns to the applicant, and he has addressed each of them in bold text underneath each concern:

- Do you have an estimate for how many and types of businesses that can be included in the new layout? **Grocer with a few related tenants such as drycleaner, sub shop or other ancillary services to customers of a grocery store. This would take up more than half of the residual commercial property.**
- Do you have a more concrete concept plan and are you willing to reference it in the proffer amendment? **It is just speculation. We are trying to obtain several national tenants such as a dollar tree.**
- Do you have a revised traffic analysis for the new layout/proposed business types? **We do not have a new TIA addressing the ability to subdivide the residual commercial site. The size of the commercial development and the permitted uses will not change, so it does seem that a new TIA would be necessary. As you know significant work has been done on Route 17, and the intersection there including new traffic signals and turn lanes.** (Staff has confirmed that a new TIA is not required without a change to use/density.)
- What market changes precipitated the amendment request? **The market has changes significantly since the original rezoning when a 80,000 to 90,000 square foot shopping center was the predominate format for a regional shopping complex. Today customers like to be able to pull up to the particular store that they will be shopping at versus walking down a commercial strip center. This proposal provides some of that historic structure with the grocer and a few retail shops that will be leased by the grocer but it also permits local, regional and national retailers who don't want to be tenants and want to own their own parcel to participate in**

**this development.**

- Can you provide an architectural rendering what some of the new buildings could look incorporating proffered criteria? I will forward to you a recent car wash structure that has recently been built later today. Of course IOW will have the right to review all commercial proposals for this site and make sure that they are in compliance with both the Newport overlay district as well as the existing proffers relating to the buildings. We are not trying to change any of that.

Staff has added a copy of a conceptual elevation included with the December 2011 proffers that incorporates the design criteria as an attachment to the staff report as an example of what a new building could look like.

### **COMPREHENSIVE LAND USE PLAN:**

The property is designated for future recommended mixed use on the adopted Future Recommend Land Use Plan. The property is part of a master planned commercial and residential development known as the Crossings which is consistent with the recommended future use in the County's Comprehensive Plan.

### **ORDINANCE REVIEW:**

According to Section 1016.G of the Zoning Ordinance, there shall be no amendment or variation of proffered conditions as part of an approved rezoning until after a public hearing before the board of supervisors advertised pursuant to the provisions of this ordinance. However, where an amendment to the proffered conditions is requested by the applicant, and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirements of a public hearing. Once so amended, the proffered conditions shall continue to be an amendment to the ordinance and may be enforced by the zoning administrator pursuant to the provisions of the ordinance.

At their January 20, 2022, regular meeting, the Board voted to send the application to the Planning Commission for their discussion and recommendation prior to the Board's consideration.

### **AGENCY REVIEW:**

Review comments from the Virginia Department of Transportation did note that although allowing the creation of additional parcels with no increase in commercial space would not change the traffic forecast for the development, allowing more

intense uses other than retail may increase traffic impacts. A copy of the comments are attached.

## **STAFF CONCLUSIONS:**

### Strengths:

The proposed amendment does not change the use or density of the approved project.

### Weaknesses:

VDOT has concerns about other commercial uses other than retail uses specified in the original Traffic Impact Analysis.

## **STAFF RECOMMENDATION:**

Because the proposed proffer changes do not impact the use or density of the original project and are generally consistent with the approved master plan for the community, staff recommends approval of the revised proffer conditions.

## **ATTACHMENTS:**

| Description                              | Type       | Upload Date |
|------------------------------------------|------------|-------------|
| Crossings Proffers Amendment Jan 2022    | Exhibit    | 1/12/2022   |
| Exhibit 1A                               | Exhibit    | 1/12/2022   |
| Crossings Proffers Third Amendment 2019  | Exhibit    | 1/12/2022   |
| Crossings Proffer 2013 Amendment         | Exhibit    | 1/12/2022   |
| Crossings Proffers 2011                  | Exhibit    | 1/12/2022   |
| VDOT Comments                            | Exhibit    | 1/12/2022   |
| Crossings Proffered Conceptual Elevation | Cover Memo | 3/16/2022   |

THE CROSSINGS PARCEL ONE AND PARCEL TWO AMENDED PROFFER  
STATEMENT #4

PARCEL TAX MAP NUMBER:

34-01-070 INSTRUMENT NUMBER 20010000166

(THE "PROPERTY")

This Amended Proffer Statement #4 is an amendment to all previous Proffer Statements ("Existing Proffers"), with respect to the above referenced Property, by James River Crossings, Inc. (hereinafter referred to as the "Owner" and, for indexing purposes, "Grantor").

1. The Remainder of Parcel ID 34-01-070 comprising 26.421 acres as shown on the Plat entitled "Plat of Parcel A for Tax Map Numbers 34-01-070 and 34-01-070D (Plat Ref. 2-180-14) Newport District, Isle of Wight County, Virginia July 27, 2021" prepared by MSA, P.C. and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia as Instrument Number 210006176' may be subdivided into two or more commercial parcels subject to approval by the Department of Community Development and Planning of Isle of Wight, Virginia ("Residual Parcel").

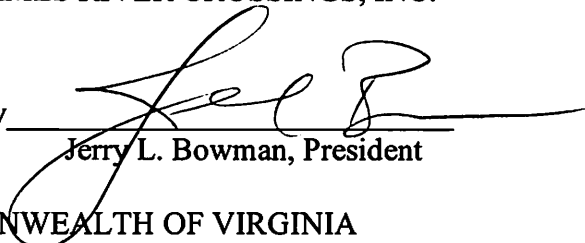
2. The aggregate square feet of buildings that shall be permitted on the Residual Parcel shall not exceed the aggregate square feet permitted under the Existing Proffers regardless of the number of subdivided parcels that are created from the Residual Parcel.

3. The provisions of the Existing Proffers, except as modified herein, shall remain in full force and effect.

APPLICANT/OWNER

JAMES RIVER CROSSINGS, INC.

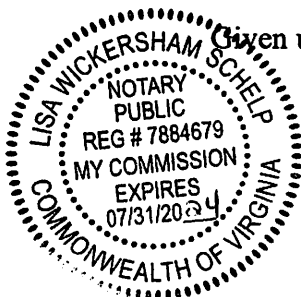
By

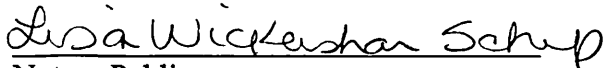
  
Jerry L. Bowman, President

COMMONWEALTH OF VIRGINIA  
CITY OF NORFOLK, to wit

I, the undersigned Notary Public in and for the Jurisdiction aforesaid, do hereby certify that Jerry L. Bowman, President of James River Crossings, Inc., whose name is signed to the foregoing instrument, has acknowledged the same before me in my Jurisdiction aforesaid.

Given under my hand and seal this 18<sup>th</sup> day of November, 2021.



  
Notary Public  
My Commission Expires: 7/31/2024

Notary Registration No.: \_\_\_\_\_

DEVELOPMENT CRITERIA

1. THE ARCHITECTURAL CHARACTER OF THE SHOPPING CENTER BUILDINGS CONTAINED IN PHASE I AND PHASE II OF "THE CROSSINGS" SHALL BE CONSIDERED BY THE PREVIOUSLY APPROVED COLORED RENDERING ELEVATIONS PREPARED BY THE ARCHITECT AND CONTAINED WITHIN UNIVERSITY SQUARE ASSOCIATES' PRESENT SECTION 1 (RENDERED). ALL OTHER BUILDINGS DEDICATED ON OUT-PARCELS FRONTING ON CARROLLTON BLVD. SHALL PROVIDE SIMILAR ARCHITECTURAL FEATURES TO THE SHOPPING CENTER ELEVATION, OR PROVIDE OTHER ARCHITECTURAL FEATURES THAT MEET THE ARCHITECTURAL GUIDELINES AND DEVELOPMENT STANDARDS CONTAINED IN SECTION 420B.
2. THE HIGHWAY DISTRICT CORRIDOR BUFFER SHALL BE DESIGNED GENERALLY AS SHOWN ON THE CONCEPTUAL PLAN. A DETAILED LANDSCAPE PLAN SHALL BE SUBMITTED WITH THE PLANS FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVED PROJECT FOR IMPROVEMENTS TO CARROLLTON BLVD. (ROUTE 17).
3. WETLAND BUFFERS AND BAP ARE SUBJECT TO FINAL APPROVAL BY THE DEQ AND ISLE OF WIGHT COUNTY.
4. LANDSCAPING IN THE WOOD PLANT. SHALL BE PER WOOD GUIDELINES FOR LANDSCAPING IN PUBLIC PLACES AND SHALL BE SUBJECT TO ISLE OF WIGHT COUNTY REVIEW AND WOOD APPROVAL.
5. BREWERS NECK BLVD. EXTENDED ONTO THE CROSSINGS WILL BE A PRIVATE ROAD CONSTRUCTED TO WOOD STANDARDS FOR PAVEMENT, DRAINAGE, SURFACE TREATMENT, AND PREPARATION OF SUB-GRADE.
6. IMPROVEMENTS TO ROUTE 17 AND THE BREWERS NECK BLVD. INTERSECTION DESIGN SHALL BE PER THE APPROVED TRAFFIC PLAN AND SUBJECT TO WOOD APPROVAL.
7. AT THE TIME OF PHASE II DESIGN, THE LANDSCAPING OF THE 35' SETBACK SHALL BE ACCOMPLISHED IN CONFORMANCE WITH SECTION 420D OF THE ZONING.
8. LANDSCAPING OF ALL STORM WATER MANAGEMENT FACILITIES SHALL BE COMPATIBLE WITH THE TYPE OF STORM WATER MANAGEMENT FACILITY EMPLOYED AND DESCRIBED TO THE STANDARDS OF THE VIRGINIA STORM WATER MANAGEMENT HANDBOOK, PUBLISHED BY THE DIVISION OF SOIL AND WATER CONSERVATION.
9. ALL LANDSCAPING OUTSIDE OF THE HIGHWAY CORRIDOR DISTRICT BUFFER, BUT WITHIN "THE CROSSINGS," INCLUDING PHASE I, PHASE II (OPTION AREA) AND ALL OUT-PARCELS, SHALL CONFORM TO OR EXCEED THE LANDSCAPING REQUIREMENTS CONTAINED UNDER SECTION 420D. LANDSCAPING REQUIREMENTS FOR ALL OUT-PARCELS FRONTING ON CARROLLTON BLVD. WILL BE PROVIDED TO THE DIRECTOR OF PLANNING PRIOR TO THE SITE PLAN APPROVAL OF THOSE PARCELS.

10. ALL SIGNS WITHIN "THE CROSSINGS," INCLUDING PHASE I, PHASE II (OPTION AREA), AND ALL OUT-PARCELS, SHALL CONFORM TO OR EXCEED THE SIGN REQUIREMENTS CONTAINED UNDER SECTION 421. A SIGN DEVELOPMENT CRITERIA FOR ALL SIGNAGE FOR ALL OUT-PARCELS FRONTING ON CARROLLTON BLVD. WILL BE PROVIDED BY THE DIRECTOR OF PLANNING PRIOR TO THE SITE PLAN APPROVAL OF THOSE PARCELS.

AREA TABULATIONS

| AREA                                        | LEASABLE S.F. | ACRES |
|---------------------------------------------|---------------|-------|
| SHOPPING CENTER PHASE I                     | 202,100       | 17.43 |
| SHOPPING CENTER PHASE II (OPTION AREA)      | 193,900       | 21.82 |
| HIGHWAY CORRIDOR BUFFER                     | N/A           | 6.86  |
| PROPOSED SITE PERIMETER BUFFERS             | N/A           | 4.80  |
| WETLANDS AND WETLANDS BUFFERS               | N/A           | 1.98  |
| NORTH POND AND STORMWATER MANAGEMENT AREA * | N/A           | 1.02  |
| TOTALS                                      | 395,000 *     | 61.99 |

NOTES

1. ACREAGE INCLUDES ONE HALF OF INTERNAL ROAD FRONTAGE ADJACENT TO OPTION AREA AND ALL OF ACCESS EASEMENT 2.
2. AREAS SHOWN ARE EXCLUSIVE OF HIGHWAY CORRIDOR BUFFER.
3. AREAS SHOWN ARE EXCLUSIVE OF THOSE PORTIONS OF ACCESS EASEMENTS 1 AND 2 THAT ARE EXCLUDED WITHIN THE BUFFER.
4. TOTAL LEASABLE AREA DOES NOT INCLUDE OUT-PARCELS.
5. SUBJECT TO FINAL DESIGN, DEPT. OF ENVIRONMENTAL QUALITY AND ISLE OF WIGHT APPROVAL.

PARKING CALCULATIONS

| AREA                                   | S.F.    | RATIO               | REQUIRED   | PROVIDED   |
|----------------------------------------|---------|---------------------|------------|------------|
| SHOPPING CENTER PHASE I                | 202,100 | 4 SPACES/1,000 S.F. | 808 SPACES | 882 SPACES |
| SHOPPING CENTER PHASE II (OPTION AREA) | 193,900 | 4 SPACES/1,000 S.F. | 776 SPACES | 788 SPACES |



CONSULTING ENGINEERS  
WILLIAMSBURG • RICHMOND

5248 Old Towne Road, Suite 1  
Williamsburg, Virginia 23188  
(757) 253-0040  
Fax (757) 220-8994

THE CROSSINGS  
REVISED CONCEPTUAL SITE PLAN

NEWPORT NEWS MACGONTER DISTRICT ISLE OF WIGHT COUNTY VIRGINIA

PREPARED FOR  
UNIVERSITY SQUARE ASSOCIATES  
301 MCCLAIN CIRCLE, SUITE 108  
WILLIAMSBURG, VIRGINIA 23065  
(757) 685-0285

LIMITS OF 100' RPA BUFFER  
AS SHOWN ON DRAWING  
PREPARED BY STUDIES  
ENVIRONMENTAL ASSOCIATES, LTD.  
DATED OCTOBER 8, 2001

APPROXIMATE LIMITS  
AND CONFIGURATION  
OF SAN POND

EXISTING LIMITS  
OF WETLANDS

DAIRY AND  
OUTFALL

35' UNDISTURBED WETLANDS  
LIMITED TO REQUIRED  
OUTFALL CONSTRUCTION

DAIRY AND  
OUTFALL

35' SETBACK

50' ACCESS  
EASEMENT #1

10' SETBACK

PARCEL A

PARCEL B

PARCEL C

PARCEL D

PARCEL E

PARCEL F

PARCEL G

PARCEL H

PARCEL I

PARCEL J

PARCEL K

PARCEL L

PARCEL M

PARCEL N

PARCEL O

PARCEL P

PARCEL Q

PARCEL R

PARCEL S

PARCEL T

PARCEL U

PARCEL V

PARCEL W

PARCEL X

PARCEL Y

PARCEL Z

PARCEL AA

PARCEL AB

PARCEL AC

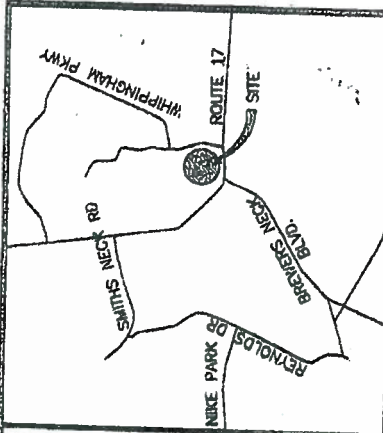
PARCEL AD

PARCEL AE

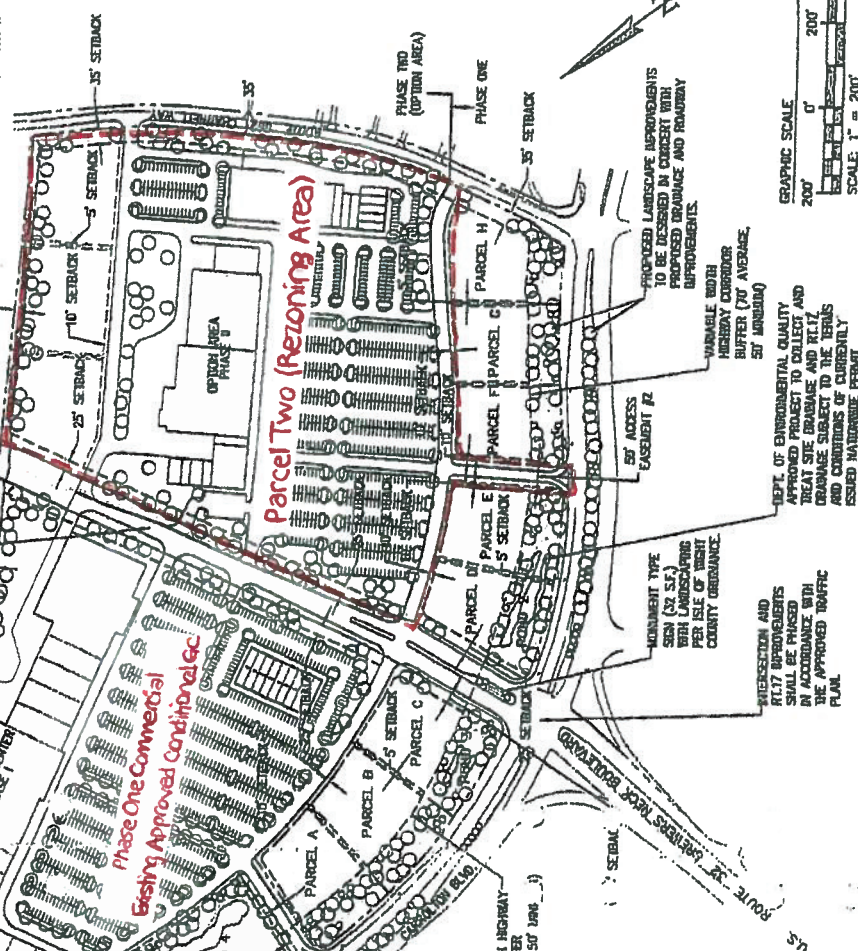
PARCEL AF

PARCEL AG

PARCEL AH



LOCATION MAP



GRAPHIC SCALE  
0' 200' 400'  
SCALE: 1" = 200'

|              |                          |
|--------------|--------------------------|
| Designed     | CLG                      |
| Scale        | 1" = 200'                |
| Date         | 08/02/02                 |
| Project No.  | 9156                     |
| Drawn by     | MAH                      |
| Checked by   | RENSON / FRIEDPAT / JEFF |
| Draining No. | 1                        |
| Sheet No.    | 1                        |

**THE CROSSINGS, PARCEL ONE AND PARCEL TWO**  
**AMENDED PROFFER STATEMENT #3**  
December 1, 2011, amended May 16, 2013, amended October 9, 2019

**Parcel Tax Map Numbers:**

34-01-070 Instrument Number 20010000166

34-01-070D Instrument Number 20010000167

Collectively, the "Property"

This Amended Proffer Statement #3 is an amendment of the Proffer Statement made the 1st day of December, 2011 and amended May 16, 2013 by The Crossings, Parcel One and Parcel Two Amended Proffer Statement #1, among James River Crossing Inc. (hereinafter referred to as the "Owners", and for indexing purposes, "Grantors").

These proffers are the Amended Proffers made as of the 22<sup>nd</sup> of September, 2011 by University Square Associates "Owner" and "Applicant", of Tax Map Number 34-01-070 "Phase 1" and 34-01-070D "Remainder Parcel Two" containing approximately 62.04 acres of land in total, of which 22.005 acres of land as shown on Plat of Subdivision of Parcel One & Parcel Two The Crossings, dated March 24, 2008, labeled Exhibit 1 and as shown on The Crossings Revised Conceptual Site Plan, dated August 2, 2002, labeled Exhibit 1A, for the development of up to 240 Multi-family units, where both tax map parcels are referred to herein as the "Property". Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting a change in the zoning of, that part of the Property designated as "Remainder Parcel Two" on the aforesaid Exhibit 1 and as shown on Exhibit 1A from Conditional General Commercial, (formerly known as Option Area, containing 193,900 square feet of retail commercial and 3 rear out-parcels) to Conditional Urban Residential for 240 Multi-family units and to amend Zoning Case #ZA-11-02, approved October 17, 2002, to allow for multi-family residential to be developed in conjunction with a retail shopping center and associated out-parcels. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below. Owner does hereby waive any right to challenge, in any judicial or administrative proceedings, the legality of such conditions as it is directed on the Property or to assert a claim for compensation resulting from such conditions (except where compensation is expressly provided for in the conditions) under federal or Virginia law.

These revised proffered conditions ("Proffers") are the only conditions offered on the rezoning of that part of the Property designated as "Remainder Parcel Two" as shown in Exhibits 1 and 1A and those prior proffered conditions as they effect the Property are hereby superseded by these Amended Proffers and any and all previous proffers on "Remainder Parcel Two" are hereby void and of no further force and effect. Those Revised Proffers dated September 17, 2002 and approved by the Isle of Wight County Board of Supervisors on October 17, 2002 do remain in full force and effect for all of the Property except "Remainder Parcel Two", a copy of which is attached hereto and incorporated herein as Exhibit 2A and has been modified to omit any reference to Remainder Parcel Two.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

The purpose of this Amended Proffer Statement #3 is to amend Zoning Case #ZA-04-11, approved December 1, 2011, and amended May 16, 2013 to eliminate all reference to design or construction of a regional pump station. The Applicant requests that Section VI. Water & Sewer Improvements of the Proffer Statement dated September 22, 2011, amended December 1, 2011 and approved by act of the Isle of Wight Board of Supervisors on December 11, 2011 and June 20, 2013, respectively, be amended and revised as follows:

**I. Development of the Property**

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with The Crossings Rezoning Exhibits Conceptual Plan, sheets 1 of 2 and 2 of 2, dated February 23, 2011 prepared by AES Consulting Engineers, attached as Exhibit 2, as well as in conformity with The Crossings Joint Permit Application Exhibit dated April 18, 2011 and revised March 24, 2011, prepared by AES Consulting Engineers, and as to be determined during Isle of Wight County's final site plan and subdivision plat approvals.
2. All buildings shall contain architectural materials and features that meet or exceed those design elements contained in the construction of Eagle Harbor Apartments, located in the Newport District.
3. The maximum number of residential units shall not exceed 240 multifamily units.
4. Applicant shall cause to be constructed the open spaces and recreational areas and facilities for residents of the development in accordance with the conceptual Schematic Plan for The Crossings prepared by Hopke & Associates, dated April 15, 2011 and attached as Exhibit 3.

**II. Land Use**

1. The Property shall be used as permitted under the Urban Residential Zoning District and more specifically for the following uses: multi family residential.

**III. Cash Proffers**

**Residential Units**

- A. Multifamily Units- The residential Cash Proffer due for each Multi-Family Dwelling Unit shall be computed by multiplying the actual number of units by \$7,500.00. Accordingly, 240 units x \$7,500.00 per unit = \$1,800,000.00,

minus \$917,000.00. The credit of \$917,000.00 shall be provided to Developer against the residential unit proffer in accordance with the County's adopted Incentive Policy and shall demonstrate the projects eligibility, by providing the Isle of Wight County Planning Director, a Lender Approved Certified Appraisal, prior to obtaining any occupancy permits, This appraisal shall show a minimum net new taxable investment in new construction of \$20,000,000 or more. The Certified Appraisal shall be performed by an individual or company chosen by the Developer's lender and all costs associated with such appraisal shall be at Developer's expense. Any cash proffer payable to the County shall be paid on a pro rata basis upon issuance of an Occupancy Permit for each unit.

B.

B. At the time of the recordation of the subdivision plat for a phase of development of or within the Property, the total agreed amount of Residential Cash Proffer for said phase shall be evidenced by a Demand Note of Applicant to County, without interest. The Note shall be secured by a deed of trust ("Cash Proffer Deed of Trust") on all residential units in such phasing and this Cash Proffer Deed of Trust will be secondary to all acquisition, development and construction loans obtained by Owner and the County shall execute such subordination or other agreements as may be necessary.

C. Releases by County under the Cash Proffer Deed of Trust shall be made upon payment of the applicable cash contribution for the released units. Payment for releases for each multi-family unit shall be made upon obtaining an occupancy permit of each building and/or unit(s) therein on or before rental of each unit.

#### **IV. Environmental Protection**

The Property shall be served by one or more Low Impact Development measures, in accordance with those approvals issued by the Department of the Army Corps of Engineers, Nationwide Permit #01-V1496 and those Declaration of Restrictions recorded May 25, 2005, in Isle of Wight County Clerks offices as Instrument #053607, pages 107-113, as well as the associated Plat #2-138-1 and shall include regulations associated with those provisions contained in the Department of Environmental Quality, Draft for Joint Permit Application (JPA), No. 10-0773. Owners shall provide Isle of Wight County Departments in the site plan approval application, those development measures that provide for bio-retention filters, rainwater harvesting and providing groundwater recharge features to be undertaken at the degree feasible, in association with providing the Preserved Wetland of 4.55 acres.

#### **V. Transportation**

The Owner, at its sole cost and expense, shall cause to be constructed those improvements approved by Isle of Wight County and the Virginia Department of

Transportation know as “The Crossings Phase I Road Improvements”, prepared by AES Consultant Engineers and dated November 2002, revised January 29, 2007, Said improvements being stated in that memorandum from the Virginia Department of Transportation to the Isle of Wight Planning Department, dated March 4, 2011 and being as follows:

- Two lanes exiting and one lane entering on The Crossings main entrance (signalized access) at Rt. 258 on Rt. 17. (300’ of Storage-One Shared Left Thru and One Right lane)
- Single left turn lane southbound on Rt. 17 at The Crossings main entrance. (200’ Storage)
- Modification of eastbound double left turn lanes on Rt. 258 at Rt. 17 to shared lane eastbound through movement.
- Right turn lanes on northbound Rt. 17 at the main entrance. (200’ Storage)
- RTI/O driveway #1 connection. (200’ Storage)
- Two driveway connections to Channel Way. The northmost driveway connecting to Channel Way will be submitted to the Virginia Department of Transportation for its approval as a right out and left in only turn movement. If approved by the Virginia Department of Transportation, Owners site plan and development plans shall show the northmost driveway as a right out and left in only turn movement.

For purposes of applicability of the Newport Development Service Overlay District, THE CROSSINGS shall be designated, designed and occupied as a single development within one parcel or lot, at the intersection of Carrollton Blvd. and Brewer’s Neck Blvd.

No new median breaks shall be requested along the frontage on Route 17. Furthermore, no additional access to Route 17 shall be allowed, other than as shown on the approved conceptual site plan approved as a part of the rezoning of The Property bearing zoning Case #ZA-11-02 (approved 10/17/02) and included within the Traffic Impact Analysis prepared by DRW Consultants, LLC, dated December 28, 2010.

The applicant agrees to install the Opticom system for fire department control of the traffic light at the intersection of Carrollton Blvd. and Brewer’s Neck Blvd. at applicant’s expense.

Adjustments shall be made to the traffic signal at the intersection of Carrollton Boulevard (Route 17) and Brewers Neck Boulevard (Route 32). The improvement shall be done in accordance with the recommendations by the Traffic Impact Analysis prepared by Intermodal Engineering, P.C. and a part of Zoning Case #ZA-11-02 and in conformance with reasonable requirements of the Virginia Department of Transportation. These adjustments and improvements shall be done at the Owners expense in connection with the development of The Crossings.

For the purpose of clarity, it should be noted that the recommendations contained in the "Traffic Impact Study for The Crossings in Isle of Wight, VA." prepared by Intermodal Engineering, P.C., dated August, 2001 are part of the proffered conditions for zoning case #ZA-11-02 (approved 10/17/02), apply to the Property and are set forth in their entirety as follows:

1. That the main entrance of The Crossings be constructed at the existing signalized intersection with Route 17 and Brewers Neck Boulevard. The geometrics for this intersection should include the construction of the following:

- a. a westbound left turn lane and a thru/right turn lane.
- b. a minimum of a 150 foot southbound left turn lane
- c. a northbound right turn lane.

2. That a second entrance 800 feet north of the main entrance be constructed with the following geometrics:

- a. a westbound right turn lane only. No westbound left turning traffic allowed.
- b. a minimum of a 100 foot southbound left turn lane.
- c. a northbound right turn lane.

3. That a third entrance 550 feet south of the main entrance be constructed allowing right turns in and right turns out as Phase II and III develops. A northbound right turn lane should be included.

## **VI. Easements, Rights-of-Way and Buffers**

1. The Owner, at its sole cost and expense, shall construct pedestrian walkways within the proposed development as shown on The Pedestrian Access System Plan dated April 15, 2011, prepared by Hopke & Associates, Inc. and attached as Exhibit 5. In the site plan approval application, the Owners shall provide Isle of Wight County those development measures that provide for connectivity, in accordance with the intent of the Isle of Wight County Bike and Pedestrian Master Plan.
2. In order to provide privately maintained connectivity between adjacent parcels and minimize the need for traffic entering and exiting Carrollton Boulevard, the Owner shall grant cross access easements to provide unobstructed passage of vehicles and pedestrians between parcels 34-01-070D and 34-01-070 as shown on The Crossings Rezoning Exhibit Conceptual Plan, sheets 1 of 1 and 2 of 2, dated February 23, 2011, prepared by AES Consulting Engineers, , attached as Exhibit 2.

3. The extension of Brewers Neck Boulevard through the site shall be done in phases as necessary to accommodate the limits of development. The work shall be done in the substantial conformity with the The Crossings Rezoning Exhibits Conceptual Plan Sheet number 2 of 2, dated February 23, 2011 prepared by AES Consulting Engineers (Exhibit 2). All improvements shall be done at the Owners sole cost and expense. No barriers, fences, or other obstructions shall be erected or maintained on the Property that prevents or obstructs vehicular or pedestrian traffic thereon, except for temporary barriers of obstruction reasonably required in connection with the construction, replacement or repair of improvements located on the Property.
4. The 50 feet setback from Channell Way for Parcel H as shown on Plat of Subdivision of Parcel One and Parcel Two, The Crossing as prepared by AES Consulting Engineers, dated March 24, 2008 and revised on August 12, 2008, on sheet 3 of 4 as shown on Exhibit 1. Further, Remainder Parcel Two, provides a 35' setback from Channell Way.

## **VII. General**

1. Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.
3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

## **VIII. BMP Maintenance Agreement**

A maintenance agreement to include a schedule for all storm water BMP facilities on-site shall be provided with the final construction plans of the project. A report of the water quality of these stormwater BMP facilities and their receiving waterways shall be provided twice a year to the County offices.

**IX. Prior change in zoning classification.**

Except as specifically provided herein and located within the boundaries of the Property, nothing herein shall be construed to affect the existing commercial parcels, their zoning conditions or other permits and/or approvals issued in connection with Phase One of The Crossings.

APPLICANT/OWNER: James River Crossing Inc.

By: [Signature]  
Jerry L. Bowman, President

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF ISLE OF WIGHT, to-wit

I, Michelle S. Maki, a Notary Public in and for the Jurisdiction aforesaid, do hereby certify that, Jerry L. Bowman, President whose name is signed to the foregoing instrument, has acknowledged the same before me in my Jurisdiction aforesaid.

Given under my hand and seal this 7<sup>th</sup> day of November, 2019



[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

Notary Registration No. \_\_\_\_\_

THE CROSSINGS, PARCEL ONE AND PARCEL TWO  
AMENDED PROFFER STATEMENT #1  
December 1, 2011, amended May 16, 2013

Parcel Tax Map Numbers:

34-01-070 Instrument Number 20010000166

34-01-070D Instrument Number 20010000167

Collectively, the "Property"

This Amended Proffer Statement #1 is an Amendment of the Proffer Statement made as of the 1<sup>st</sup> day of December, 2011 and amended May 16, 2013, by and among University Square Associates (hereinafter referred to as the "Owners", and for indexing purposes, "Grantors").

The purpose of this Amended Proffer Statement #1 is to amend Zoning Case #ZA-04-11, approved December 1, 2011, to revise the gravity service area from that service area on Exhibit #1, attached, to that service area shown on Exhibit #2, attached, "The Crossing Phase 2 Revised Service Area Map" prepared by AES Consulting Engineers, dated January 3, 2013. Exhibit #1, attached, depicts the service area shown in the Proffer Statement dated the 22<sup>nd</sup> day of September, 2011, amended December 1, 2011 and approved by act of the Isle of Wight Board of Supervisors on December 1, 2011. The Applicant requests that Section III. Cash Proffers (A) and Section VI. Water & Sewer Improvements of the Proffer Statement dated September 22, 2011, amended December 1, 2011 and approved by act of the Isle of Wight Board of Supervisors on December 11, 2011 be amended and revised as follows:

III. Cash Proffers

Residential Units

A. Multifamily Units- The residential Cash Proffer due for each Multi-Family Dwelling Unit shall be computed by multiplying the actual number of units by \$7,500.00. Accordingly, 240 units x \$7,500.00 per unit = \$1,800,000.00, minus \$917,000.00. The credit of \$917,000.00 shall be provided to Developer against the residential unit proffer in accordance with the County's adopted Incentive Policy and shall demonstrate the projects eligibility, by providing the Isle of Wight County Planning Director, a Lender Approved Certified Appraisal, prior to obtaining any occupancy permits. This appraisal shall show a minimum net new taxable investment in new construction of \$20,000.00 or more. The Certified Appraisal shall be performed by an individual or company chosen by the Developer's lender and all costs associated with such appraisal shall be at Developer's expense. Any cash proffer payable to the County shall be paid on a pro rata basis upon issuance of an Occupancy Permit for each unit.

VI. Water & Sewer Improvements

The wastewater pump station required to serve this development shall be designated and constructed to serve as a regional pump station dedicated to the County with capacity to provide sewer service to the area identified on the aforementioned Exhibit #2, attached. This regional pump station shall be configured as a wet well/dry well configuration in

accordance with Exhibit #3, attached and with Isle of Wight Department of Public Utilities standards for pump station of this size and using the most cost effective and best engineering practices.

APPLICANT/OWNER: University Square Associates

By: The Commercial Group, Inc., General Partner

By: Calvin Davis  
Calvin Davis, President

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF ISLE OF WIGHT, to-wit

I, Sarah S. Gardner, a Notary Public in and for the Jurisdiction aforesaid, do hereby certify that, Calvin Davis, President of The Commercial Group, Inc., General Partner for University Square Associates, whose name is signed to the foregoing instrument, has acknowledged the same before me in my Jurisdiction aforesaid.

Given under my hand and seal this 9th day of May, 2013.

Commonwealth Of Virginia  
Sarah Gardner - Notary Public  
Commission No. 7056648  
My Commission Expires 3/31/2014

Sarah S. Gardner  
Notary Public

My Commission Expires: 3/31/14  
Notary Registration No. 7056648

Approved by The Board of Supervisors  
December 1, 2011

09

**University Square Associates**  
616 Village Drive, Suite G  
Virginia Beach, Va. 23454

RECEIVED

DEC 14 2011

DEPARTMENT OF  
PLANNING AND ZONING

December 12, 2011

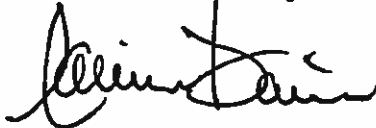
Mr. Matthew J. Smolnik  
Assistant Planning Director  
Planning and Zoning Department  
Isle of Wight County  
P.O. Box 80  
Isle of Wight, VA 23397

REF: University Square Associates – The Crossings – Proffer Statement Amendment 1

Dear Mr. Smolnik:

According to your direction, I am attaching the original signed and notarized Proffer Statement, in behalf of University Square Associates.

Sincerely,  
University Square Associates  
The Commercial Group, Inc., General Partner



Calvin Davis  
President

cc: Whitney Saunders

**COUNTY OF ISLE OF WIGHT  
PROFFER STATEMENT: AMENDMENT 1**

**Applicant's and Owner's name(s): UNIVERSITY SQUARE ASSOCIATES**

**Project name: THE CROSSINGS, PARCEL ONE AND PARCEL TWO**

**Date: September 22, 2011 Amended on December 1, 2011**

**Parcel-Tax Map Numbers and deed book reference: 34-01-070 and 34-01-070D**

These proffers are the Amended Proffers made as of the 22<sup>nd</sup> of September, 2011 by University Square Associates "Owner" and "Applicant", of Tax Map Number 34-01-070 "Phase I" and 34-01-070D "Remainder Parcel Two" containing approximately 62.04 acres of land in total, of which 22.005 acres of land as shown on Plat of Subdivision of Parcel One & Parcel Two The Crossings, dated March 24, 2008, labeled Exhibit 1 and as shown on The Crossings Revised Conceptual Site Plan, dated August 2, 2002, labeled Exhibit 1A, for the development of up to 240 Multi-family units, where both tax map parcels are referred to herein as the "Property". Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting a change in the zoning of, that part of the Property designated as "Remainder Parcel Two" on the aforesaid Exhibit 1 and as shown on Exhibit 1A from Conditional General Commercial, (formerly known as Option Area, containing 193,900 square feet of retail commercial and 3 rear out-parcels) to Conditional Urban Residential for 240 Multi-family units and to amend Zoning Case #ZA-11-02, approved October 17, 2002, to allow for multi-family residential to be developed in conjunction with a retail shopping center and associated out-parcels. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below. Owner does hereby waive any right to challenge, in any judicial or administrative proceedings, the legality of such conditions as it is directed on the Property or to assert a claim for compensation resulting from such conditions (except where compensation is expressly provided for in the conditions) under federal or Virginia law.

These revised proffered conditions ("Proffers") are the only conditions offered on the rezoning of that part of the Property designated as "Remainder Parcel Two" as shown in Exhibits 1 and 1A and those prior proffered conditions as they effect the Property are hereby superseded by these Amended Proffers and any and all previous proffers on "Remainder Parcel Two" are hereby void and of no further force and effect. Those Revised Proffers dated September 17, 2002 and approved by the Isle of Wight County Board of Supervisors on October 17, 2002 do remain in full force and effect for all of the Property except "Remainder Parcel Two", a copy of which is attached hereto and incorporated herein as Exhibit 2A and has been modified to omit any reference to Remainder Parcel Two.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.



**I. Development of the Property**

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with The Crossings Rezoning Exhibits Conceptual Plan, sheets 1 of 2 and 2 of 2, dated February 23, 2011 prepared by AES Consulting Engineers, revised for a pump station site on March 24, 2011 attached as Exhibit 2, as well as in conformity with The Crossings Joint Permit Application Exhibit dated April 18, 2011 and revised March 24, 2011, prepared by AES Consulting Engineers, and as to be determined during Isle of Wight County's final site plan and subdivision plat approvals.
2. All buildings shall contain architectural materials and features that meet or exceed those design elements contained in the construction of Eagle Harbor Apartments, located in the Newport District.
3. The maximum number of residential units shall not exceed 240 multifamily units.
4. Applicant shall cause to be constructed the open spaces and recreational areas and facilities for residents of the development in accordance with the conceptual Schematic Plan for The Crossings prepared by Hopke & Associates, dated April 15, 2011 and attached as Exhibit 3.

**II. Land Use**

1. The Property shall be used as permitted under the Urban Residential Zoning District and more specifically for the following uses: multi family residential.

**III. Cash Proffers**

**Residential Units**

**A. Multifamily Units** - The Residential Cash Proffer due for each Multi-Family Dwelling Unit shall be computed by multiplying the actual number of units by \$7,500.00. Accordingly, 240 units x \$7,500.00 per unit = \$1,800,000.00, minus \$800,000.00. The credit of \$800,000.00 shall be provided to Developer against the residential unit proffer in accordance with the County's adopted Incentive Policy and shall demonstrate the projects eligibility, by providing the Isle of Wight County Planning Director, a Lender Approved Certified Appraisal, prior to obtaining any occupancy permits, This appraisal shall show a minimum net new taxable investment in new construction of \$20,000,00 or more. The Certified Appraisal shall be performed by an individual or company chosen by the Developer's lender and all costs associated with such appraisal shall be at Developer's expense.

Any cash proffer payable to the County shall be paid on a pro rata basis upon issuance of an Occupancy Permit for each unit.

- B. At the time of the recordation of the subdivision plat for a phase of development of or within the Property, the total agreed amount of Residential Cash Proffer for said phase shall be evidenced by a Demand Note of Applicant to County, without interest. The Note shall be secured by a deed of trust ("Cash Proffer Deed of Trust") on all residential units in such phasing and this Cash Proffer Deed of Trust will be secondary to all acquisition, development and construction loans obtained by Owner and the County shall execute such subordination or other agreements as may be necessary.
- C. Releases by County under the Cash Proffer Deed of Trust shall be made upon payment of the applicable cash contribution for the released units. Payment for releases for each multi-family unit shall be made upon obtaining an occupancy permit of each building and/or unit(s) therein on or before rental of each unit.

#### **IV. Environmental Protection**

The Property shall be served by one or more Low Impact Development measures, in accordance with those approvals issued by the Department of the Army Corps of Engineers, Nationwide Permit #01-V1496 and those Declaration of Restrictions recorded May 25, 2005, in Isle of Wight County Clerks offices as Instrument #053607, pages 107-113, as well as the associated Plat #2-138-1 and shall include regulations associated with those provisions contained in the Department of Environmental Quality, Draft for Joint Permit Application (JPA), No. 10-0773. Owners shall provide Isle of Wight County Departments in the site plan approval application, those development measures that provide for bio-retention filters, rainwater harvesting and providing groundwater recharge features to be undertaken at the degree feasible, in association with providing the Preserved Wetland of 4.55 acres.

#### **V. Transportation**

The Owner, at its sole cost and expense, shall cause to be constructed those improvements approved by Isle of Wight County and the Virginia Department of Transportation know as "The Crossings Phase I Road Improvements", prepared by AES Consultant Engineers and dated November 2002, revised January 29, 2007, Said improvements being stated in that memorandum from the Virginia Department of Transportation to the Isle of Wight Planning Department, dated March 4, 2011 and being as follows:

- Two lanes exiting and one lane entering on The Crossings main entrance (signalized access) at Rt. 258 on Rt. 17. (300' of Storage-One Shared Left Thru and One Right lane)

- Single left turn lane southbound on Rt. 17 at The Crossings main entrance. (200' Storage)
- Modification of eastbound double left turn lanes on Rt. 258 at Rt. 17 to shared lane eastbound through movement.
- Right turn lanes on northbound Rt. 17 at the main entrance. (200' Storage)
- RTI/O driveway #1 connection. (200' Storage)
- Two driveway connections to Channel Way. The northernmost driveway connecting to Channel Way will be submitted to the Virginia Department of Environmental Quality for its approval as a right out and left in only turn movement. If approved by the Virginia Department of Environmental Quality, Owners site plan and development plans shall show the northernmost driveway as a right out and left in only turn movement.

For purposes of applicability of the Newport Development Service Overlay District, THE CROSSINGS shall be designated, designed and occupied as a single development within one parcel or lot, at the intersection of Carrollton Blvd. and Brewer's Neck Blvd.

No new median breaks shall be requested along the frontage on Route 17. Furthermore, no additional access to Route 17 shall be allowed, other than as shown on the approved conceptual site plan approved as a part of the rezoning of The Property bearing zoning Case #ZA-11-02 (approved 10/17/02) and included within the Traffic Impact Analysis prepared by DRW Consultants, LLC, dated December 28, 2010.

The applicant agrees to install the Opticom system for fire department control of the traffic light at the intersection of Carrollton Blvd. and Brewer's Neck Blvd. at applicant's expense.

Adjustments shall be made to the traffic signal at the intersection of Carrollton Boulevard (Route 17) and Brewers Neck Boulevard (Route 32). The improvements shall be done in accordance with the recommendations by the Traffic Impact Analysis prepared by Intermodal Engineering, P.C. and a part of Zoning Case #ZA-11-02 and in conformance with reasonable requirements of the Virginia Department of Transportation. These adjustments and improvements shall be done at the Owner's expense in connection with the development of The Crossings.

For the purpose of clarity, it should be noted that the recommendations contained in the "Traffic Impact Study for The Crossings in Isle of Wight, VA." prepared by Intermodal Engineering, P.C., dated August, 2001 are part of the proffered conditions for zoning case #ZA-11-02 (approved 10/17/02), apply to the Property and are set forth in their entirety as follows:

1. That the main entrance of The Crossings be constructed at the existing signalized intersection with Route 17 and Brewers Neck Boulevard. The geometrics for this intersection should include the construction of the following:

- a. a westbound left turn lane and a thru/right turn lane.
- b. a minimum of a 150 foot southbound left turn lane
- c. a northbound right turn lane.

2. That a second entrance 800 feet north of the main entrance be constructed with the following geometrics:

- a. a westbound right turn lane only. No westbound left turning traffic should allowed.
- b. a minimum of a 100 foot southbound left turn lane.
- c. a northbound right turn lane.

3. That a third entrance 550 feet south of the main entrance be constructed allowing right turn lanes in and right turns in and right turns out as Phase II and III develops. A northbound right turn lane should be included.

#### **VI. Water & Sewer Improvements**

The wastewater pump station required to serve this development shall be designated and constructed to serve as a regional pump station dedicated to the County with capacity to provide sewer service to the area identified by drawing sheet 2 of 3 of the report titled Addendum #1 to Regional Sanitary Sewer and Stormwater Facilities Evaluations for The Crossings Development, Isle of Wight, Virginia, prepared by Bowman Consulting with a date of April 7, 2011, revised date of April 13, 2011 and an Amendment #1 date of August 8, 2011. This report has been submitted with this rezoning application as Exhibit 4. This regional pump station shall be configured as a wet well/dry well configuration in accordance with Isle of Wight Department of Public Utilities standards for pump stations of this size and using the most cost effective and best engineering practices. The regional pump station shall be located off Channell Way and the forcemain installed parallel, and outside the right-of-way of Channell Way as depicted in the aforementioned report by Bowman Consulting.

#### **VII. Easements, Rights-of-Way and Buffers**

1. The Owner, at its sole cost and expense, shall construct pedestrian walkways within the proposed development as shown on The Pedestrian Access System Plan dated April 15, 2011, prepared by Hopke & Associates, Inc. and attached as Exhibit 5. In the site plan approval application, the Owners shall provide Isle of Wight County those development measures that provide for connectivity, in

accordance with the intent of the Isle of Wight County Bike and Pedestrian Master Plan.

2. In order to provide privately maintained connectivity between adjacent parcels and minimize the need for traffic entering and exiting Carrollton Boulevard, the Owner shall grant cross access easements to provide unobstructed passage of vehicles and pedestrians between parcels 34-01-070D and 34-01-070 as shown on The Crossings Rezoning Exhibit Conceptual Plan, sheets 1 of 1 and 2 of 2, dated February 23, 2011, prepared by AES Consulting Engineers, revised for a pump station site on March 24, 2011, attached as Exhibit 2.
3. The extension of Brewers Neck Boulevard through the site shall be done in phases as necessary to accommodate the limits of development. The work shall be done in the substantial conformity with the The Crossings Rezoning Exhibits Conceptual Plan Sheet number 2 of 2, dated February 23, 2011 prepared by AES Consulting Engineers (Exhibit 2). All improvements shall be done at the Owners sole cost and expense. No barriers, fences, or other obstructions shall be erected or maintained on the Property that prevents or obstructs vehicular or pedestrian traffic thereon, except for temporary barriers of obstruction reasonably required in connection with the construction, replacement or repair of improvements located on the Property.
4. The 50 feet setback from Channell Way for Parcel H as shown on Plat of Subdivision of Parcel One and Parcel Two, The Crossing as prepared by AES Consulting Engineers, dated March 24, 2008 and revised on August 12, 2008, on sheet 3 of 4 as shown on Exhibit 1. Further, Remainder Parcel Two, provides a 35' setback from Channell Way.

## **VIII. General**

1. Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.

3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

**IX. BMP Maintenance Agreement**

A maintenance agreement to include a schedule for all storm water BMP facilities on-site shall be provided with the final construction plans of the project. A report of the water quality of these stormwater BMP facilities and their receiving waterways shall be provided twice a year to the County offices.

**X. Prior change in zoning classification.**

Except as specifically provided herein and located within the boundaries of the Property, nothing herein shall be construed to affect the existing commercial parcels, their zoning conditions or other permits and/or approvals issued in connection with Phase One of The Crossings.

Owner/Applicant: UNIVERSITY SQUARE ASSOCIATES

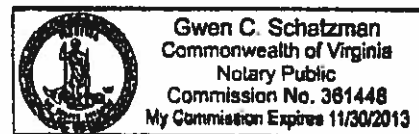
By: The Commercial Group, Inc., general partner

By: Calvin Davis  
Calvin Davis, President

Commonwealth of Virginia  
County of Isle of Wight

Subscribed and sworn to before me GWEN C. SCHATZMAN  
A Notary Public in and for the County OF JAMES CITY, Commonwealth  
Of Virginia, this 9<sup>th</sup> day of December, 2011.

Gwen C. Schatzman  
Notary Public



My Commission Expires 11/30/2013



## *COMMONWEALTH of VIRGINIA*

### DEPARTMENT OF TRANSPORTATION

23116 Meherrin Road  
COURTLAND, VIRGINIA 23837

December 9, 2021

Amy Ring, Director  
Planning and Zoning  
Isle of Wight County  
17140 Monument Circle  
Isle of Wight, VA 23397

**RE: ZA-10-21 The Crossings Amendment to Conditional Zoning  
Carrollton Blvd. (Route 17)  
Tax Map # 32-01-070  
Isle of Wight County**

The Residency has completed its review of the subject rezoning amendment application dated November 23, 2021 and received by the VDOT Land Development Office on November 23, 2021. We offer the following comment on the submitted materials:

- 1) The proposed change to allow the previously approved square footage to be divided among multiple parcels will not change the forecasted traffic or the associated impacts of the development. However, it should be noted that the traffic study was developed based upon the use of commercial retail for the shopping center parcel. If once subdivided the use type is changed from commercial retail to other higher intensity uses for these smaller parcels, it has the potential to increase traffic impacts beyond the scope of the analysis.

### SUPPORTING DOCUMENTS

- 2) A detailed narrative which addresses each comment listed above must accompany your re-submittal package. Any revisions beyond those necessary to address the review comments listed above must be identified separately in the re-submittal narrative.
- 3) Please provide two (2) folded copies of the revised plans and two (2) copies of the detailed narrative with your re-submittal package.

### ADVISORY

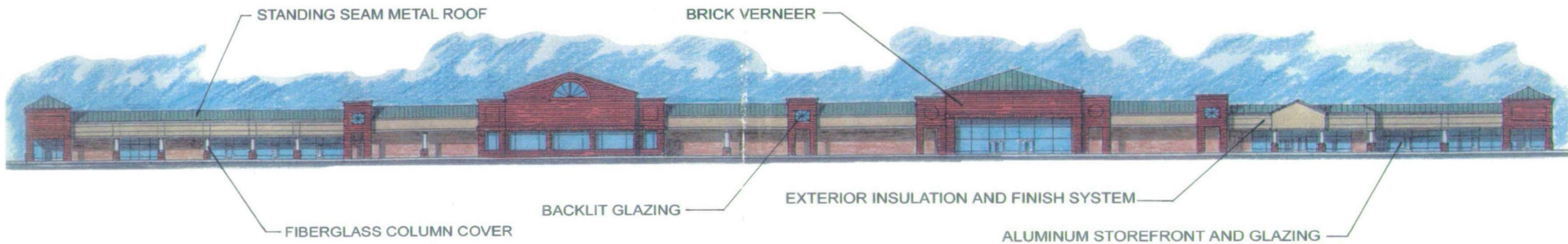
a) An electronic file of the approved plan in PDF format shall be provided for VDOT use.

If you have any questions, please contact me at (757) 346-3068 or [Joshua.Norris@vdot.virginia.gov](mailto:Joshua.Norris@vdot.virginia.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua R. Norris", is displayed on a light gray background.

Joshua R. Norris  
Land Use Engineer  
Virginia Department of Transportation  
Franklin Residency



## CONCEPTUAL FRONT ELEVATION

### THE CROSSINGS

RT. 17 CARROLTON BLVD.  
ISLE OF WIGHT COUNTY, VIRGINIA

UNIVERSITY SQUARE ASSOCIATES  
DEVELOPMENT COMPANY

BURKHART THOMAS  
ARCHITECTURE-INTERIOR DESIGN