

**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.



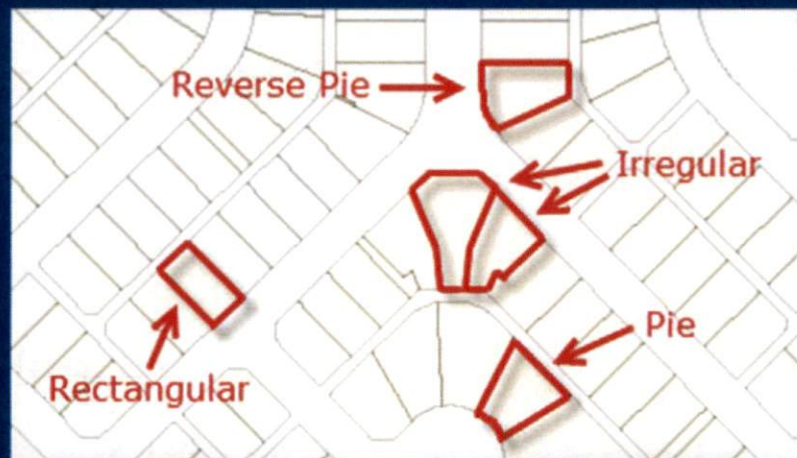
Subdivision Ordinance – Lot Shape

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

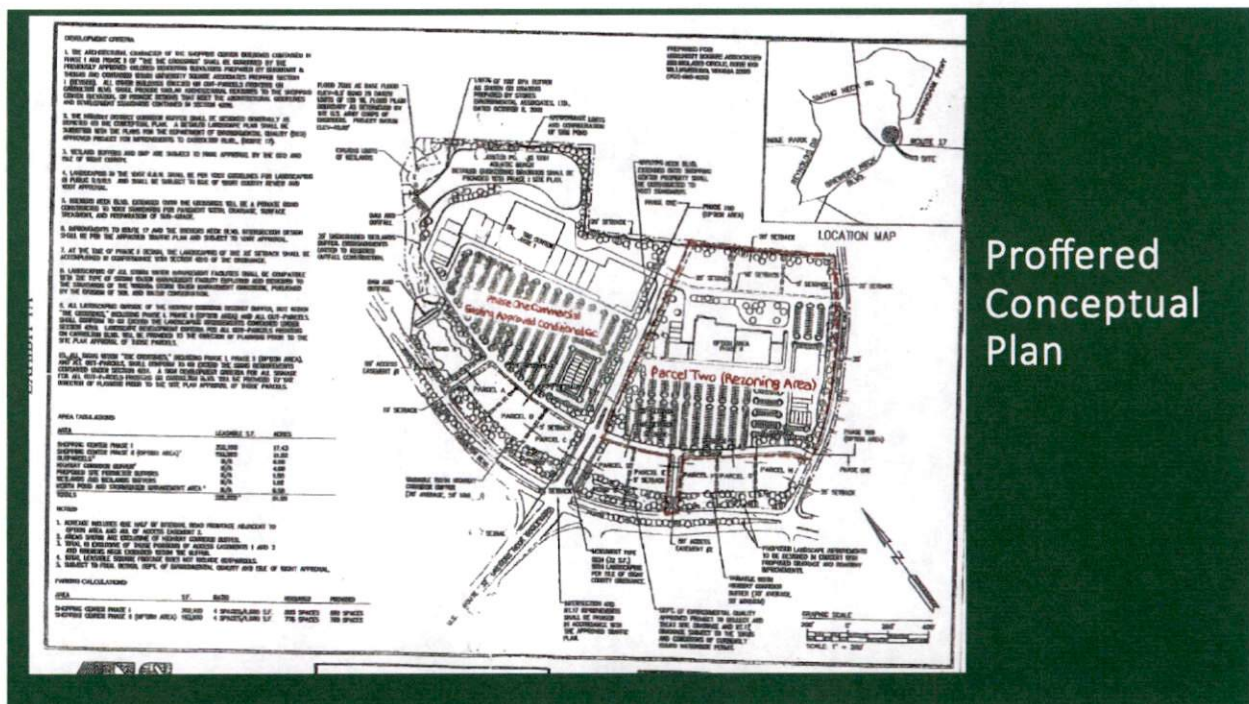
Tax Map ID#:	34-01-070
Location :	15150 Benns Church Boulevard (Rte. 17)
Current Zoning :	Conditional – General Commercial (C-GC)
Election District:	D4
Approved Use:	Up to 240 apartment units



SITE
LOCATION

BACKGROUND

- 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 14th.

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.

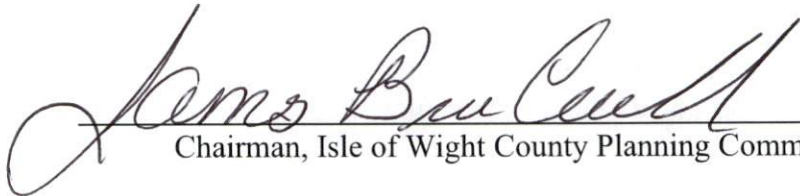
CLOSED MEETING

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 22 day of March, 2022.


Chairman, Isle of Wight County Planning Commission

Attest: 
Secretary