

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-SIXTH DAY OF
JULY 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 July 26, 2022, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Commissioner Ford 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
James Ford
Thomas Duerig
Jennifer Boykin
Thomas Distefano

A quorum was determined.

ABSENT

George Rawls

ALSO IN ATTENDANCE

Robert W. Jones, Jr., County Attorney
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director of Planning and Zoning
Sandy Robinson, Zoning Coordinator
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 Duerig 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 Boykin made a motion to approve the consent agenda. 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:

Application of Royal Farms, applicant, and James River Crossings, Inc., property owner, for a conditional use permit (CUP-11-21) for a Royal Farms convenience store and gas station on 5.11 acres located on the east side of Carrollton Boulevard (Rte. 17) on property with tax map number 34-01-070E. The property is in the Conditional – General Commercial zoning district.

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

Royal Farms Convenience Store & Gasoline Station Conditional Use Permit (CUP11-21) Request



Planning Commission Regular Meeting
July 26, 2022

SITE DESCRIPTION

Tax Map ID#:	34-01-070E
Location :	Northeast corner of the intersection between Carrollton Boulevard (Rte. 17) and the new Spadea Way
Current Zoning :	Conditional-General Commercial (C-GC)
Election District:	D2
Proposed Use:	5,154 SF convenience store, gasoline station with 12 pumps & detached 1,248 SF drive-through car wash

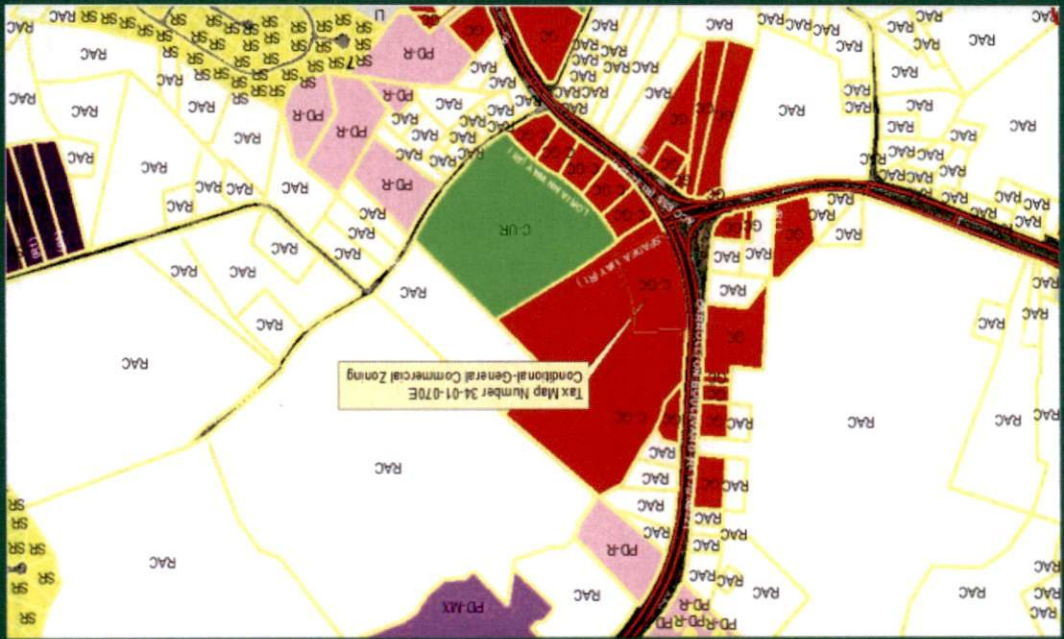




East
View
from
Site
Down
Spadea
Way



ZONING
MAP



North
View
from
Site



West
View
from
Site
Towards
Route
17

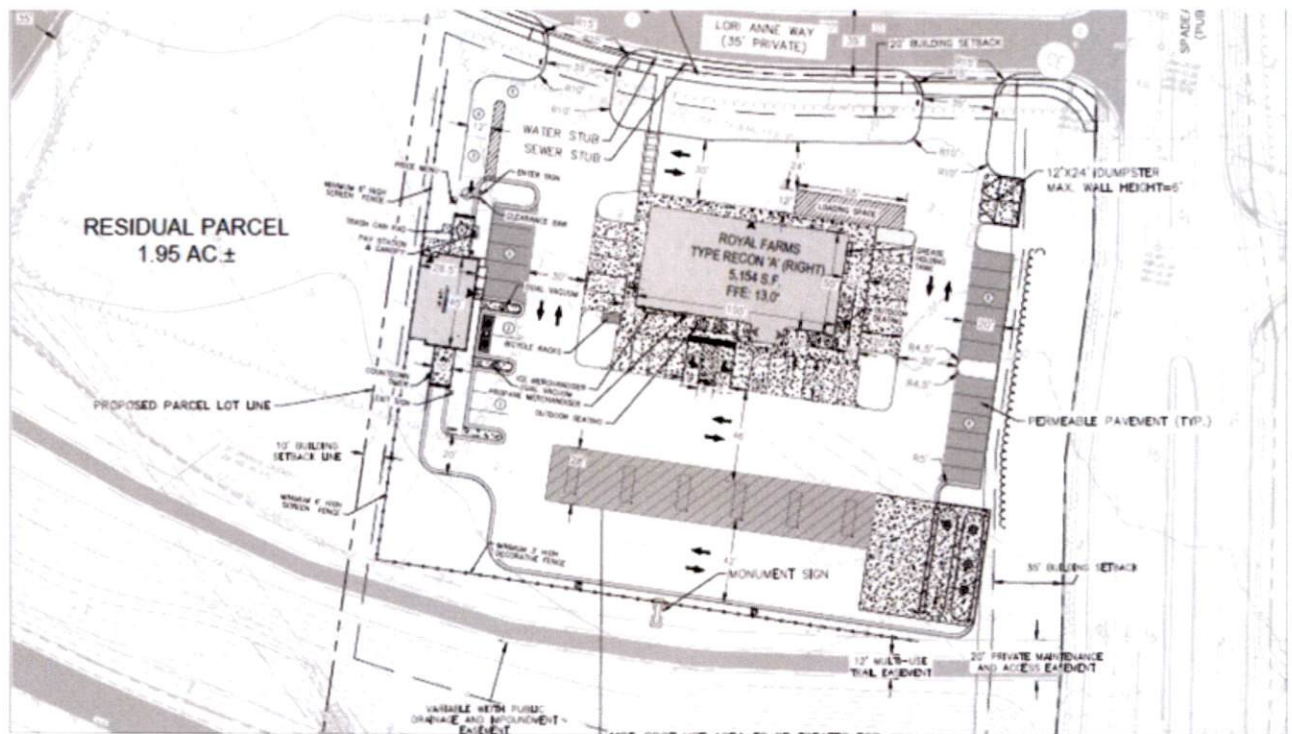




South
View
from
Site
Towards
Suffolk

BACKGROUND

- Past use is agricultural and silvicultural use.
- No existing structures or environmentally sensitive features on the site.



Building Elevation

DEPARTMENTAL & AGENCY REVIEW

- Emergency Services - No concerns noted.
- Economic Development - No concerns noted.
- Utility Services - No concerns noted.
- Environmental Planner - No concerns noted.
- Transportation Project Manager - No concerns noted.
- VDOT - All previous comments have been satisfactorily addressed.
- Sheriff's Office - No concerns noted.
- County Attorney - No concerns noted with the application.



CRITERIA FOR CUP CONSIDERATION (Section 1-1017)

1. Will not be detrimental to or endanger the public health, safety, and general welfare;
2. Will not be injurious to the use and enjoyment of other nearby property nor substantially impair the use of other property within the immediate proximity;
3. Adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements will be provided;
4. Adequate measures will be taken for ingress and egress/traffic control;
5. Not contrary to the goals and objectives of the Comprehensive Plan;
6. Will conform to ordinance regulations; and
7. Will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.



ADDITIONAL CONSIDERATIONS FOR BOARD

1. Number of persons working on the site & proposed hours of operation;
2. Conditions, for roads, sidewalks, parking facilities, vehicle access, and peak periods of traffic,
3. Orderly growth of the community and the fiscal impact on the County;
4. Effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise;
5. Impacts to public facilities and the ability of the County or persons to supply public services;
6. Consistency with acceptable engineering and planning practices;
7. Location of structures in the vicinity of schools, houses of worship, theaters, hospitals, and similar places of public use;
8. Consistency of the proposal with County ordinances and plans;
9. Environmental impacts and opportunities for recreation and open space; and
10. Preservation of cultural and historic resource landmarks.



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Global Reach

STAFF ANALYSIS

Strengths:

- Proposed uses are generally consistent with the County's future recommended land use plan;
- Proposed uses will generate additional employment opportunities and tax revenues necessary to fund future public services and facilities; and
- Proposed business will provide additional local retail and services to community members.

Weaknesses:

- Proposed car wash located along the northern property line is oriented so that the bay door faces Route 17, however, negative visual impacts may be mitigated by installing additional landscaping in front of the western-facing bay door in order to screen it from view.



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Global Reach

RECOMMENDATION

- Staff's analysis of the project finds the criteria for granting the conditional use permit are met. Negative visual impacts from the open bay door of the car wash facing Route 17 may be mitigated by installing additional landscaping in front of the western-facing bay door in order to screen it from view.
- Based on the strengths of the application, staff recommends approval with the condition that the open bay doors of the car wash facing Route 17 be screened from view with landscaping in general conformance with the preliminary landscape concept plan dated June 29, 2022, and as approved by the Zoning Administrator.

Chairman Carroll opened the public hearing and invited the applicant to speak.

William Riddick, applicant representative, stated there is no better place for a gas station in the county right now. Mr. Riddick stated they agree with condition to add additional landscape in front of the carwash and asked that the Planning Commission recommend approval to this application and send to the board.

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

Commissioner Bowser asked for a view of the proposed landscape.

Amy Ring showed the location of where the landscaping is proposed and stated that the view to the bay doors will be screened.

Commissioner Taylor added that the landscaping plan was in the attachments on the agenda.

Amy Ring stated that when the landscaping plan comes in for preliminary site plan review, the applicant will be required to meet the minimum standards for the landscaping ordinance and provide the additional landscape for screening of the carwash bay doors.

Commissioner Taylor stated that there is not a proposal for any curb cuts on Rout 17 and the property is being accessed through internal streets which is a benefit to keep traffic flowing on Route 17.

Commissioner Taylor made the motion to recommend approval of the Conditional Use Permit to the Board of Supervisors with the condition as noted. Commissioner Bowser seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Duerig, Ford, Taylor, and Carroll voting in favor of the motion, an no Commissioners voting against the motion (7-0).

Motion was carried and will go to the Board of Supervisors on August 18, 2022.

OLD BUSINESS

Amy Ring confirmed there was no items under Old Business.

NEW BUSINESS

Chairman Carroll called for the New Business Items.

The application of Bill and Sandra Kessler, owners, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance. The purpose of the application is to seek a waiver to allow a family member transfer from tax map parcel 59-01-017C on a private easement that serves two existing lots.

Sandy Robinson, Zoning Coordinator, gave an overview by presenting the following PowerPoint presentation.

Application of Bill and Sandra Kessler,
owners, for a waiver to Section 3.2.4.A4
and Section 5.9.1.C of the Subdivision
Ordinance.

- ▶ Sandra Walker Robinson
- ▶ Zoning Coordinator
- ▶ Planning Commission July 26, 2022

Details

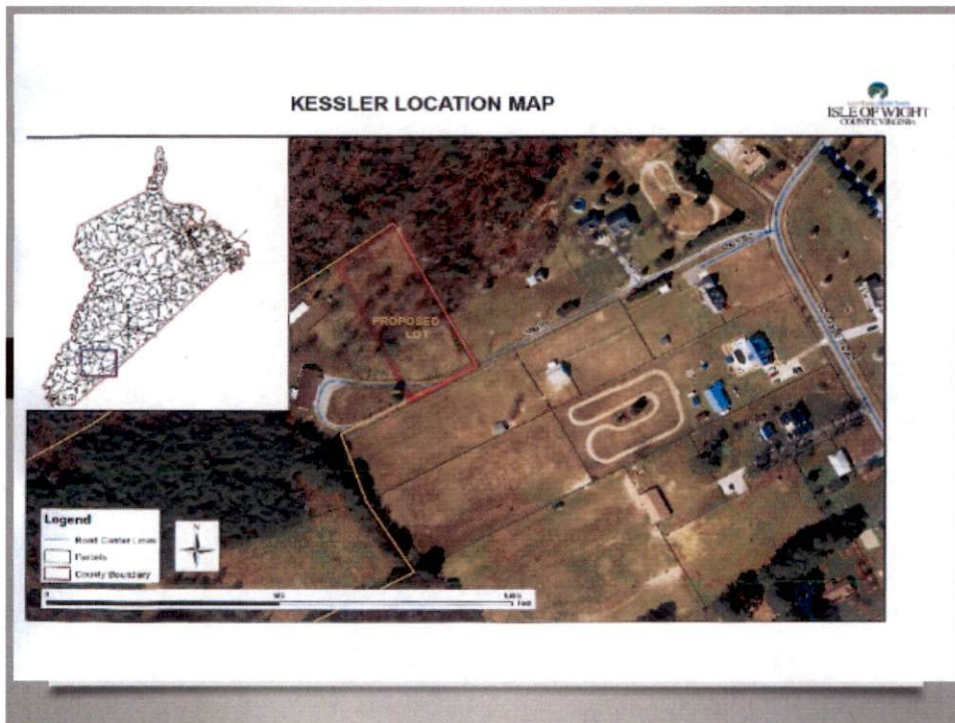
- Tax Map ID#: 59-01-017C
- Location: Colosse Road
- Current Zoning: RAC
- Election District: (D5) Carrsville
- Purpose: To create a family member subdivision lot on a private easement that serves two existing lots.

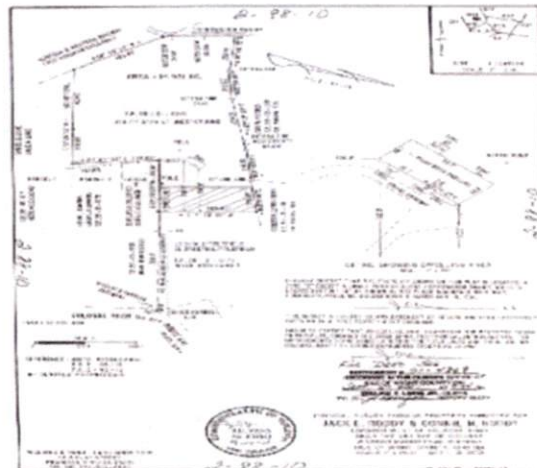
Background

- The parcel was established in 1996 originally contained 21.4 acres. It was subdivided in 1997 and now contains 14.98 acres. The parcel is served by a private ingress/egress easement of 40 feet to provide access to Colosse Road (Rt. 641) which serves two existing lots.
- The parcel was purchased by the current owners in 2017 with the intention to create at least one (1) lot for a child under the family member transfer provision of the Subdivision Ordinance.

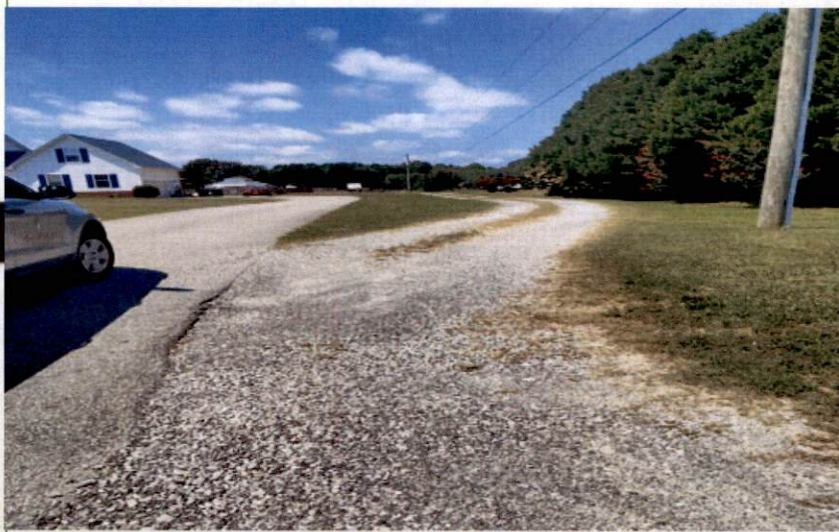
Background

- The Subdivision Ordinance was amended in 2021 to only allow one lot from a tract to be accessed from a single easement of right-of-way unless approved by the Board of Supervisors and upon recommendation from the Planning Commission.
- There are already two (2) parcels accessing the private ingress/egress easement.





Kessler Entrance



Comprehensive Land Use Plan Review

- The property is designated Rural Agricultural Conservation on the Future Recommended Land Use Map.
- The proposal is consistent with the future recommended land use plan.

Ordinance Review

- Section 3.2.A.4: no more than one family member subdivision lot may be created from a single tract of land which is accessed from a single easement of right-of-way unless approved by the Board of Supervisors upon recommendation from the Planning Commission.
- Section 5.9.1.C: all new streets must be public and comply with VDOT road standards.

Agency Review

- VDOT comments that the entrance be shown to meet the required stopping sight distance for the posted speed limit.
- The lot has been approved for installation of a septic system and primary drainfield as required.

Staff Conclusion

Section 3.2.10.E of the Ordinance lists criteria for a waiver from the Subdivision Ordinance requirements. In order to approve a request for a waiver, the Board of Supervisors shall make an affirmative finding that all of the criteria are met. Below is a list of the criteria with staff's findings.

1. That granting the waiver will not have an adverse impact on land use compatibility.

Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.

2. That strict adherence to the general regulations would result in substantial injustice or hardship.

Staff finds no hardship, because the lot is currently being used for its intended single family residential use.

3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official.

VDOT does not oppose the application. The Health Department does not oppose the application.

4. That granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.

Staff finds that the purpose and intent of the Ordinance is to promote the orderly development of the County and to protect the public health, safety and welfare by ensuring access by emergency service vehicles. Staff could support the request with the following conditions:

1. VDOT recommendations are met prior to subdivision plat approval; and
2. Creation of a road maintenance agreement to include the new lot to be recorded with the plat.

Staff Recommendation

- Staff recommends approval of the waivers requested contingent on 1) VDOT recommendations are met prior to subdivision plat approval; and (2) Creation of a road maintenance agreement to include the new lot to be recorded with the plat.

Commissioner Taylor asked if any property owner that accesses the ingress/egress easement will be apart of the road maintenance agreement.

Bobby Jones, County Attorney, stated that only the two lots because of this subdivision would be responsible to maintain the entire road without contribution of the third-party lot, if they so choose.

Commissioner Taylor asked if the road maintenance agreement encumbers the county for enforcement.

Sandy Robinson stated the county does not enforce the agreement; it is between the property owners.

Commissioner Carroll asked what happens if this application was to be approved and a road maintenance agreement established and the landowner that owns the property does not sign it.

Bobby Jones, County Attorney, stated the county would not obligate the property owner to sign it, only the two lots resulting from the subdivision would be required to sign the agreement and maintain the road without any contribution from the third-party lot.

Commissioner Boykin asked if the Kessler's are the property owner of the road.

Sandy Robinson stated they have a 40-foot ingress-egress easement but does not own it.

Bobby Jones, County Attorney, stated that someone owns the underlying feet, however the applicant has a deeded easement which makes them responsible for maintenance.

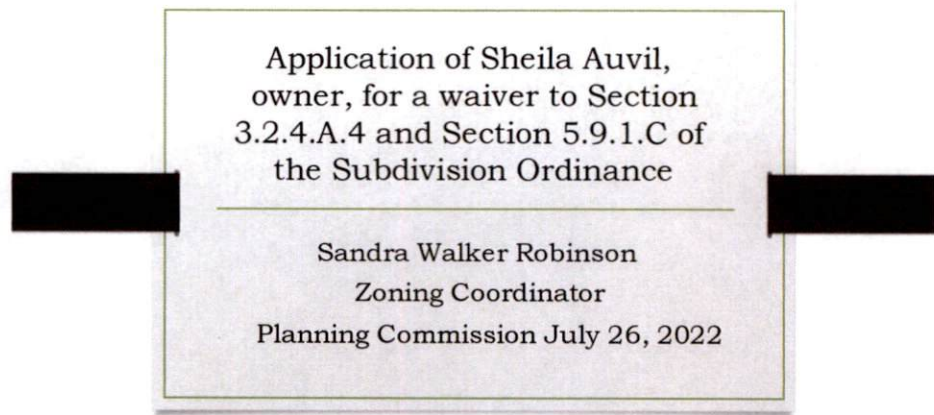
Commissioner Boykin made the motion to recommend approval of the subdivision ordinance waiver request to the Board of Supervisors with the two conditions that staff recommends. Commissioner Duerig seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Duerig, Ford, Taylor, and Carroll voting in favor of the motion, and no Commissioners voting against the motion (7-0).

Motion was carried and will go to the Board of Supervisors on August 18, 2022.

Chairman Carroll called for the second New Business Item.

The application of Sheila Auvil, owner, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance. The purpose of the application is to seek a waiver to allow a family member transfer from tax map parcel 03-03-001 on a private driveway not built to public standards which serves more than two lots.

Sandy Robinson, Zoning Coordinator, gave an overview by presenting the following PowerPoint presentation.



Application of Sheila Auvil,
owner, for a waiver to Section
3.2.4.A.4 and Section 5.9.1.C of
the Subdivision Ordinance

Sandra Walker Robinson
Zoning Coordinator
Planning Commission July 26, 2022

Details

- Tax Map ID#: 03-03-001
- Location: Kingbrook Lane
- Current Zoning: RAC
- Election District: (D3) Hardy
- Purpose: To create a family member transfer on a private easement the serves more than two existing lots.

Background

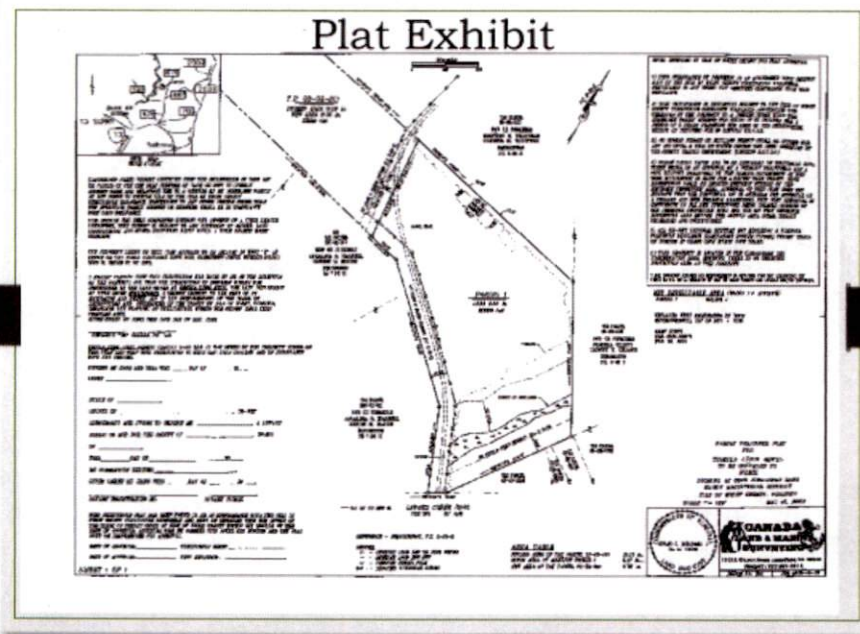
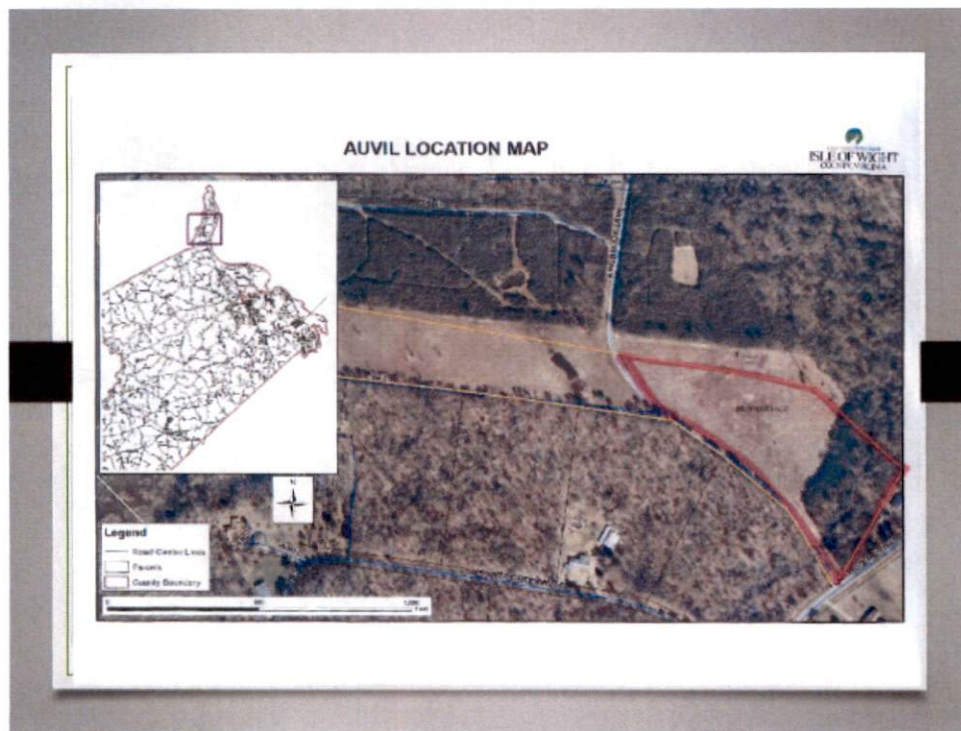
- The parcel was established in 1996 containing 21 acres. The parcel is served by a 50' private ingress/egress easement known as Kingbrook Lane which provides access to Fort Huger Drive (Rt 676).
- The parcel was purchased by the current owner in 2015.

Background

- According to the owner she began to pursue the creation of the lot for her daughter in 2019 when the Subdivision Ordinance which allowed no more than four (4) lots from a tract served by a private easement.
- The Subdivision Ordinance was amended in 2021 to only allow one lot from a tract to be accessed from a single easement of right-of-way unless approved by the Board of Supervisors and upon recommendation from the Planning Commission.

Background

- There are already nine (9) parcels of land known as Lawnes Creek Estates on the ingress/egress easement.



Auvil Entrance



Comprehensive Land Use Plan Review

- The property is designated Rural Agricultural Conservation on the Future Recommended Land Use Map.
- The proposal is consistent with the future recommended land use plan.

Ordinance Review

- Section 3.2.A.4: no more than one family member subdivision lot may be created from a single tract of land which is accessed from a single easement of right-of-way unless approved by the Board of Supervisors upon recommendation from the Planning Commission.
- Section 5.9.1.C: all new streets must be public and comply with VDOT road standards.

Agency Review

- VDOT recommends the entrance at the intersection of Kingbrook Lane and Fort Huger Drive be improved as a moderate volume commercial entrance and the required intersection site distance for the posted speed limit be shown.
- The parcel has been approved for installation of a septic system for a primary and reserve drainfield as required.
- A wetlands delineation has been performed and confirmed by the Army Corps of Engineers as required.

Staff Conclusion

Section 3.2.10.E of the Ordinance lists criteria for a waiver from the Subdivision Ordinance requirements. In order to approve a request for a waiver, the Board of Supervisors shall make an affirmative finding that all of the criteria are met. Below is a list of the criteria with staff's findings.

1. That granting the waiver will not have an adverse impact on land use compatibility.

Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.

2. That strict adherence to the general regulations would result in substantial injustice or hardship.

Staff finds no hardship, because the lot is currently being used for its intended single family residential use.

3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official.

VDOT does not oppose the application. The Health Department does not oppose the application.

4. That granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.

Staff finds that the purpose and intent of the Ordinance is to promote the orderly development of the County and to protect the public health, safety and welfare by ensuring access by emergency service vehicles. Staff could support the request with the following conditions:

1. VDOT recommendations are met prior to subdivision plat approval; and
2. Creation of a road maintenance agreement to include the new lot to be recorded with the plat.

Staff Recommendation

- Staff recommends approval of the waivers requested contingent on:
 1. VDOT recommendations are met prior to subdivision plat approval; and
 2. The deed for the new lot specifies adherence to the existing road maintenance agreement as part of the subdivision plat approval.

Bobby Jones, County Attorney, stated that if a parent lot is required to have a road maintenance agreement its offspring would be required to be as well.

Commissioner Distefano asked what the difference between a commercial entrance is compared to the existing entrance.

Sandy Robinson stated the difference is width.

Commissioner Duerig made the motion to recommend approval of the subdivision ordinance waiver request to the Board of Supervisors with the conditions that staff recommends.

Commissioner Taylor seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Duerig, Ford, Taylor, and Carroll voting in favor of the motion, and no Commissioners voting against the motion (7-0).

Motion was carried and will go to the Board of Supervisors on August 18, 2022.

COUNTY ATTORNEY'S REPORT

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

CLOSED MEETING

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

Commissioner Taylor asked if there is any information on the fall retreat.

Amy Ring stated it is in discussion to have a joint retreat on solar farm ordinances and more information would be forthcoming in the next few months.

Commissioner Ford asked if there would be a trip to a solar facility.

Amy Ring stated she has reached out to a few solar farm developers asking for local well-established sites with good examples of landscaping buffers and mitigation measures in place that we could look at.

Commissioner Bowser asked if there were any solar sites that have lived its life and has been turned back over.

Amy Ring stated that it was too soon to see any facilities that have lived its life.

Commissioner Distefano asked what the long-term projection looks like for solar facilities and what that may look like in twenty years. Commissioner Distefano added that he has a concern that we are over building them.

Chairman Carroll asked if there is a requirement to when they must be in production by.

Amy Ring stated that the conditional use permit process states the use must be established on site within two years unless an extension is approved as a condition on their permit, or they come back before the Planning Commission to ask for permission.

Commissioner Boykin asked what the status is of Ho-Fel.

Amy Ring stated that it is still under review, an application has been submitted to add on to the facility.

Amy Ring stated that the General Assembly passed a bill to allow for a one-year extension for any conditional use permits, site plans, or rezonings.

Commissioner Boykin asked the status of the Windsor PV Solar Farm.

Amy Ring stated that because of the bill passed by the General Assembly, their conditional use permit is still active. Amy Ring added that there is currently another solar project in review, Carver, that is located right behind this one.

Commissioner Boykin asked when this one will be ready to go before the Planning Commission.

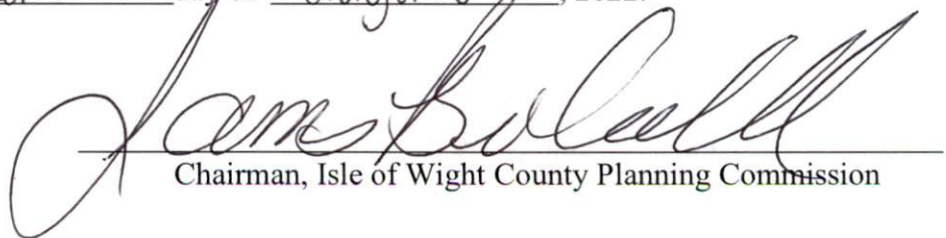
Amy Ring stated it will be a few months before the Planning Commission will see the Carver Solar application.

Amy Ring asked that feedback on additional topics the Planning Commission would like to discuss at their retreat to be emailed to her.

ADJOURNMENT

There being no further information to discuss, Chairman Carroll adjourned the meeting at 6:40 PM.

Adopted this 23rd day of August, 2022.


Chairman, Isle of Wight County Planning Commission

Attest: 
Secretary