MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY PLANNING COMMISSION HELD ON THE TWENTY-SEVENTH DAY OF SEPTEMBER 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 September 27, 2022, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Don Robertson 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
Jennifer Boykin
George Rawls
Thomas Distefano
Rick Sienkiewicz
Raynard Gibbs
Matthew Smith

A quorum was determined.

ALSO IN ATTENDANCE
Mandy Rogers, Substitute Council to the Planning Commission
Don Robertson, Assistant County Administrator
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Caleb Kitchen, Planner I
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 Ford made a motion to approve the agenda. Commissioner Bowser 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 Ford 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.

Chris Waltz, 17226 Commerce Lane, opposes the application for the salvage yard, stating he believes it is not conducive due to the new hospital being built three miles away.

Chairman Carrol asked for the following opposition letter to be entered into the minutes.

From: Steven <swt09111953@gmail.com>
Sent: Tuesday, September 27, 2022 1:16 PM
To: William M. McCarty, Sr <wmccarty@isleofwightus.net>; Amy Ring <aring@isleofwightus.net>
Cc: Ty Ehlers <tyehlers@gmail.com>; Brian Pierro <bjp11221969@gmail.com>; Michelle Ehlers <mehlers12@outlook.com>; cc: ANTHONY TAYLOR <taylorast393@msn.com>; Braian Navarro Lot 03 <reyesbraian@yahoo.com>; Steven Moniuszko <steven.moniuszko@gmail.com>; Steven Turner <swt09111953@gmail.com>; Donald N. Jennings <djennings@isleofwightus.net>; Nan & Rick Sienkiewicz Lot 08 <sinachilles@aol.com>; Wendell Ramey <4ramey@gmail.com>; atkinsb01@hotmail.com; Joel C. Acree <jacree@isleofwightus.net>; Bobby Jones <bjones@isleofwightus.net>
Subject: Request for shrub height variance for the Heritage apartment complex on Sugar Hill Road

> **Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr McCarty, Mrs Ring,
I will be unable to attend your meeting this evening concerned with the Heritage request for 'shrub height' variance because I am ill.
I hope you support 'denying' the variance based on the following reasons:

1. It was agreed upon by the builder this WOULD take place.
2. The trees are needed to block out the noise of 6 compressor units facing the Carrollton Meadows side of the project.
3. The trees are needed to block the view for all 4 lots backing up the view from Larkspur Court.

Thank you for your time and consideration.

Please advise all concerned.

Respectfully,
Steve Turner

There being no further citizens comments, Chairman Carrol closed Citizens Comments.

PUBLIC HEARINGS

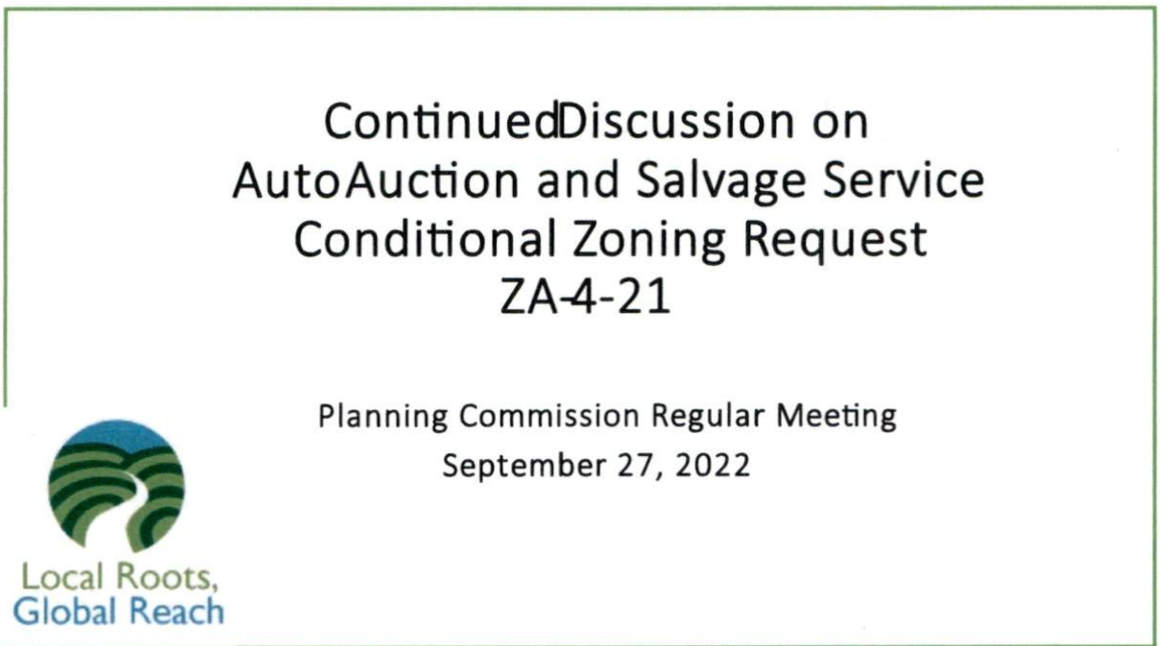
Amy Ring confirmed there was no items for public hearing.

OLD BUSINESS

Chairman Carroll called for the old business item on the following application.

> Application (ZA-4-21) of Advanced Construction Development, LLC, applicant, and Locust Grove Partners, LP and H&B Railroad Company, Inc. property owners, for a change and amendment to existing zoning to Conditional-Limited Industrial (C-LI) to allow an auction establishment and a scrap and salvage service on approximately 5 acres of property with tax map number 42-06-015 located on the north side of the western terminus of IWIP Road (Rte. 1032) together with approximately 70 acres of property with tax map number 42-01-006 located at 17094 Benns Church Boulevard (Rte. 10)

Amy Ring, Community Development Director, gave a brief recap from the previous meeting, as well as a summary of the additional information with the following PowerPoint presentation.



SITE DESCRIPTION

Tax Map ID#:	42-06-015 and 42-01-006
Location :	IWIP Road and 17076 Benns Church Boulevard (Rte. 10)
Current Zoning :	Conditional – Limited Industrial (C-LI) & Rural Agricultural Conservation (RAC)
Election District:	D4
Request:	Amendment to conditional zoning for 42-06-015 and conditional LI zoning for 42-01-006 to allow for an auction establishment and a scrap and salvage service on 75 acres

Local Roots,
Global Reach

PROJECT DESCRIPTION

- Proposed commercial use of "Auction Establishment" and the industrial use of "Scrap and Salvage Service" to establish a business known as Insurance Auto Auctions (IAAI) that receives, inspects, temporarily stores, and auctions automobiles via the internet.
- Improvements will consistof an office building, storagesheds, employee and customer parking, storage yard, and storm drainage system.
- Will create fifteen fulltime, on-site jobs, including managerial positions.
- No new traffic improvements are proposed.
- Private, community well system and onsite wastewater system to be utilized.

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Global Reach

BACKGROUND

- Planning Commission held a public hearing on the proposed conditional rezoning at their August 23, 2022, regular meeting.
- The Planning Commission approved a motion to continue their discussion of the application to their next regular meeting and requested the following additional information:
  - The applicant's fire suppression plan, including prevention, mitigation, detection, and response plan for both conventional and electric vehicles;
  - Whether other localities with the applicant's other facilities have experienced any issues; and
  - What types of environmental oversight is required for these facilities, including soil testing. How is any low-level leakage of contaminates detected and how are they addressed? Is there a decommissioning plan documenting and committing to a cleanup response?

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ADDITIONAL INFORMATION

- Applicant agreed to add a note to the concept plan that a dry hydrant would be installed and access to the wet pond in the rear of the would be provided. A separate storage area specifically for electrical vehicles would be created near the wet pond.
- Applicant states no special state or federal permits other than stormwater permits are required for these type of facilities.
- Applicant submitted a letter which states the lease between the applicant and property owner requires Phase I ESA testing at the beginning and end of the lease. There is no decommissioning agreement in place or proposed.
- Suffolk & York County stated only issues with existing sites was lack of fire hydrants in Suffolk and parking of inoperable vehicles on a public street in York County.
- DEQ stated permits would be only be need if there was a vehicle washing or maintenance facility on site.

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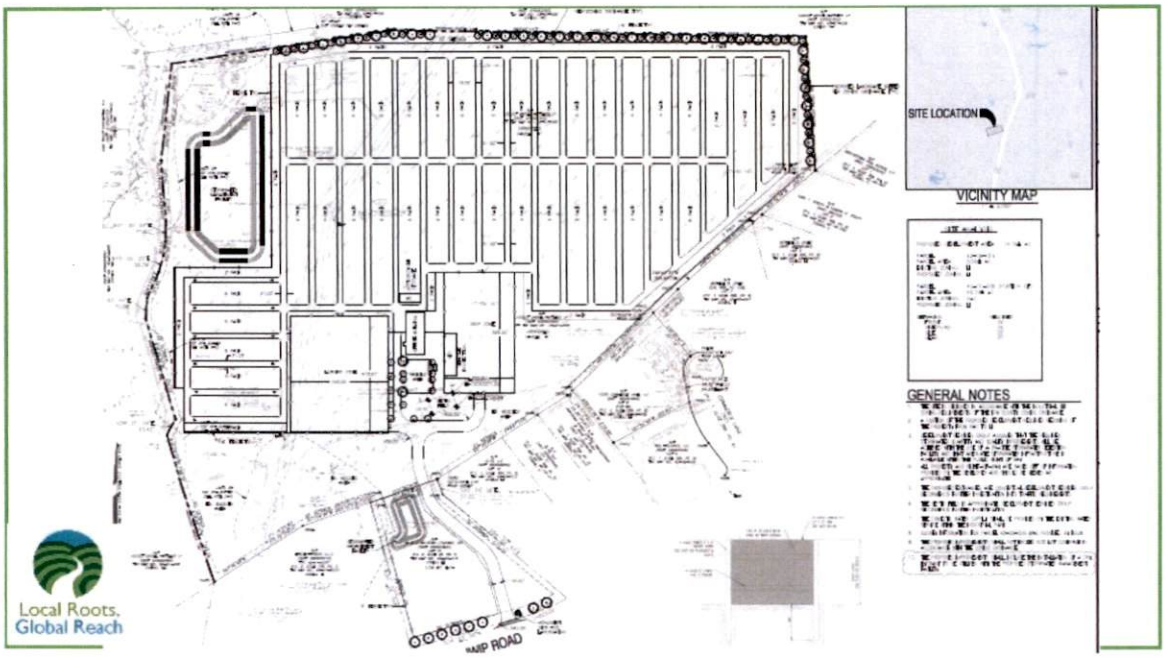

RECOMMENDATION

Based on the strengths of the application, staff recommends approval of conditional zoning request with the proffered conditions.

Commissioner Taylor asked if the storm water pond is fed through ground water or runoff.

Elmer Toll, Engineer, 1210 Progressive Drive, Chesapeake, stated the pond will capture surface runoff and the intention is to be a wet pond.

Commissioner Taylor asked what if there was to be a dry season causing water levels to be low.

Mr. Toll stated the water tables should be able to support that. He also stated that DEQ's requirement for wet ponds is six feet, his plan is to have it greater than eight feet to ensure adequate water.

Ms. Ring stated that she thought the storm water pond would be located where the existing farm pond is.

Mr. Toll clarified that the storm water pond will be attached to the existing pond, but a new pond will be created to prevent encroachment into the wetlands.

Commissioner Distefano asked what will confirm that the pond shall be a wet pond to ensure the capacity for fire services.

Mr. Toll added that from an engineering standpoint, a wet pond would be the best BMP for this site.

Commissioner Distefano asked about fire prevention and mitigation.

Mr. Toll stated the infrared cameras will be able to send an alert, if a fire started during closed hours, and there is separation of the vehicles to help mitigate fire spread. Mr. Toll added the wet pond will be the third wet pond serving the industrial park.

William Dytrych stated the infrared system is activated when the operation is shut down. It is monitored by a firm in Massachusetts and is monitored for security as well as a catastrophe event.

Commissioner Distefano asked about mitigation to prevent fire and fire spread.

Mr. Dytrych stated they follow all state, local and national regulations. He added there is not a uniform standard for electrical vehicle storage, so they use their best judgment. Mr. Dytrych added it is in their best interest to do preventive measures to prevent fires from starting and stopping the spread if there happened to be a fire.

Witt Harper, legal representative, stated during a meeting with the fire marshal, it was stated that the electric vehicles would be closest to the wet pond.

Commissioner Gibbs asked what best management practices are being used at other facilities since there is not a standard for electrical vehicle storage.

Witt Harper stated separation of electrical vehicles and clear access for fire suppression.

Commissioner Distefano made the motion to recommend approval of the change and amendment to the existing conditional zoning to the Board of Supervisors with the provision the applicant will provide additional detail on mitigation to prevent cascading fire between the electrical vehicles. Commissioner Taylor seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Distefano, Ford, Taylor, Rawls, Sienkiewicz, Gibbs, Smith, and Carroll voting in favor of the motion, and no Commissioners voting against the motion (10-0).

Motion was carried and will go to the Board of Supervisors on October 20, 2022.

NEW BUSINESS

Chairman Carroll called for the new business item.

> Request of KS Carrollton, LLC, property owner, to amend the conditions of approval of a Height Exception for the Heritage Apartments located at 23321 Sugar Hill Road with tax parcel number 34-01-106B in order to allow required trees to be a minimum of ten feet minimum at planting instead of twelve feet at planting.

Amy Ring gave a summary of the application.

Chairman Carroll called for discussion from the Commissioners.

Commissioner Boykin asked if a revised site plan has been submitted.

Commissioner Bowser asked what the reason was behind the request to change to ten feet.

Jerry Kooiman, 214 Shivers Mill Lane, stated there is no change on the site plan besides the move of the dumpster per the neighboring resident's request. Mr. Kooiman added the revised site plan showing the new location of the dumpster will be submitted soon.

Lucy Kooiman, 214 Shivers Mill Lane, stated that twelve-foot, Green Giant trees were the agreed upon mitigation from their previous exception request. Ms. Kooiman added they began their search in March and were able to find thirty, eight to ten feet tall Green Giants which they placed a deposit on in hopes they would meet the twelve-foot requirement at the time of planting. Ms. Kooiman stated in June the nursery contacted them and was unable to continue to hold the trees and refunded the deposit. Mrs. Kooiman stated they were able to find a different nursery and reserved thirty-four trees ranging in height from eight to ten feet. Mrs. Kooiman added these trees will grow up to forty feet which is more than the twenty-five feet minimum.

Ms. Kooiman shared the following nursery invoice.

WATKINS NURSERIES Robert

101 Dry Bridge Road
Midlothian, VA 23114
(804) 379-TREE

Watkins Nurseries, Inc
101 DRY BRIDGE ROAD
MIDLOTHIAN, VA 23114
804-379-8733

SALE

Bill To

PPC Construction Landmark INC
Jerry Kooiman
214 Shivers Mill Lane,
Carrollton, VA 23314

Ship To

P.O. #	Terms	Due Date	Delivery Date	Rep	Project
	COD	3/16/2022	3/16/2022	JZ	

Quantity	Description	Price Each	Amount
30	Thuja plicata 'Green Giant' 8'-10'	154.00	4,620.00
1	Delivery to customer	675.00	675.00
		169.00	

Subtotal	$5,295.00
Sales Tax (6.0%)	$477.20
Payments	-$2,700.00
Balance Due	$2,[illegible]72.20

Thank you for choosing Watkins Nurseries, Inc

[illegible] will not be accepted after plant material is dug. Cancellations for containerized plant material must be [illegible] requested delivery date.

[illegible] within seven (7) days when ready. Any orders held longer than seven (7) days will incur [illegible] charge.

[illegible] must be stated at time of delivery or when picked up.

[illegible] can be subject to [illegible] within 48 hours, we can not be held responsible.

[illegible] There is no warranty on plant material that is not installed by Watkins Nurseries, Inc.

[illegible] charge will be applied for all past due invoices. A 3% fee to be added for all past due invoices paid by credit card. There is a $50.00 charge on returned checks. Customer agrees to pay any attorney fees and/or court costs to collect this [illegible]

Commissioner Boykin asked if these were the only trees being planted.

Ms. Kooiman stated 28 additional trees and over 200 shrubs will be planted.

Chairman Carroll asked how far off the property line are these trees located.

Jerry Kooiman stated roughly eight feet off the property line.

Chairman Carroll asked who requested the forty foot trees instead of the 25 foot trees.

Ms. Ring stated the Board of Supervisors who imposed the conditions.

Commissioner Distefano asked when the trees will be planted and when the Occupancy permit will be obtained.

Mr. Kooiman stated the building is almost complete and if the Board approved the height change, the trees will be planted in October.

Commissioner Taylor asked how long the landscaping surety is help onto by the county.

Ms. Ring stated it is held for two years along with a landscaping agreement. She added the plants are required to be planted and inspected prior to the CO being issued, and another inspection two years later to verify the plants are still thriving. Ms. Ring stated on the final site plan, it states whoever the property owner is at the time is responsible for perpetual maintenance of the landscaping.

Commissioner Boykin asked if this application could be tabled until the revised site plan is received.

Commissioner Ford asked if a revised site plan is required and when will it be received.

Ms. Ring stated it is required and the applicant stated it should be provided tomorrow.

Jerry Kooiman stated the site plan was submitted previously with the changes but was not approved due to some corrections that needed to be made with the landscaping point calculations and setback requirements for the dumpster.

Commissioner Rawls asked if the additional trees change the required landscaping.

Ms. Ring stated the applicant is still required to meet all the landscaping standards in addition to the trees.

Commissioner Distefano stated the agreement of the twelve foot trees at planting was between the applicant and the HOA. Mr. Distefano asked if the HOA was notified or provided a formal response.

Ms. Ring responded that they were notified but no formal response was submitted on behalf of the HOA, only a letter from Steve Turner, the HOA president, however the letter only addressed himself as a property owner not representing the HOA's opinion.

Commissioner Distefano asked Mr. Kooiman if the HOA was notified.

Mr. Kooiman stated the information has been submitted through the Planning and Zoning office not directly to the HOA.

Commissioner Boykin made the motion to table this application until a revised site plan is received. Commissioner Rawls seconded the motion with Commissioners Boykin, Distefano, Rawls, Sienkiewicz, and Smith voting in favor of the motion, and Commissioners Bowser, Ford, Taylor, Gibbs and Carroll voting against the motion (5-5). The motion fails under an even vote.

Commissioner Distefano stated his concern is that the agreement was made with the applicant and the members of the HOA and suggests they should have the members of the HOA opinion before making a decision. Mr. Distefano added he feels this should be tabled until that time or addressed before going before the Board of Supervisors.

Commissioner Ford stated that if Mr. Turner was representing the HOA it should have been stated in the letter to reflect that.

Commissioner Bowser made the motion to recommend approval of the application to the Board of Supervisors.

Commissioner Distefano amended the motion to add the recommendation that there is engagement with the HOA prior to the board meeting. Commissioner Gibbs seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Distefano, Ford, Taylor, Rawls, Sienkiewicz, Gibbs, and Smith, voting in favor of the motion, and Chairman Carroll voting against the motion (9-1).

Motion was carried and will go to the Board of Supervisors on October 20, 2022.

Amy Ring stated Section 4-2 in the Planning Commission bylaws, states the Chairman may call at special meeting at any time during a regular meeting. The proposed 2022 Planning Commission Annual Retreat is proposed to be held on Friday, October 14, 2022, in the Board Room and qualifies as a special meeting. The meeting is proposed to be held from 9 AM to 4:30 PM.

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

COUNTY ATTORNEY'S REPORT

Mandy Rogers confirmed there was no items for the County Attorney's Report.

PLANNING DIRECTOR'S REPORT

Amy Ring stated she received a request from Randy Keaton, County Administrator, who had a request from Mr. Rudolph Jefferson, Board of Supervisors chairman, asking to consider changing or amending the ordinance for cemetery setbacks. Ms. Ring stated the current supplementary use regulations in Article V of the Zoning Ordinance states that cemeteries are required to meet the setbacks of the underlying zoning district. She asked the Planning Commission whether they would like to discuss any proposed changes first or proceed with a public hearing at their next regular meeting. The Planning Commission stated that they would prefer to discuss any proposed changes first. Ms. Ring added that she will do some research and will bring this back to the Planning Commission for discussion prior to the public hearing.

Ms. Ring introduced the new Planning Commission members, including Raynard Gibbs from District 1, Matthew Smith from District 1, and Rick Sienkiewicz from District 4. She also recognized that Cynthia Taylor, formerly of District 1, had been appointed to fill the unexpired term of William Hulick in District 2, since she no longer resides in District 1 due to the redistricting changes.

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 7:01 PM.

Adopted this 25th day of October, 2022.

Chairman, Isle of Wight County Planning Commission

Attest:

Secretary