MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY PLANNING COMMISSION HELD ON THE TWENTY-EIGHTH DAY OF MARCH IN THE YEAR TWO THOUSAND AND TWENTY-THREE

CALL TO ORDER

Brian Carroll, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on March 28, 2023, 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 Gibs
Matthew Smith

A quorum was determined.

ALSO IN ATTENDANCE
Robert W. Jones, Jr., County Attorney
Don Robertson, Assistant County Administrator
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Trenton Blowe, 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 Bowser made a motion to approve the consent agenda. Commissioner Taylor seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

Chairman Carroll called for citizen comments.

Rusty Rose, 6065 Everts Road, Suffolk, spoke in favor of the Prairie Solar application. Mr. Rose stated he wants to keep the land in his family and has been researching ways to use the land and keep it in agriculture. Mr. Rose stated it is completely screened from the road and allows the farm to continue to crop farm, timber, and recreational hunting, making it a multi-use parcel. Rusty Rose stated this solar facility would not negatively affect neighbors and will bring tax revenue to Isle of Wight County.

Alexis Ondash, 135 Elizabeth Drive, Canonsburg, Pennsylvania, Project Developer with Prairie Solar, stated Prairie's application was submitted June 2022, and they have since been in constant communication with staff and have redesigned the site multiple times to meet the evolving ordinance discussions and answered any questions that have come up. Ms. Ondash stated the panels they use will pass the TCLP and STLC tests as well as be disposed of properly and will not end up in any landfill. Ms. Ondash asked for the Planning Commission to recommend approval of this application to the Board of Supervisors.

PUBLIC HEARINGS

Chairman Carroll stated there are no public hearings.

OLD BUSINESS

Chairman Carroll called for the following Old Business item:

> Conditional Use Permit Application (CUP-7-22) and Agricultural and Forestal District Withdrawal Request Application of Prairie Solar, LLC, a subsidiary of Energix, US, applicant, and Everets Properties, Inc., property owner, for a conditional use permit to establish a major utility service, specifically a 20 MWac utility-scale solar facility on 152 acres, located on private property located off of Longview Drive (Route 602) at 19604 Longview Drive with tax parcel numbers 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, and 50-01-006 in the Rural Agricultural Conservation (RAC) zoning district. The properties are agricultural and silvicultural uses and a portion of the property is used as a private hunt club. This request is also for withdrawal of approximately 103 acres of land owned by Everets Properties, Inc., from the Longview Agricultural/Forestal District.

Jeryl Phillips, Assistant Director, Planning and Zoning, stated that the answers to questions requested were provided, and the duplicative condition was removed.

Bobby Jones, County Attorney, clarified that for conditional use permits, the Planning Commission has 100 days following the first meeting the item was considered to make a recommendation to the Board of Supervisors.

Commissioner Distefano stated this is the first application he has seen where Cadmium Telluride is being used, and he wants to approach it cautiously and asked for the TCLP analysis. Commissioner Distefano stated the TCLP analysis resolved his concerns.

Commissioner Boykin stated she would like some more information on the recent solar fires in Surry County.

Commissioner Boykin made the motion to table the application to the April 25th, 2023, meeting. Commissioner Gibbs seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Sienkiewicz, Gibbs, and Smith voting in favor of the motion, and Chairman Carroll and Commissioner Taylor voting against the motion (8-2).

NEW BUSINESS

Chairman Carroll called for the following New Business item:

> Application of Troy Marine LLC, applicant and owner, for an exception to section 6-2010.A.3.a of the Zoning Ordinance, Newport Development Service Overlay (NDSO) District regulations for the property located at 15727 Carrollton Boulevard (Rte. 17) with tax map number 34-01-126. The purpose of the application is to allow for an exception to the NDSO design standards for building materials to allow the use of metal exterior walls.

Trenton Blowe, Planner, gave the following presentation:

Troy Marine
Newport Development Service Overlay District Exception Request
EXC-3-22

PLANNING COMMISSION REGULAR MEETING
MARCH 28, 2023

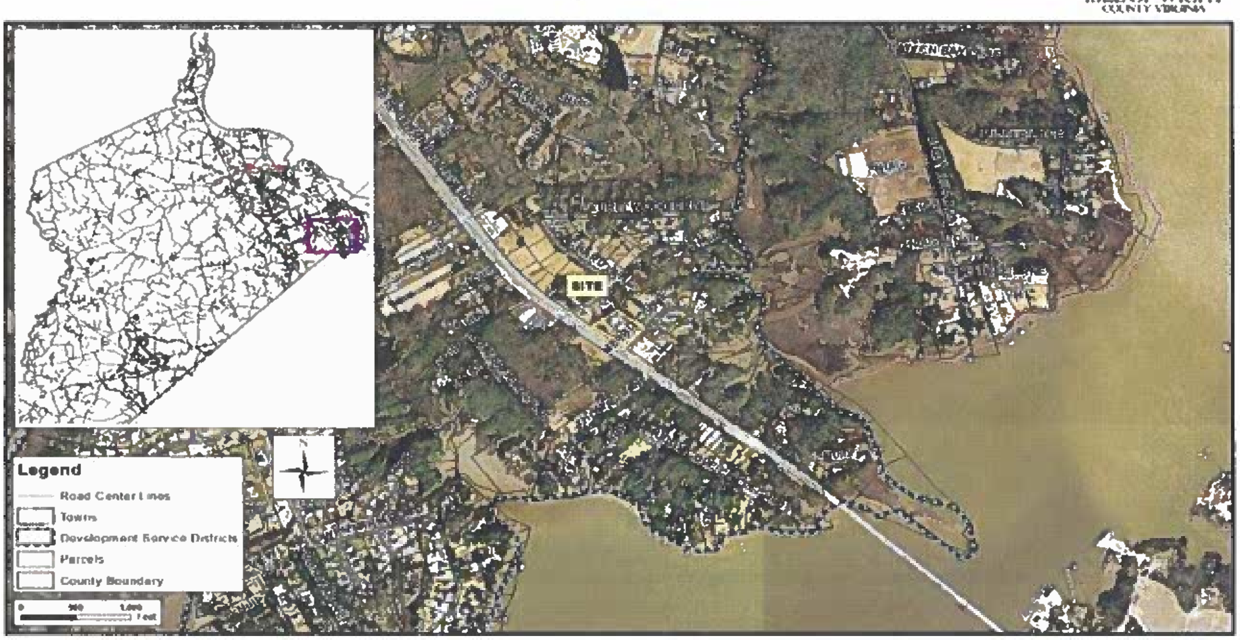
Site Description

Tax Map ID#:	34-01-126
Location:	15727 Carrollton Boulevard
Current Zoning:	General Commercial (GC)
Election District:	D2
Request:	Exception to section 6-2010.A.3.a of the Newport Development Service Overlay (NDSO) District regulations. The purpose of the application is to allow for an exception to the NDSO design standards for building materials to allow the use of metal exterior walls.

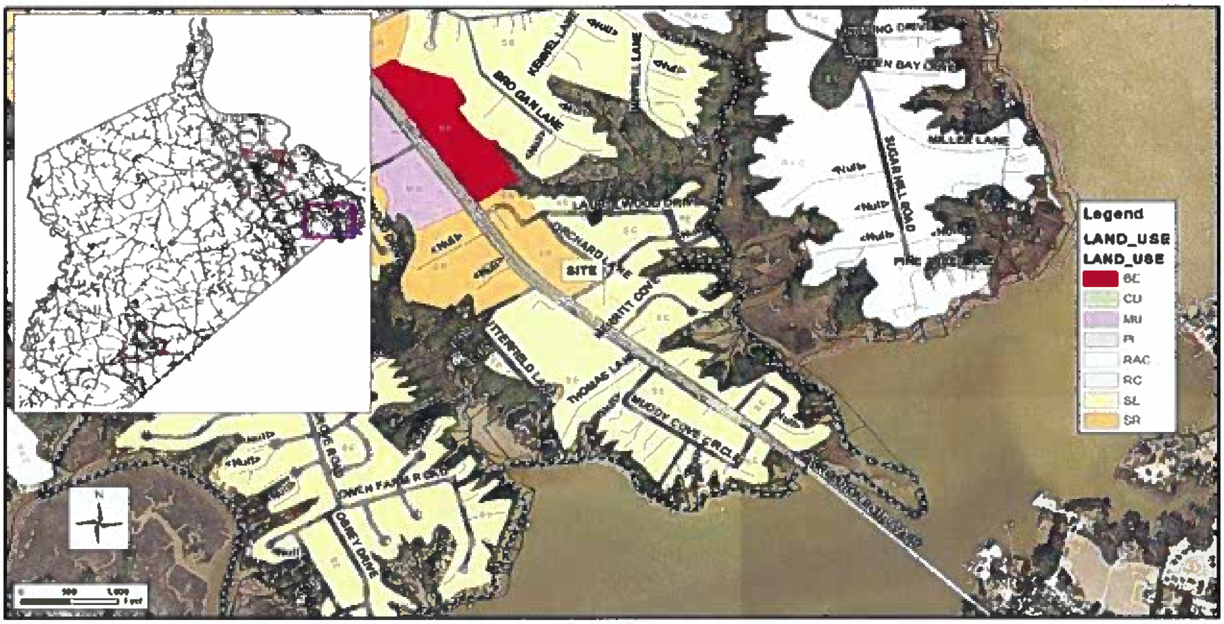
Background

- Site plan approved in 2008 for the original building with a 3,944-square-foot showroom and service area.
- Original building is a pre-fabricated (prefab) metal building with light stone stucco dryvit (EIFS) on the exterior.
- Proposal is to add a 1,450-square-foot building addition to expand the service portion of the business.
- Applicant submitted a zoning permit application for the addition in November 2022, stating that the addition was to be a prefab metal building.
- Section 6-2010.A.3.a of the Zoning Ordinance prohibits the use of either concrete block, flat or corrugated metal, or vinyl siding walls for new development or expansion of existing development within the NDSO District without approval of an exception from the BOS.

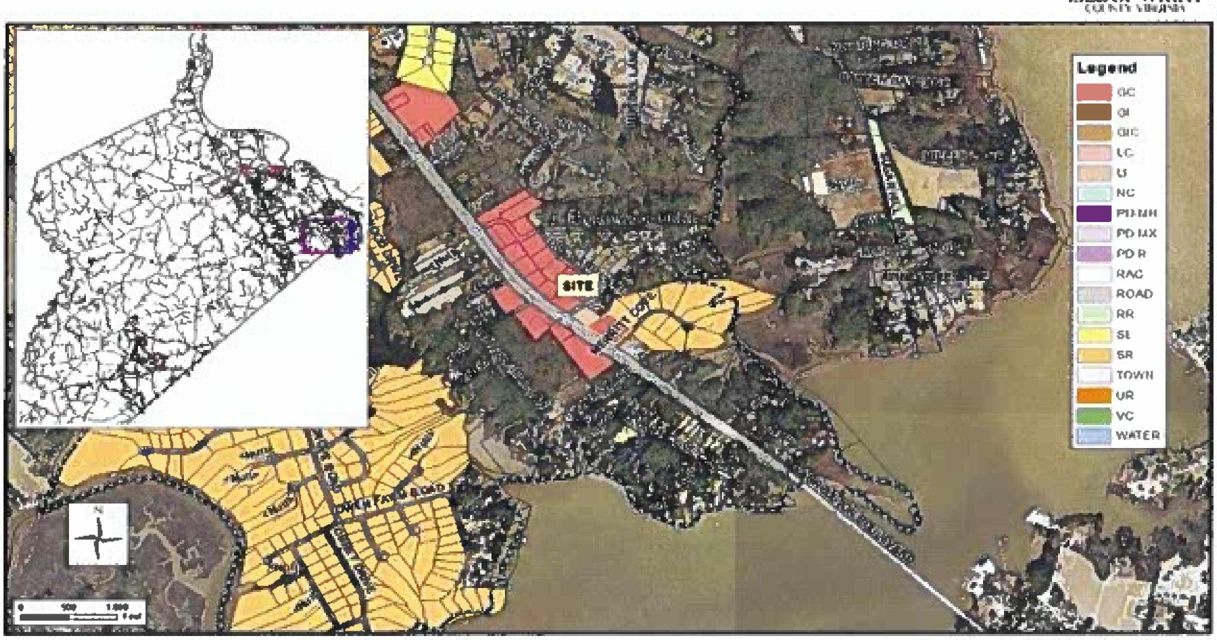
EXC-3-22 - Location Map



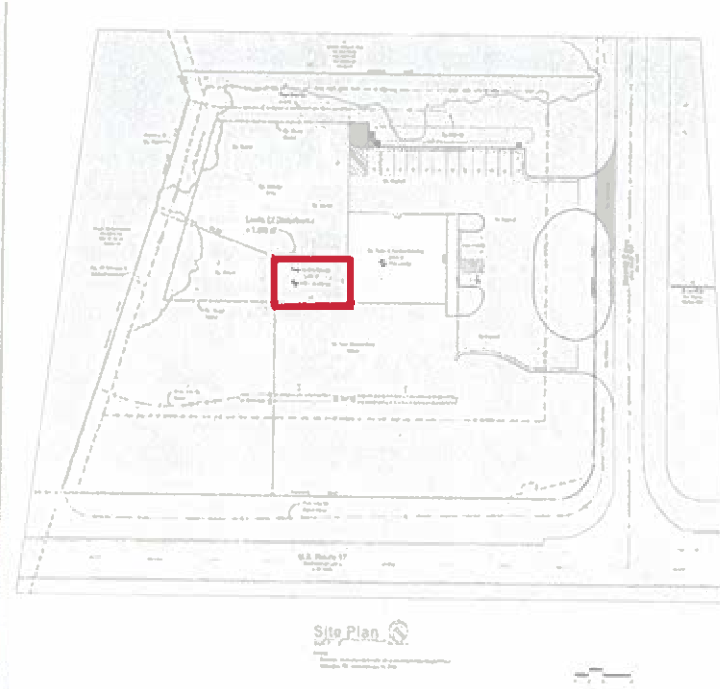
EXC-3-22 - Land Use Map

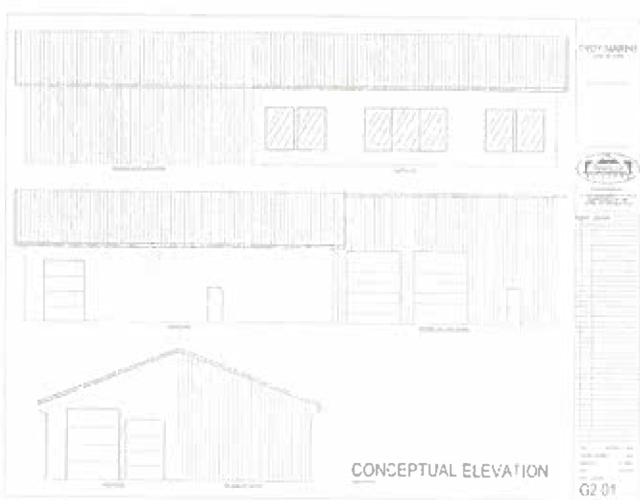


EXC-3-22 - Zoning Map

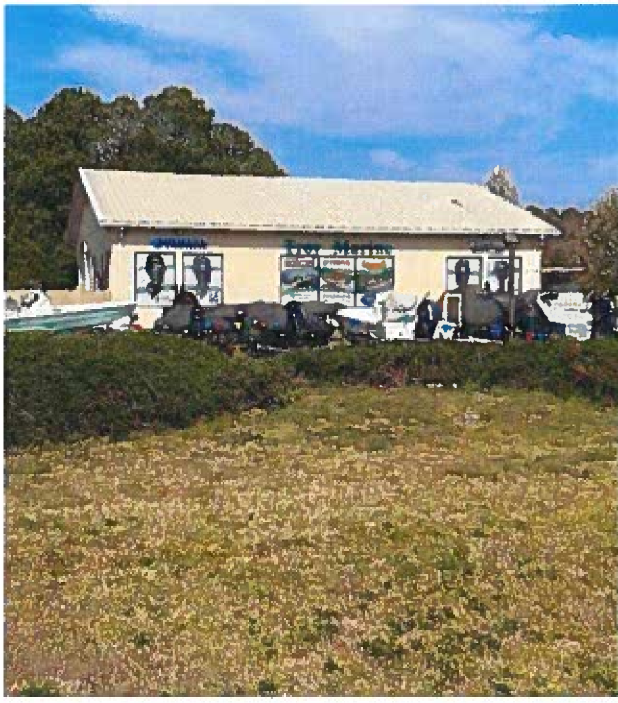


Site Plan





Elevations



View From
Route 17

View From
Merrit Cove

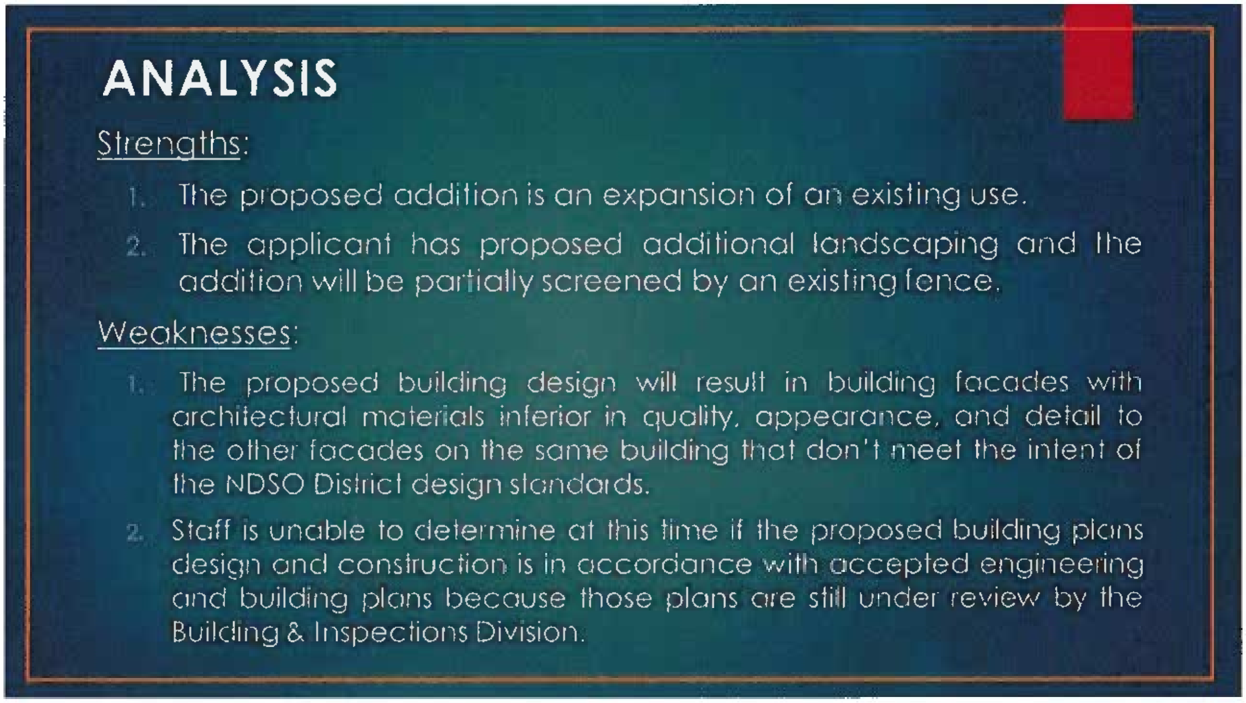
Criteria

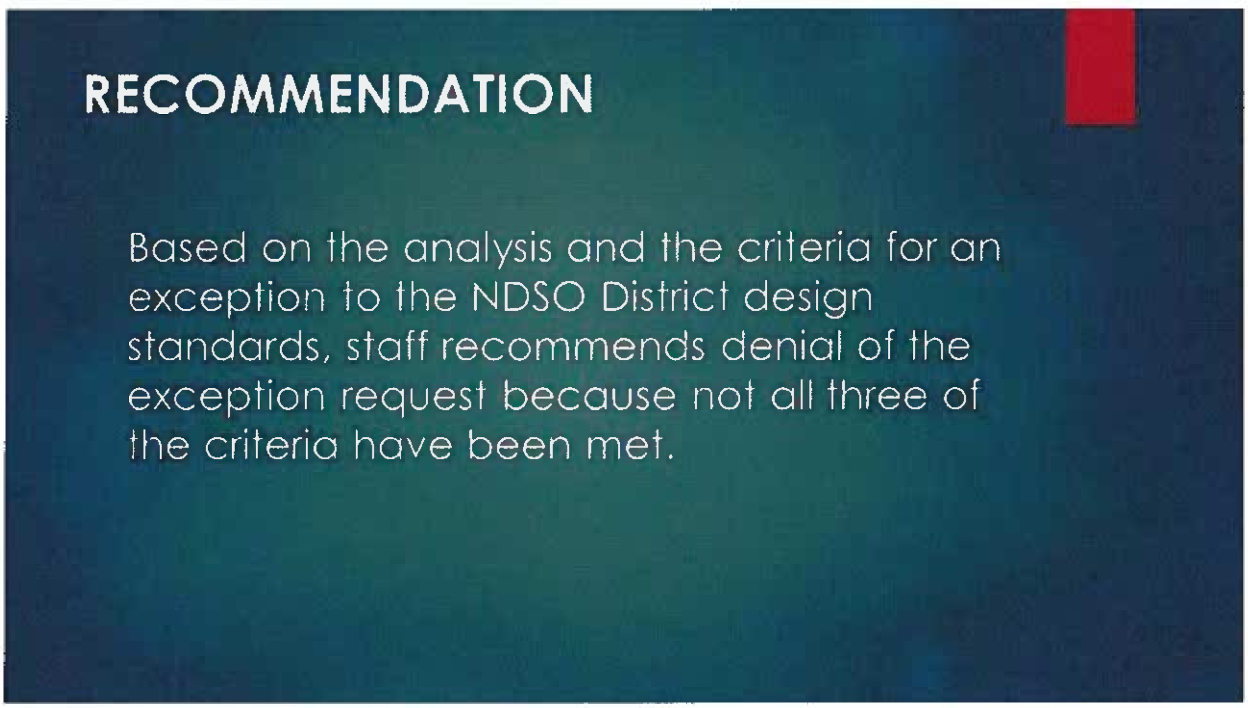
When granting an exception, the Board of Supervisors must consider the following criteria:

1. Such exception shall be no less beneficial to the residents or occupants of the development, as well as the neighboring property, that would be obtained under the applicable regulation;
2. That the exception is reasonable because of the high level of design and construction that will be incorporated into the development; and,
3. That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

STAFF ANALYSIS

1. The proposed evergreen trees and an existing wooden privacy fence will help shield the metal building addition from the view of adjacent properties and Carrollton Boulevard.
2. There is not a high level of design present with the proposal of the prefab metal building. It does not contain the same building materials (EIFS) present on the original building. The existing building reflects a high level of design that met the intent of the Comprehensive Plan and NDSO District regulations at the time of its approval.
3. Building plans have been submitted but not approved. Therefore, staff is unable to determine at this time if the proposed building addition will result in design and construction that is in accordance with accepted engineering and building standards. Prior to being permitted, the plans must be in accordance with all applicable building codes.





Chairman Taylor asked if options were given to the applicant to help them meet the requirements, like having one side of the building have EIFS.

Mr. Blowe stated no, but it could be discussed with the applicant.

Commissioner Sienkiewicz asked if the existing building has EIFS around the whole building or just the two sides.

Mr. Blowe stated EIFS is around the entire building, and the proposed bay doors do not face the the street. Trenton Blowe stated the trees will be planted in front of the addition.

Amy Ring, Community Development Director, stated the original building is a metal building that was required to put the EIFS veneer on the outside to meet NDSO standards.

Gary McIntire, CFO of Troy Marine, stated the proposed addition will be painted to match the original building. Mr. McIntire stated the business has grown and needs additional bays for the techs. Mr. McIntire added additional trees will be planted to screen the fence. Mr. McIntire stated that not doing the EIFS would be a $35,000 to $40,000 dollar savings to a small business.

Commissioner Distefano stated there is little impact to traffic on 17 and does not affect neighboring properties.

Commissioner Distefano made the motion to recommend approval to the Board of Supervisors. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Taylor, Gibbs, Smith and Carroll voting in favor of the motion, and Commissioners Rawls and Sienkiewicz voting against the motion (8-2).

Motion passed and will go to the April 20, 2023, Board of Supervisors meeting.

Chairman Carroll called for the following New Business item.

> Request of Riverside Smithfield Hospital, property owner, for a height exception for a proposed hospital building located at 19339 Benns Church Boulevard on property with tax map numbers 32-01-102 to allow the building to exceed the maximum height limit of 50 feet permitted in the General Commercial (GC) zoning district. The requested building height is 67 feet.

Amy Ring, Community Development Director, gave the following presentation:

Riverside Hospital Building Height Exception Request

Planning Commission Regular Meeting
March 28, 2023

Local Roots,
Global Reach

SITE DESCRIPTION

Tax Map ID#:	32-01-102
Location :	19339 Benns Church Boulevard
Current Zoning :	Conditional General Commercial (C-GC)
Election District:	D3
Request:	To allow the hospital building to exceed the maximum height limit of 50 feet permitted in the GC zoning district. The requested building height is 67 feet.

Local Roots,
Global Reach

BACKGROUND

- BOS granted change of zoning in 2008 from Rural Agriculture Conservation (RAC) to Conditional-General Commercial (C-GC) to allow for a medical complex with facilities for medical related services, to include such uses as medical offices, hospital, ambulatory surgical and procedure center, medical diagnostic, imaging, and other related facilities and services.

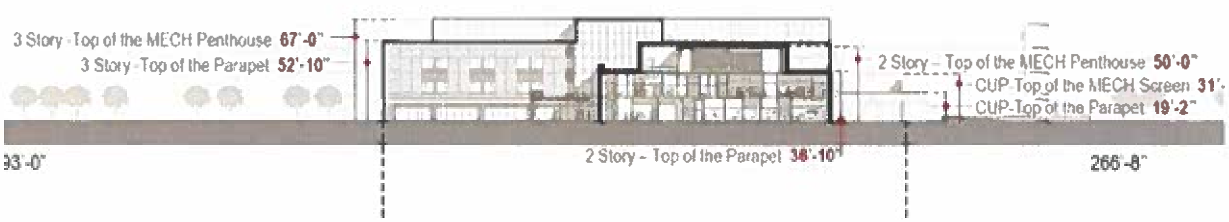
- Part of the overall Benn's Grant master planned mixed use community.

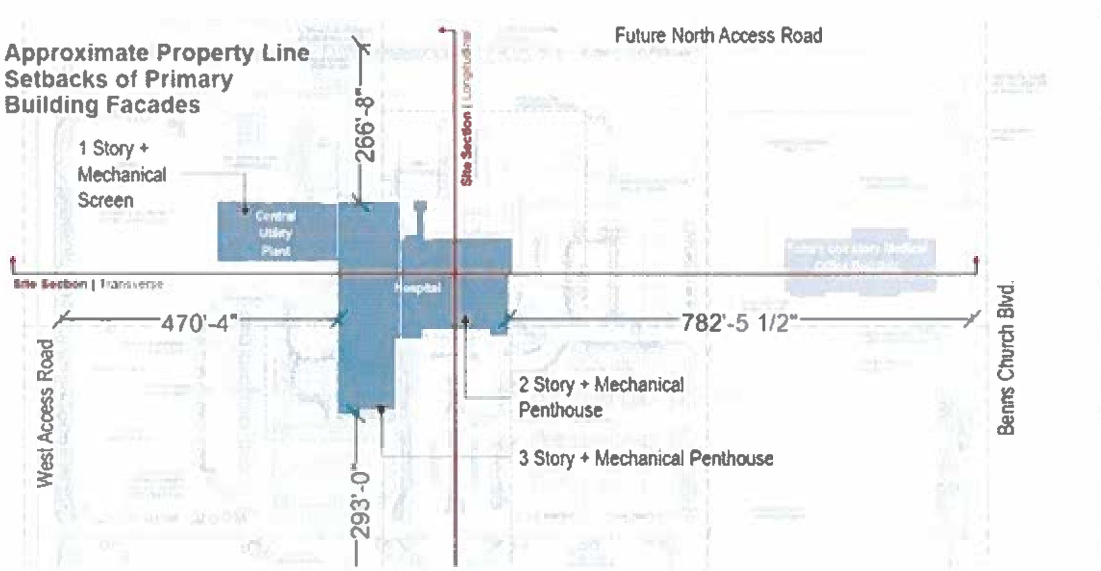
Local Roots, Global Reach

SITE LOCATION

FUTURE
RECOMMENDED
LAND USE

ZONING
DISTRICT MAP


3 Story - Top of the MECH Penthouse 67'-0"
3 Story - Top of the Parapet 52'-10"
2 Story – Top of the MECH Penthouse 50'-0"
CUP-Top of the MECH Screen 31'-
CUP-Top of the Parapet 19'-2"
2 Story – Top of the Parapet 38'-10"
93'-0"
266'-8"


Approximate Property Line Setbacks of Primary Building Facades
Future North Access Road
266'-8"
1 Story + Mechanical Screen
Central Utility Plant
Hospital
Site Section | Transverse
Site Section | Longitudinal
470'-4"
782'-5 1/2"
West Access Road
Benns Church Blvd.
2 Story + Mechanical Penthouse
3 Story + Mechanical Penthouse
293'-0"

View Looking North From Benn's Grant Blvd.

View Looking West From Benn's UMC

ANALYSIS

Strengths:

1. According to the concept plan, the proposed building is set back 266 feet from the nearest adjacent property, thereby helping to mitigate potential negative visual and noise impacts from adjacent property.
2. The building height exception would allow for enhanced patient care and the ability to screen mechanical equipment from view, thereby reducing visual impacts to surrounding properties.

Weaknesses:

1. The proposed building height exceeds the maximum sizes permitted in the Zoning Ordinance.

Local Roots, Global Reach

RECOMMENDATION

Because the proposed building would increase the level of public safety in the County through the provision of enhanced patient care due to shorter distances between departments, in better meeting modern hospital building code requirements, and to help screen necessary mechanical equipment from adjacent property, staff recommends approval of the exception request.

Commissioner Gibbs stated that having an ambulatory service is important to the community as it continues to grow.

Commissioner Taylor stated a hospital is a unique situation and the waiver is justified.

Commissioner Gibbs made the motion to recommend approval to the Board of Supervisors. Commissioner Taylor seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Carroll voting in favor of the motion, and no Commissioners against the motion (10-0).

Motion passed and will go to the April 20, 2023, Board of Supervisors meeting.

Chairman Carroll called for the following New Business item:

> Request of Riverside Smithfield Hospital, property owner, for a sign size exception for a proposed hospital building located at 19339 Benns Church Boulevard on property with tax map numbers 32-01-102 to allow a free-standing sign to exceed the maximum sign face area size of fifty feet square feet and the maximum height of eight feet. The requested sign area size is 97.5 square feet with a height often feet, nine inches.

Amy Ring gave the following presentation:

SITE DESCRIPTION

Tax Map ID#:	32-01-102
Location :	19339 Benns Church Boulevard
Current Zoning :	Conditional General Commercial (C-GC)
Election District:	D3
Request:	To allow a free-standing sign to exceed the maximum sign face area size of 50 SF and the maximum height of 8 feet. The requested sign area size is 97.5 SF with a height of 10 feet, 9 inches.

Local Roots, Global Reach

BACKGROUND

- BOS granted change of zoning in 2008 from Rural Agriculture Conservation (RAC) to Conditional-General Commercial (C-GC) to allow for a medical complex with facilities for medical related services, to include such uses as medical offices, hospital, ambulatory surgical and procedure center, medical diagnostic, imaging, and other related facilities and services.

- Part of the overall Benn's Grant master planned mixed use community.

Local Roots, Global Reach

SITE LOCATION

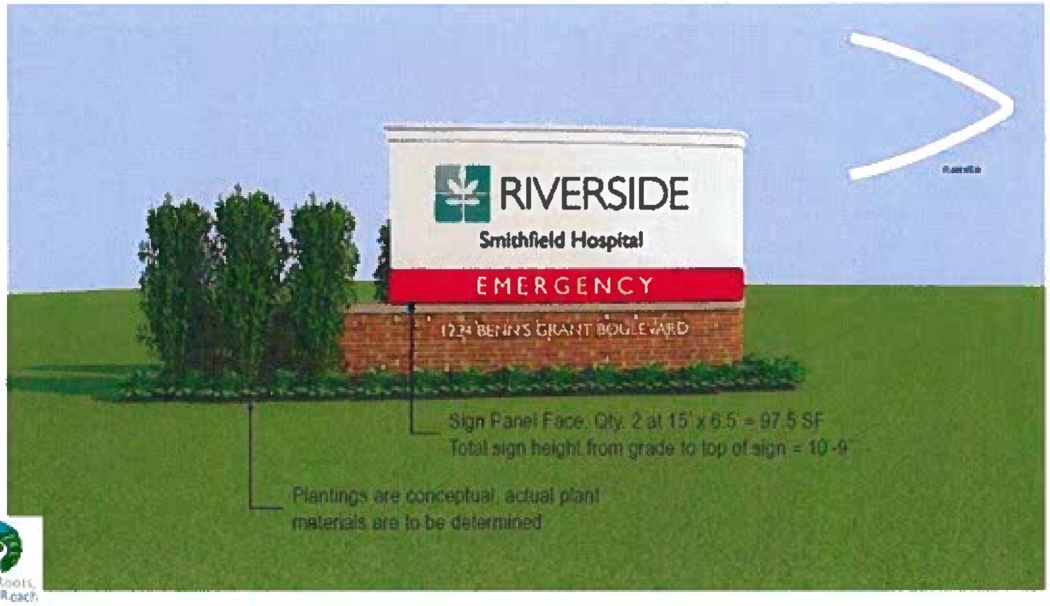
FUTURE RECOMMENDED LAND USE

ZONING
DISTRICT MAP

REASON FOR EXCEPTION REQUEST

- Primary reason for the request is the current sign size limitation would not be easily legible for motorists traveling along Benn's Church Boulevard. For a hospital, it is vital during emergencies that motorists can easily see the hospital signage, to be able to safely navigate to the appropriate lane to access the facility.
- Applicant is aware that in order to locate the sign on one of their recently acquired outparcels, they must first amend their conditional zoning to include these two properties and vacate the interior property lines in order to use them for any portion of their future project.

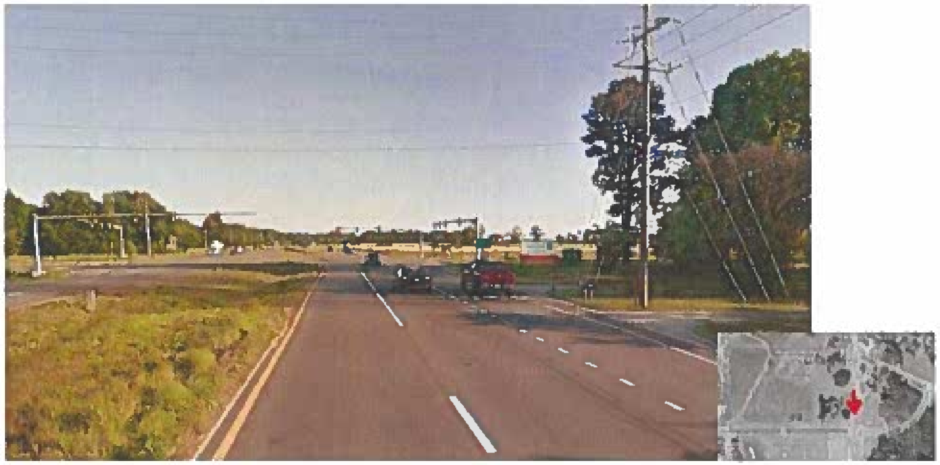
Monumental Sign Concept



Local Roots, Global Reach

View of Proposed Sign from Benn's Grant Blvd Looking West

View of Proposed Sign from Benn's Church Blvd
Looking South



Local Roots, Global Reach

CRITERIA FOR GRANTING AN EXCEPTION

Section 9-1012 outlines the following criteria for granting a sign exception:

- Such exception shall create no greater impact to the residents or occupants of the development, as well as the neighboring property, than that which would be obtained under the applicable regulation;
- Such exception is reasonable because of the high level of design and construction that will be incorporated in the development; and
- Such exception will result in design and construction that is in accordance with accepted engineering and building standards.

ANALYSIS

Strengths:

1. Sign exception would allow for easy recognition of the hospital location in case of emergencies.
2. Exception shall create no greater impact to the residents or occupants of the development, as well as the neighboring property, than that which would be obtained under the applicable regulation.
3. Resulting sign will be required to meet all other design and construction criteria in accordance with accepted engineering and building standards.

Weaknesses:

1. The proposed sign size and height exceed the maximum sizes permitted in the Zoning Ordinance.

Local Roots, Global Reach

RECOMMENDATION

Because the proposed signage would increase the level of public safety in the County through more effective communication and better wayfinding in case of emergency, staff recommends approval of the exception request.

Commissioner Distefano stated a hospital is a unique application and most likely the only one they will see. Mr. Distefano added the hospital serves an emergency need in the County and the height exception for the sign and building is for a safety element and doesn't believe the approval is setting a precedence for other applications.

Commissioner Sienkiewicz asked if this sign was similar to the one in Williamsburg.

Russell Parrish, Senior Project Manager for Riverside, stated the sign is different from the one in Williamsburg and is closer to the one at Regional in Newport News, just not as large. Mr. Parrish said this sign is unique due to its location and it is in a flying v shape.

Commissioner Taylor asked if there will be way-finding signs once on the campus.

Mr. Parrish stated a full master sign plan will go to the Planning and Zoning office for approval, and this sign is the only one that will need an exception.

Commissioner Gibbs made the motion to recommend approval to the Board of Supervisors. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Carroll voting in favor of the motion, and no Commissioners against the motion (10-0).

The motion passed and will be placed on the April 20, 2023, Board of Supervisors agenda.

Chairman Carroll stated that he believes the Planning Commission has an obligation to move an application forward. Mr. Carroll added the full energy task force has not been created and he believes they wouldn't be able to make any recommendations before May.

Commissioner Distefano stated he agreed and the ordinance revisions will go to the Board in April and doesn't think they should wait until June to make a motion for Prairie.

Commissioner Boykin asked staff to get some information about the solar fire in Spring Grove and if it would be possible to have someone from that fire department come and speak at next month's meeting to talk about what happened and their response to get it under control.

Chairman Carroll added that the County has not received any training guidance from the solar developers should a fire happen locally.

Commissioner Rawls asked what would happen if a TCLP test has a positive result.

Amy Ring states the requirement is that the panels must pass this test to be installed, so if it doesn't pass, it wouldn't be installed.

Commissioner Rawls asked if the soil test after three years failed what would be required.

Ms. Ring responded that the solar facility would be required to remediate the soils back to baseline conditions.

COUNTY ATTORNEY'S REPORT

Bobby Jones stated the Board of Supervisors has a bylaw that prohibits citizen comment for items scheduled for public hearing or have been the subject to a previous public hearing which has not yet been decided and asked the Planning Commission if they would consider an amendment to their bylaws.

Commissioner Gibbs stated he thinks it should mirror the Board of Supervisors.

Bobby Jones stated he could bring the proposed amendment to next month's meeting, and it would have to be before this body for thirty days before action can be taken.

PLANNING DIRECTOR'S REPORT

Amy Ring confirmed there were no items to discuss.

Commissioner Bowser asked for the wording that was added for the appraisal requirement condition in the draft solar ordinance revision, and stated he thought it was vague and believes we may be overstepping authority. Mr. Bowser also asked who is required to pay for the assessment.

Ms. Ring stated the ordinance will be advertised for the April Board of Supervisors meeting, and that the additional requirement states the applicant shall provide an independent appraiser to assess the impact of the facility on nearby home values.

Bobby Jones suggested the wording be specific to an independent appraiser to be approved by the County. Mr. Jones added that commercial appraisers are title regulated.

Commissioner Ford asked if this condition is being considered to be added to other projects that may cause concern with property values decreasing.

Commissioner Taylor stated conditional use permits are not a by-right use, and the Commission is able to assess conditions based on the project. Ms. Taylor added that one of the items they are to look at is if it affects neighboring properties and to make conditions to protect that.

Commissioner Ford stated they should be consistent and believes they have been biased and should consider these conditions for all applications to establish consistency.

Chairman Carroll asked for a development and CIP update at the next Planning Commission meeting.

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 7:17 PM.

Adopted this 25th day of April, 2023.

Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest:
Amanda Landrus, Secretary