

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-SEVENTH DAY OF
JUNE 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 May 23, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Commissioner Rawls 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

ABSENT

Raynard Gibbs
Matthew Smith

A quorum was determined.

ALSO IN ATTENDANCE

Mandy Rogers, Substitute Council to the Planning Commission
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 Boykin 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

There being no comments, Chairman Carroll closed citizens' comment.

PUBLIC HEARINGS

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

Application ZA-4-22 of Corey D. Depaula, property owner, for an amendment to conditional zoning to amend the list of permitted uses to allow only a construction yard. The property is currently vacant and is located at 32424 Green Oaks Lane with tax parcel number 69-01-093 in the Conditional-General Commercial zoning district.

Trenton Blowe, Planner I, gave the following presentation.

ZA-04-22 DEPAULA AMENDMENT TO CONDITIONAL ZONING

PLANNING COMMISSION MEETING
JUNE 27, 2023

SITE DESCRIPTION

- Tax Map ID#: 69-01-093
- Current Zoning: Conditional General Commercial (C-GC)
- Election District: D5
- Request: An amendment to conditional zoning to change the list of permitted uses to limit the uses to only a construction yard.

BACKGROUND

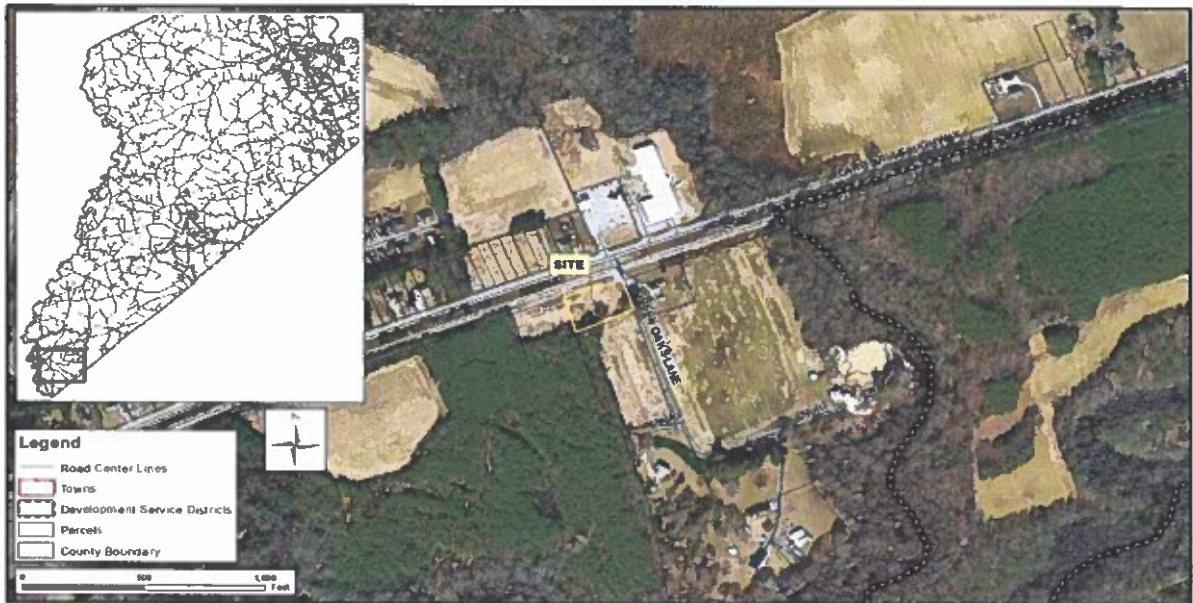
- Property was conditionally rezoned for commercial use in April 1999 for a variety of commercial uses
- Applicant proposed that the construction yard use be the only use permitted on site in November 2022
- Construction yard is defined in Ordinance as:

Establishments housing facilities of businesses primarily engaged in construction activities, including the outside storage of materials and equipment used for the business operations."

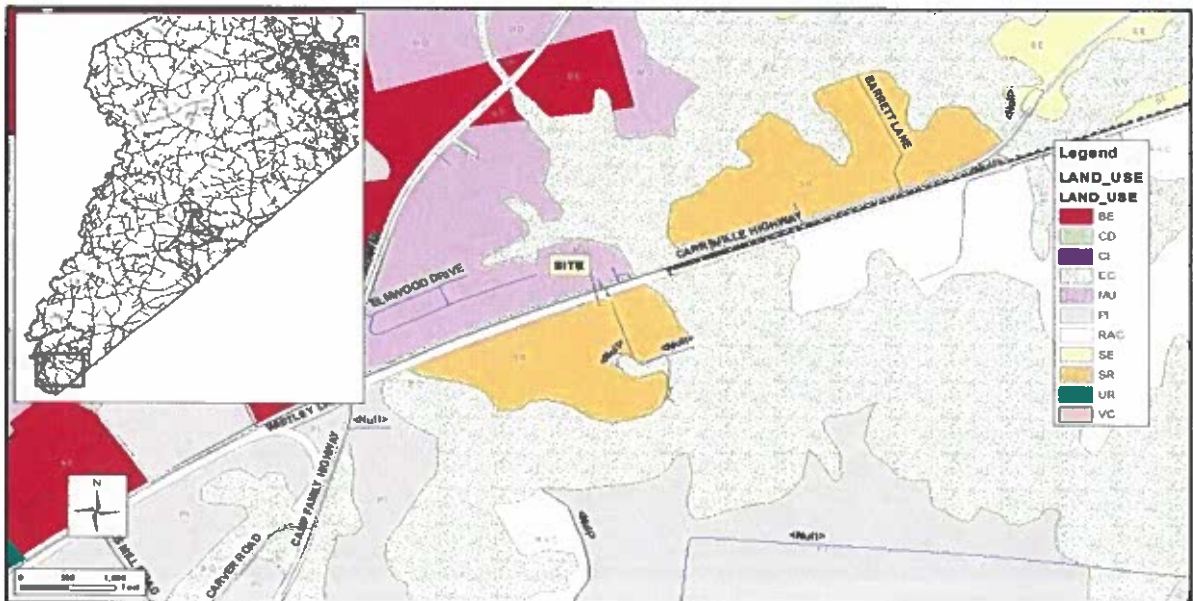
ZA-4-22 Amendment to Conditional Zoning- Location Map



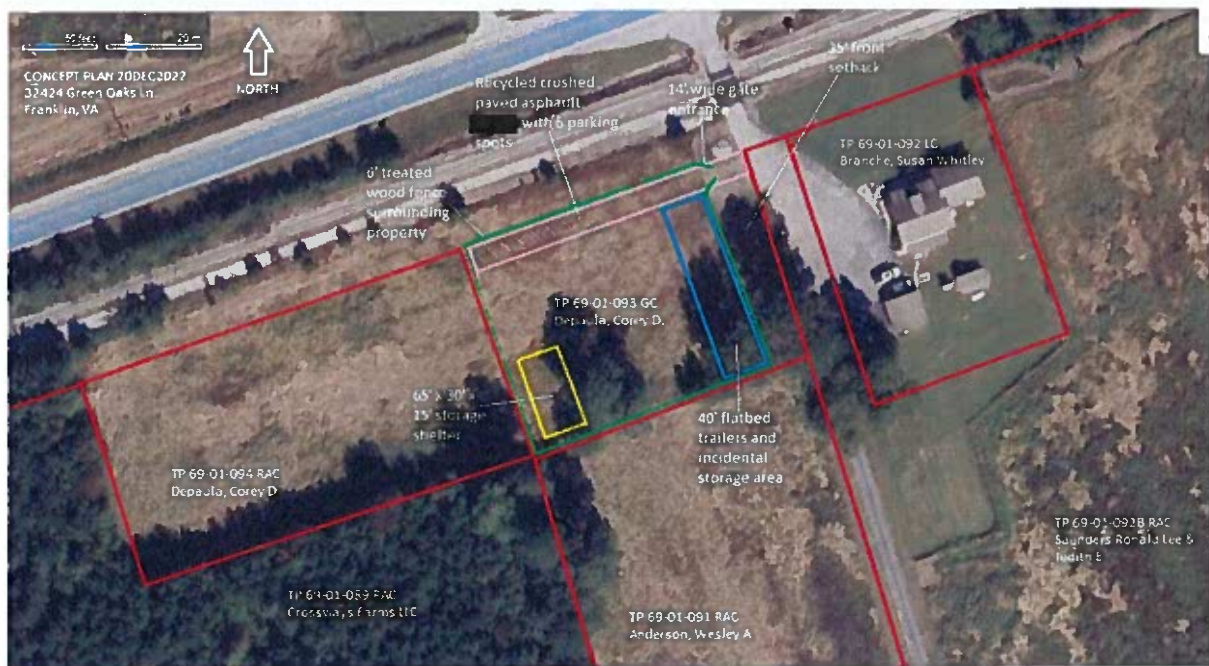
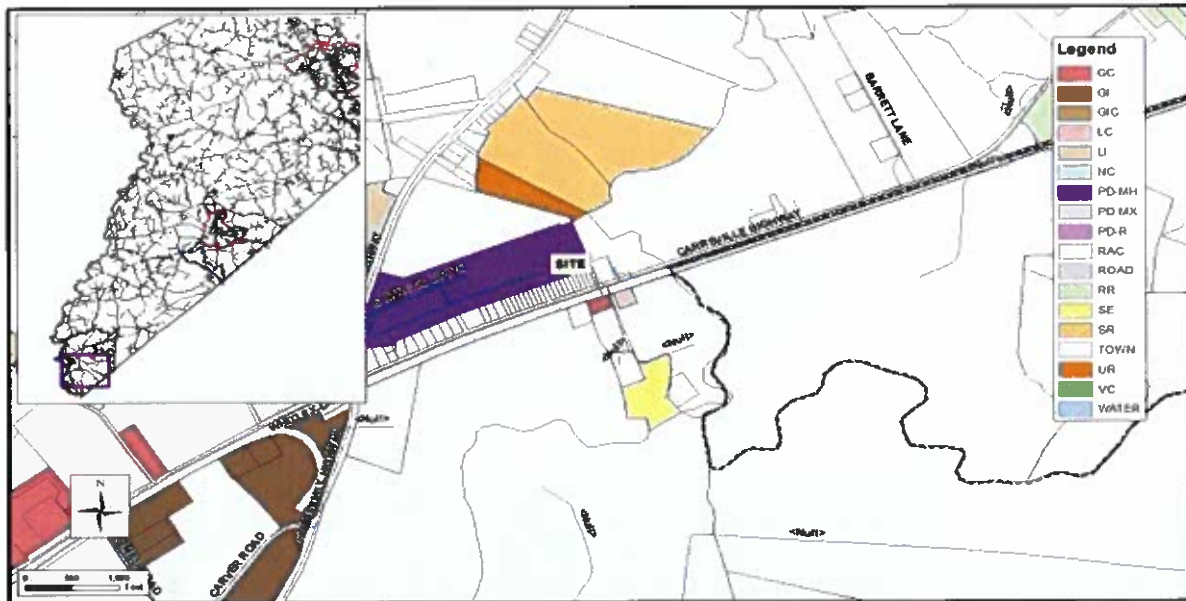
ZA-04-22 - Amendment to Conditional Zoning Location Closeup Map



ZA-04-22 - Amendment to Conditional Zoning Land Use Map



ZA-4-22 - Amendment to Conditional Zoning Map

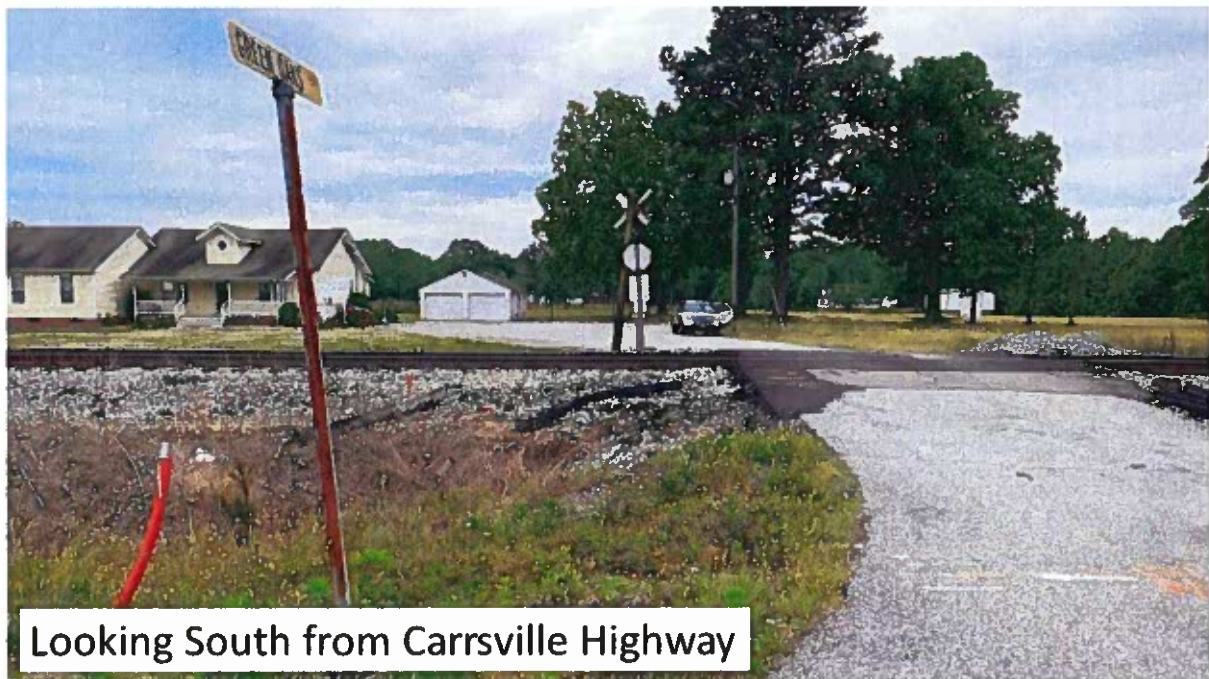




Looking West towards the site from
Green Oaks Lane



Looking towards the site from the North
along the CSX railroad



Looking South from Carrsville Highway



Green Oaks Lane

Proposed Use

- Proposed use leases modular barges for exterior ship repair
- Barges, trailers and cranes will be stored on site and transported by truck to the end user.
- No office or employees to be onsite.
- Applicant states most trips will occur on Saturdays and Sundays, but no hours of operation are included in the proffers.

Agency Review

- Economic Development—Supports the applicant's use of the property as indicated in the application documents.
- VDOT, County Attorney, Emergency Services, and General Services - No concerns expressed with this application.

Staff Conclusions

- Proposed use will not impact public safety, schools, or services serving the existing property.
- There would be minimal noise generated from the business and the business will produce a low volume of vehicular trips generated only by the owner and operator.

Strengths and Weaknesses

Strengths:

1. Use consistent with conditional uses otherwise permitted in the GC zoning district
2. Noise levels and traffic volume will be low.
3. In addition to the private road maintenance agreement, the applicant proffers to maintain the section of road which fronts his property.

Strengths and Weaknesses Continued

Weaknesses:

1. Proposed use is not consistent with the SR future recommended land use.
2. Proposed building design does not meet HCO architectural and site design requirements which may be remedied at site plan submittal

RECOMMENDATION

Due to the low-impact nature of the proposed use and being consistent with the existing GC zoning district, staff recommends approval of the application.

Chairman Carroll opened the public hearing.

Chairman Carroll closed the public hearing and asked for comments from the commissioners.

Commissioner Taylor asked if any repairs would be done on the barges.

Corey Depaula, property owner, stated no repairs on barges would be done onsite. Mr. Depaula added that minor repair, routine servicing, and upkeep may be done on the equipment. Mr.

Depaula stated he would have a hazmat spill kit, fire extinguisher, and drip pans on site to be used as mitigation, if needed.

Commissioner Rawls asked what type of fencing would be used.

Mr. Depaula stated a six-foot-high wood fence would be installed around the perimeter of the site.

Commissioner Distefano made the motion to recommend approval to the Board of Supervisors. Commissioner Bowser seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Chairman Carroll voting in favor of the motion, and no commissioner voting against the motion (8-0).

The motion passed, and the item will go to the July 13, 2023, Board of Supervisors meeting.

OLD BUSINESS

Amy Ring Confirmed there were no items to discuss in old business.

NEW BUSINESS

Chairman Carroll called for the presentation for the following new business item:

Application of Air Station General, LC (EXC-8-23), applicant, for an exception to Sections 6-1010.A and 6-1010.B. of the Zoning Ordinance pertaining to the Highway Corridor Overlay District architectural and design guidelines for non-residential uses.

Jeryl Phillips gave the following presentation.

Highway Corridor Overlay District Exception Request EXC-8-23 Air Station General, LC



Planning Commission Regular Meeting
June 27, 2023

APPLICATION DESCRIPTION

Request: Exception to Sections 6-1010.A. and 6-1010.B. of the Zoning Ordinance pertaining to Highway Corridor Overlay District (HCOD) Architectural and Design Guidelines for Non-Residential Uses

Tax Map ID#: 53-01-081 and 53-01-080A

Location: Shirley T. Holland Intermodal Park, Phase III, east of Route 258/Walters Highway

Comp Plan Land Use Designation: Windsor Development Service District (DSD), Planned Industrial (PI) and Environmental Conservation (EC)

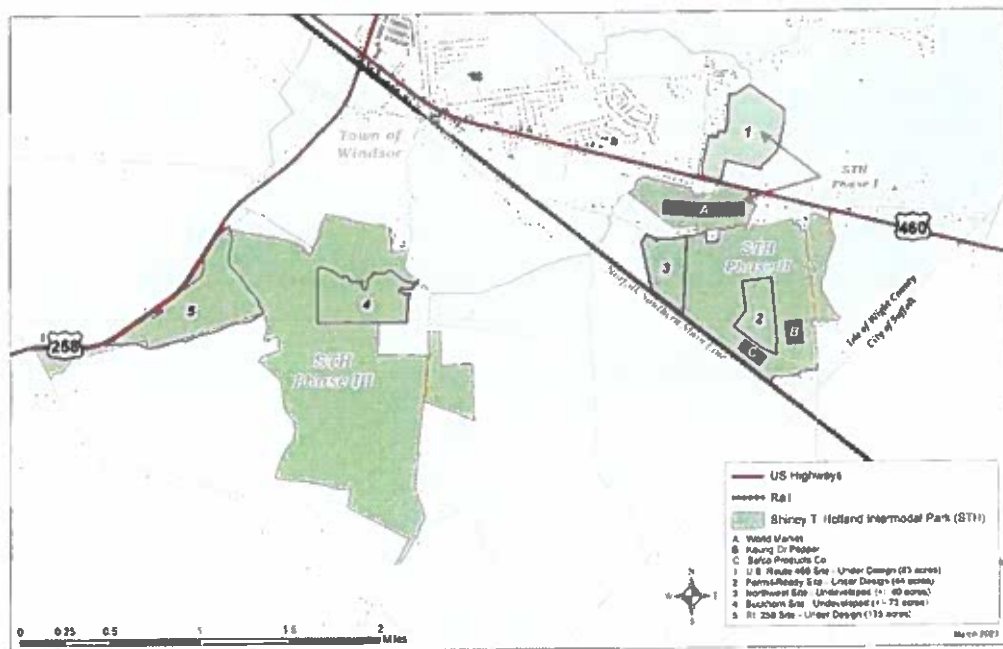
Zoning District: Conditional – Limited Industrial

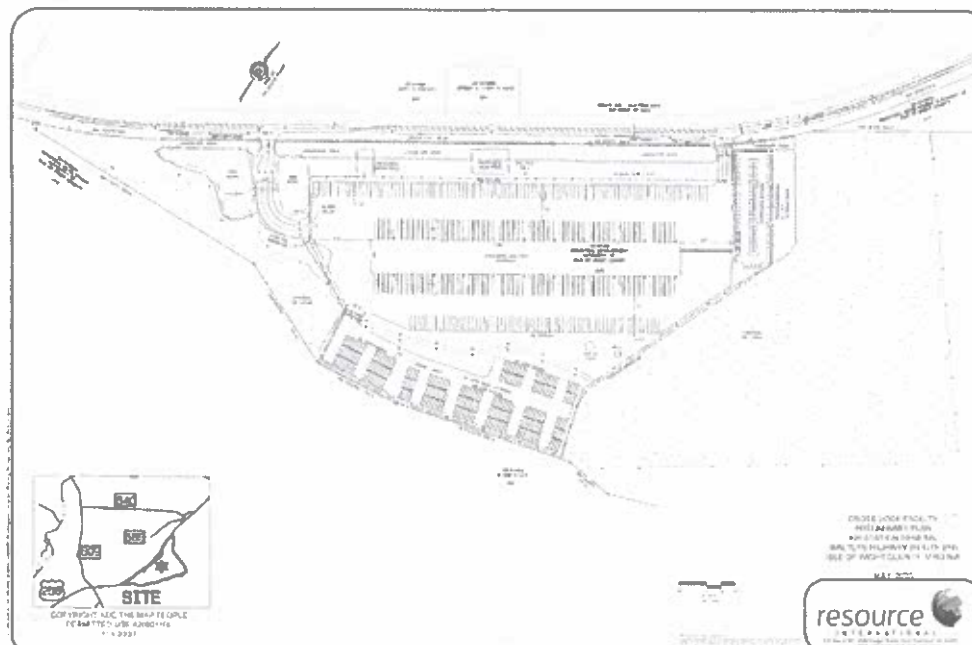
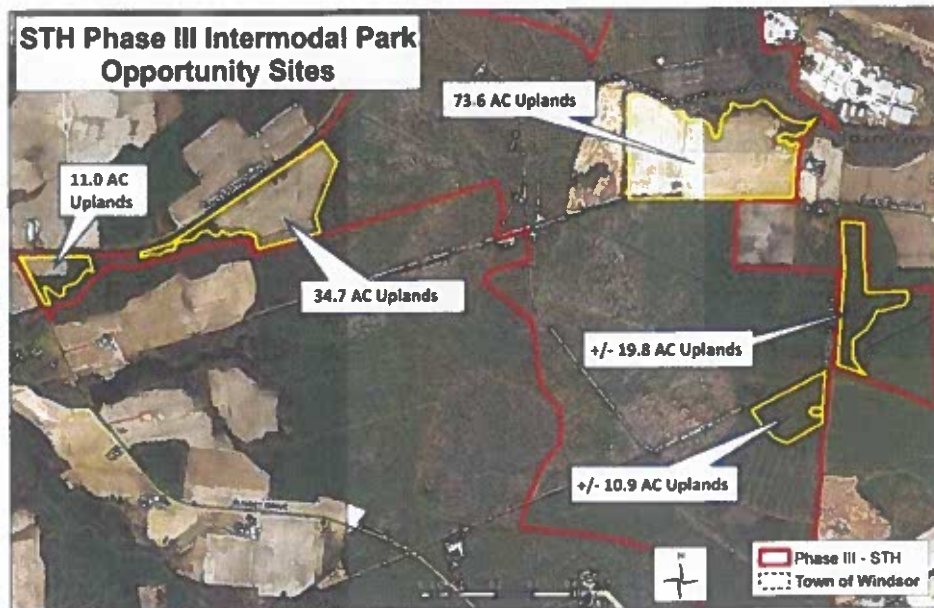
Election District: D4



BACKGROUND

- Applicant is contract purchaser of 135 acres from IOW County Economic Development Authority (EDA)
- Upland area of site limited to 35 acres due to wetlands
- Constructing 130,000 sf. state-of-the-art cross-dock warehouse facility and container staging operation
- Both sides of warehouse facility served by elevated dock loading doors (cross-dock)
- Products arrive at Port of Virginia in container and trucked to warehouse facility
- Container is unloaded at warehouse, product inventory scanned, and applicable quantities directed to waiting containers across warehouse for delivery to end-user fulfillment centers
- Container storage area located in rear of site behind warehouse building
- Function of facility is dependent on 120' depth, single-building warehouse with substantial dock door installations and land area for truck movement and on-site container management









PROJECT DESCRIPTION

- Exception needed to Highway Corridor Overlay District architectural and design guidelines for non -residential uses
- Cross-dock warehouse design and placement on site cannot be configured and designed to meet the following ordinance requirements:
 - Section 6-1010.A.5: Not less than 16% of total area of any façade visible from a public road (excluding work areas) shall consist of windows and doors
 - Section 6-1010.A.6: Large work area doors or open bays shall not open toward or face the highway
 - Section 6-1010.B.8: Loading areas shall be permitted only in the side or rear yards and shall be visually screened from public rights -of-way, and adjacent property using the screening zone standards found in Article VIII



PROJECT DESCRIPTION

Why Needed and Proposed Mitigation:

- Building orientation and truckways configuration on site dictated by site geography due to presence of wetlands
- Cross-dock shipping model makes any other building placement infeasible
- As a result, warehouse front façade and cross -dock bays must face the public highway

Proposed Mitigation : Six -foot (6') high vinyl privacy fencing with landscaping along Route 258/Walters Highway frontage, intended to limit view of overhead doors and associated truck movement



PROJECT DESCRIPTION

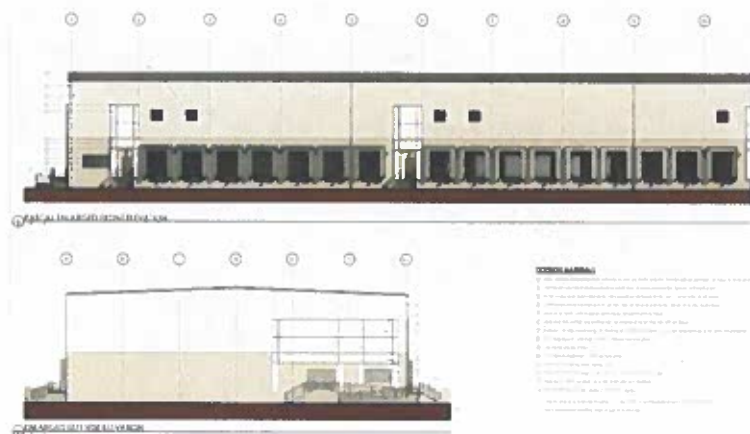
Why Needed and Proposed Mitigation:

- Installation of glass inserts in the active shipping/receiving areas is not practical for physical plant management and safety

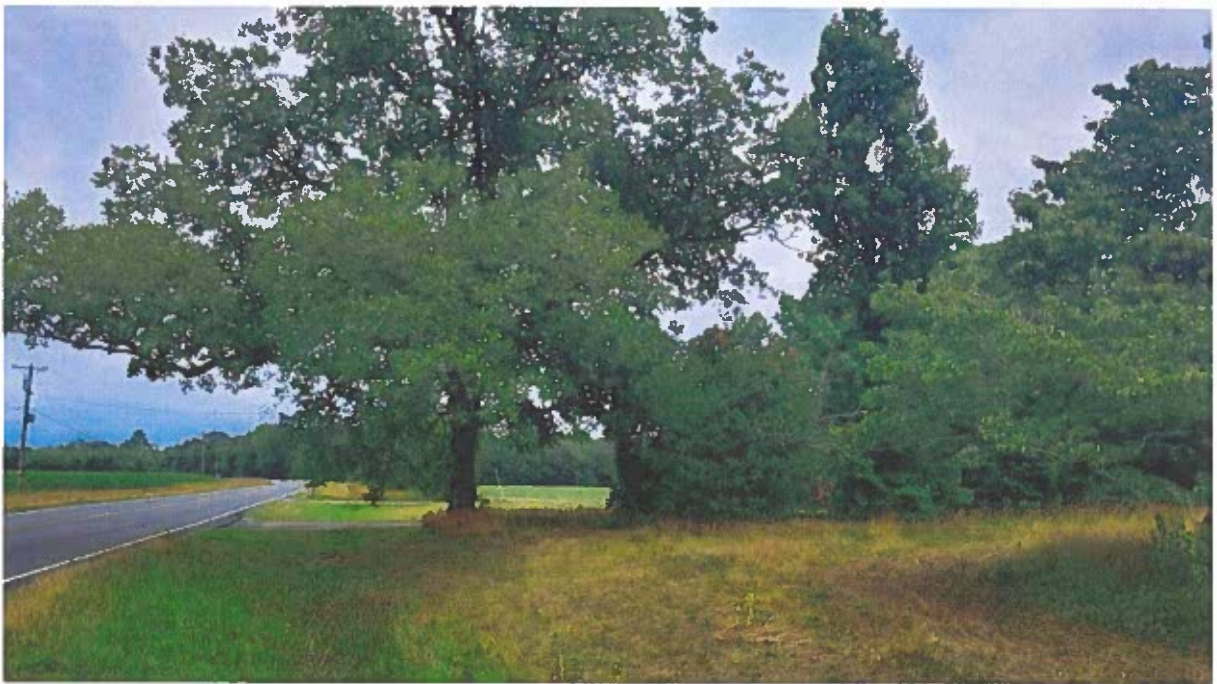
Proposed Mitigation : In addition to windows to be installed for the office entry on one side of the building, architectural detailing of faux windows will be attached on the frontage façade at intervals.

- Front elevation calculations for doors, windows, and architectural access combined total = 22.25% (16% required)













CRITERIA FOR HCOD EXCEPTION CONSIDERATION (Section 6-1015)

1. Such exception shall be no less beneficial to the residents or occupants of the development as well as neighborhood property, than would be obtained under the applicable regulation.

Finding:

- Current regulation affords greater visual and noise relief than the exception because it prohibits truck bays and loading areas along public road frontage
- However, proposed privacy fencing and landscape screening should help mitigate both the visual impact and noise to neighboring property and the highway corridor



CRITERIA FOR HCOD EXCEPTION CONSIDERATION (Section 6-1015)

2. That the exception is reasonable because of the high level of design and construction that will be incorporated into the development.

Finding:

- Applicant has committed to incorporating architectural features to a warehousing and distribution building and site design as proposed to meet the spirit of the Ordinance as much as practicable.



CRITERIA FOR HCOD EXCEPTION CONSIDERATION (Section 6-1015)

3. That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

Finding:

- Both a site plan and building plans will be required to be submitted and reviewed for compliance with applicable codes and ordinances by Building Inspection, Utilities, VDOT, and Planning & Zoning.



STAFF ANALYSIS

Strengths:

1. The proposed use is consistent with the County's adopted Comprehensive Plan's land use designations and the C-PI zoning.
2. The proposed use is consistent with the approved rezoning proffers for the Shirley T. Holland Intermodal Park, Phase III pertaining to allowable uses.
3. The proposed privacy fence with landscaping along the site frontage will mitigate truck loading bays orientation facing the roadway and truck movement area.

Weaknesses:

1. Noise generated by truck movement along the front of the warehouse building could disturb the residential use across Route 258/ Walters highway. Privacy screen fencing and landscaping along the site frontage should help dampen noise levels.



STAFF RECOMMENDATION

Approval of the exception request with the following condition:

1. Retain existing tree and shrub vegetation along the entirety of the site frontage in the fifty-foot (50') Highway Corridor Overlay District front setback, factoring in site entrances, and incorporate this into the landscape screening design for visual abatement and noise attention.



Chairman Carroll called for discussion from the Planning Commission.

Commissioner Distefano asked if one of the mature trees die, how would that be handled.

Ms. Phillips stated that it would be required to be replaced as a condition of the landscape plan.

Amy Ring stated that the landscape ordinance dictates the amount of landscape points that are required, and if the minimum amount of landscape points are maintained, no replanting would be necessary.

Commissioner Rawls asked how far from Route 460 this was and the daily number of trucks using this facility.

Ms. Phillips stated the site was about a mile from 460, and the daily trucks was not submitted with this application.

Commissioner Bowser asked if the large tree behind the current house would be removed.

Ms. Phillips stated that the applicant will be required to document any existing trees that are over eight-inch caliper, and it is preferred to be included on the landscape plan.

Commissioner Boykin stated she was interested in seeing how much traffic this would generate.

Ms. Ring stated that when the property was rezoned in 2015, a traffic analysis was submitted and approved.

Commissioner Rawls asked how many doorways are proposed for the building.

Brian Bolger, Woodard Group general contractor representing the applicant, stated the front and the rear have seventy doors each.

Eddie Fredricks, Woodard Group, stated they have worked with VDOT for the turn lane requirements and have been involved with recommendations for the slow down and acceleration lanes.

Commissioner Boykin asked for the numbers from the traffic study.

Ms. Ring stated she has the information from the rezoning and can provide that information to the Planning Commission. Ms. Ring stated she does remember that a center turn lane was required, along with turn lanes into the site.

Commissioner Sienkiewicz asked what the hours of operation would be.

Brian Bolger stated there will be two shifts for majority of the year, but seasonally would shift to three shifts, which would be 24/7.

Chairman Carroll stated for clarity, the project and concept was previously approved in 2015, and the reason the Planning Commission is hearing this item is due to the position of the building.

Ms. Phillips confirmed that because of the Highway Corridor District require that loading bays not face the road.

Commissioner Taylor made the motion to recommend approval to the Board of Supervisors. Commissioner Sienkiewicz seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz, and Chairman Carroll voting in favor of the motion, Commissioner Ford abstained and no commissioner voting against the motion (7-1-0).

The motion passed, and the item will go to the July 13, 2023, Board of Supervisors meeting.

COUNTY ATTORNEY'S REPORT

Mandy Rogers confirmed there were no items to discuss for the County Attorney's Report.

PLANNING DIRECTORS REPORT

Amy Ring gave the following presentation as a summary of the Recreational Vehicle Regulations:

Recreational Vehicle (RV) Regulations

Planning Commission Regular Meeting
June 27, 2023



Background

- Planning Commission & Board of Supervisors expressed their desire to review current RV Zoning Ordinance requirements
- Coincides with previous discussion of other short-term stays, such as AirBnBs



Local Zoning Regulations

- Section 5-1001 - specifically prohibits the use of RVs as a temporary or permanent residence unless otherwise permitted.
- Section 4-2A003.B - permits RVs as temporary living quarters in permitted campgrounds, for farm stays where a water supply is provided, and as temporary emergency housing
- Section 5-2000.L – requires RVs to be stored in the side or rear yards only on residential property at least five feet from any property line.



State Regulations

Virginia Department of Health–

- Occupancy in an RV on private property requires a pump-out facility which cannot include a home's septic system or public sewer connection.
- Variances can be requested
- Three or more campsites require a temporary campground permit for up to 14 days of camping in any one 60 day period. Must be pump-out facilities available if RVs present.

Uniform Statewide Building Code (USBC)–

- RV's, campers, etc. not regulated- not considered a dwelling
- Code defines RV as "a vehicle that (i) is either self-propelled or towed by a consumer-owned tow vehicle, (ii) is primarily designed to provide temporary living quarters for recreational, camping, or travel use"
- Does not define temporary



Other Regulations

- RVs are classified as personal property covered by motor vehicle regulations and taxed accordingly.
- US Housing and Development Department (HUD) defines RVs as:
 1. Vehicles or vehicular structures not certified as manufactured homes;
 2. Designed only for recreational use and not as a primary residence or for permanent occupancy; and either:
 - a. Built and certified in accordance with NFPA 1192:15 or ANSI A119.5-15; or
 - b. Any vehicle that is self-propelled.
- HUD rule also requires labeling that notifies consumers that Park Model RVs are designed only for recreational use and not for use as a primary residence.



Local Comparison

As of June 20, 2023

Locality	Habitation in RVs
Chesapeake	No
Isle of Wight	Permitted in campgrounds, as temporary emergency shelter, and as farm stay, no more than (1), with sewer and water facilities
James City County	Not addressed
Newport News	Not addressed
Norfolk	No
Portsmouth	Defined as temporary living quarters for recreational camping, travel, or seasonal use
Southampton County	Defined as temporary living quarters for recreational, camping or travel use.
Suffolk	No
Surry County	No
Virginia Beach	No
York County	No



The Planning Commission and staff had a brief discussion on regulations.

Chairman Carroll stated this would be a continued discussion and asked to move it forward with the Board of Supervisors input.

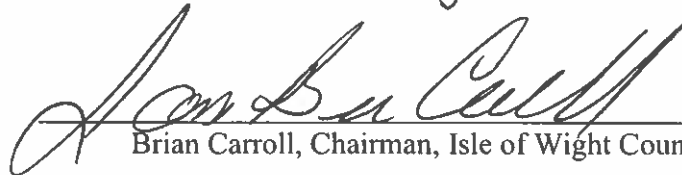
CLOSED MEETING

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

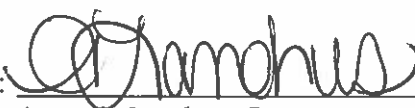
ADJOURNMENT

There being no further information to discuss, Chairman Carroll adjourned the meeting at 6:56 PM.

Adopted this 25th day of July, 2023.



Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: 

Amanda Landrus, Secretary

