

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-SIXTH DAY OF
SEPTEMBER 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 September 26, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Raynard Gibbs 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
James Ford
Jennifer Boykin
George Rawls
Thomas Distefano
Rick Sienkiewicz
Raynard Gibbs
Matthew Smith

ABSENT

Cynthia Taylor

A quorum was determined.

ALSO IN ATTENDANCE

Bobby Jones, 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 Boykin 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 Smith 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 any citizen comment on any item not up for public hearing.

Walter Freeman, 12215 Keaton Avenue, Windsor, shared concerns about lighting, buffer area and noise that is associated with an industrial use such as Tidewater Logistics Center that is proposed right next to his house.

James Villers, 12262 Keaton Avenue, Windsor, shared his concerns with the proposed Tidewater Logistics Center and hopes to work with the County for a mutual agreement.

Jill Milton, 2407 North Shore Drive, Rushmere Shores, expressed her concern with the impact of short-term rentals in her neighborhood. Ms. Milton stated a home in her neighborhood is being used as an event center for weddings and bachelor parties. Ms. Milton added it is booked every other day. She asked the Planning Commission to take the neighbors' opinions into consideration before passing the short-term rental ordinance.

Larry Morris, 2451 North Shore Drive, expressed his concerns with his neighbor who is operating a short-term rental allowing loud parties on weeknights and foul language and behavior. He added his concern with not knowing who is coming and going on the private drive.

PUBLIC HEARINGS

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

Application of NVR, Inc., applicant, and, Henry Layden, special trustee for the William Grover Yeoman, III Trust, property owner, for a Conditional Rezoning (ZA-06-19) of approximately 250 acres of property with tax map number 32-01-009 located on Benns Grant Boulevard (Rte. 10) from the Rural Agricultural Conservation (RAC) zoning district to the Conditional - Planned Development - Mixed Use (C-PD-MX) zoning district.

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

Sweetgrass Mixed Use Development Conditional Rezoning Request ZA-6-19



Planning Commission Regular Meeting
September 26, 2023

SITE DESCRIPTION

Tax Map ID#:	32-01-009
Location:	East Side of Benns Church Boulevard (Rte. 10) adjacent to Sherwin Williams Paint Store and Smithfield Town Limits
Current Zoning:	RAC, NDSO, and CBPA Overlay District
Election District:	District 1
Request:	To allow up to 390 age-restricted single family detached residential units, 225 residential townhomes, and approximately 5 acres of commercial uses up to 18,000 SF of retail & commercial uses & up to 55,000 SF of office

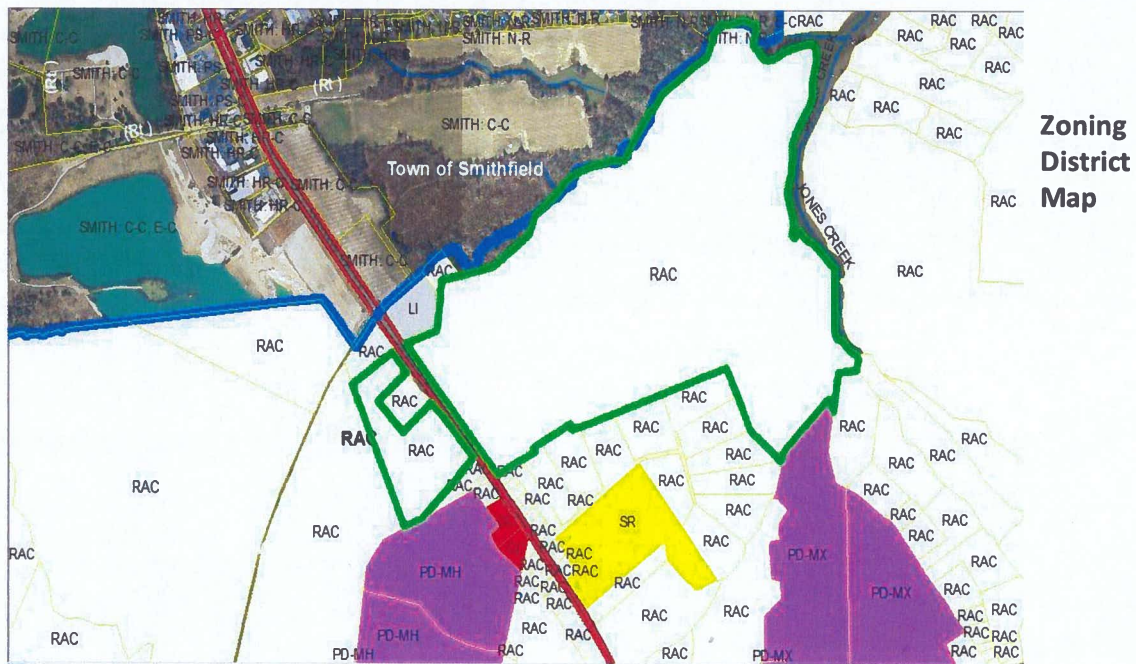




**Property
Location
Map**



**Future
Land Use
Map**



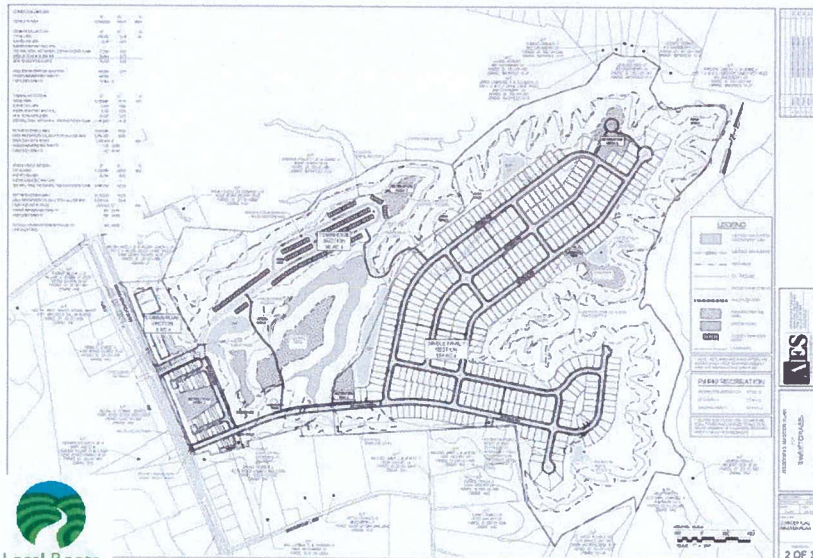
BACKGROUND

- Approx. 250 acre project site currently in agricultural and silvicultural use.
- Remaining 20 acres on west side of Route 10 is also currently in agricultural use.
- CUP currently under review for a convenience store and gasoline station on approximately 3.8 acres of the property at the southwest corner of the Turner Drive and Benns Grant Boulevard intersection.
- Historically been used for agricultural and silvicultural uses.



PROJECT DESCRIPTION

- Up to 390 age-restricted single family detached residential units
- Up to 225 unrestricted residential townhomes
- 5 acres of commercial uses to include up to 18,000 SF of retail and commercial uses and up to 55,000 SF of office uses
- Proffered master bedroom on the first floor of age-restricted units
- Fiscal impact analysis (2019)- average sales price of an age-restricted unit to be \$305,200 and townhomes to be \$258,875
- Permitted commercial uses in the PDMX zoning district- Antique shop; Business support service; Event center; Garden center; Golf course; Itinerant merchant; Micro-brewery; Motor vehicle parts/supply; Retail; Peddler; Personal improvement service; Personal service; Drive-in fast food; Fine Art Studio; Veterinary hospital/clinic; and Wholesale sales
- Enforcement of the age-restriction condition and the maintenance for all open space, recreational amenities, stormwater facilities, and landscaping shall be the responsibility of the property owner's association.



**Concept Plan
August 2023**



**Age-Restricted
Single Family
Model**



**Non-Restricted
Townhome Model
Example**



**Benns Grant
Townhome
Models**



**Benns Grant
Townhome
Models**

STAFF ANALYSIS – ENVIRONMENTAL RESOURCES

- Site lies within the Chesapeake Bay watershed area and has several wetland areas and tributary streams to Jones Creek within it which have been confirmed by the US Army Corps of Engineers.
- RPA buffer has been confirmed by the Virginia Department of Environmental Quality. Department of Conservation and Recreation has classified the areas containing the streams, wetlands, and Jones Creek as having a "high" (C3) ecological core area score. National Fish and Wildlife Service information shows the possibility of several endangered and rare species and species of concern in the general including the Bald Eagle, the northern long-eared bat, tri-colored bat, red-headed woodpecker, and several other migratory species.
- USFWS information does not identify the property as critical habitat for any of these species. Future construction on the property may be subject to time-of-year restrictions based on the breeding and migratory needs of critical species.
- Project proposes to retain and restore the full extent of the RPA and floodplain areas that are within the ecological core area except for several access road crossings.
- Lot area will not contain RPA buffer areas.



STAFF ANALYSIS – HISTORICAL RESOURCES

- Property falls within the high probability area for archeological resources according to County records.
- Applicant provided a Phase 1A Cultural Resources Analysis study with their initial application that states that there are no known archeological resources on the site, however, several of the existing buildings may be of an historic nature and recommends that a Phase I be conducted.
- Proffer statement commits to a Phase I study with further Phase II and Phase III studies as appropriate in the proffer statement.
- Studies shall be submitted prior to subdivision or site plan submittal and shall be subject to review by the Virginia Department of Historic Resources.
- County Historic Resources staff concerns are satisfied with the proffered condition.



STAFF ANALYSIS – TRANSPORTATION

- All of the streets will be public streets, except for the private drive aisles within the townhome phase which are proposed for a condominium style of ownership.
- All public roads will be required to be built to VDOT standards in order to be accepted into the state secondary street system maintenance program.
- The project proposes two entrances to serve the development from Benn's Church Boulevard (Rte. 10).
- The main entrance will be closest to the Smithfield Town boundary and will utilize an existing median cut.
- The second southern entrance will be a right in/right out entrance only with no signal.
- TIA shows an average of 6,685 new vehicle trips per day.
- Average number of new peak hour morning (6 AM to 8 AM) trips would be 521 trips and new peak hour evening (2:30 PM to 5:30 PM) trips would average 692.



STAFF ANALYSIS – TIA RECOMMENDED IMPROVEMENTS

- Construct northbound right turn lane (200' storage plus 200' taper) into right in/right out development entrance off of US 258/Rt 10 (Benn's Church Boulevard).
- Construct northbound right turn lane (200' storage plus 200' taper) into main entrance off of US 258/Rt 10 (Benn's Church Boulevard).
- Lengthen southbound left turn lane to provide 200' storage plus 200' taper into main entrance off of US 258/Rt 10 (Benn's Church Boulevard).
- Install traffic signal at intersection of US 258/Rt 10 (Benn's Church Boulevard) and main entrance.
- Install signal infrastructure to provide a protected eastbound right turn overlap at US 258/Rt 10 (Benn's Church Boulevard) and Turner Drive.
- Install flashing yellow arrows for the northbound and southbound left turn lanes at the intersection of US 258/Rt 10 (Benn's Church Boulevard) at Canterbury Lane, Cypress Run Drive, Turner Drive and the main entrance to allow lead/lag operation.
- Optimize signal timings along the corridor.



STAFF ANALYSIS – PUBLIC FACILITIES

- Capital Impact Model does not show that the proposed development will generate a need for additional capacity at existing fire and rescue or public safety facilities in the northern service area
- Fire and Rescue found that the department will see a significant increase in calls for service with a projected annual increase of 349 calls for service - 296 additional EMS calls and 53 additional Fire calls
- Model projects approximately 52 new school students - 30 elementary school students, 7 middle school students, and 15 high school students. The model results demonstrate a need for capacity expansion at the middle school.
- The new Westside, planned to function as a new middle school, is in the CIP with an estimated total cost of \$38 million. According to the proportionate share of the costs for a new middle school generated by the model is \$318,367 for seven additional students, or \$1,414.96 per household (225), after a credit is applied for future debt service contributions made as a portion of future tax payments.
- Model does not show operational impacts, such as additional staff, equipment or supply needs



STAFF ANALYSIS – PARKS AND RECREATION

1. Capital Impact Model shows that the proposed development will generate approximately 1,297 new people which will create a need for additional regional park, neighborhood park, recreational center, community center, and event center recreational facility space.
2. Proposed development will include 9.87 acres of pocket park and central park space as well as a community clubhouse facility, pool, play equipment and pedestrian trails throughout the community to help meet this need.
3. The development will also be required to install its portion of the multipurpose trail along its road frontage with Benn's Church Boulevard.
4. Applicant also proposes to preserve the RPA buffer and floodplain to the maximum extent possible which greatly increases the amount of open space in the neighborhood.



STAFF ANALYSIS – ECONOMIC IMPACT

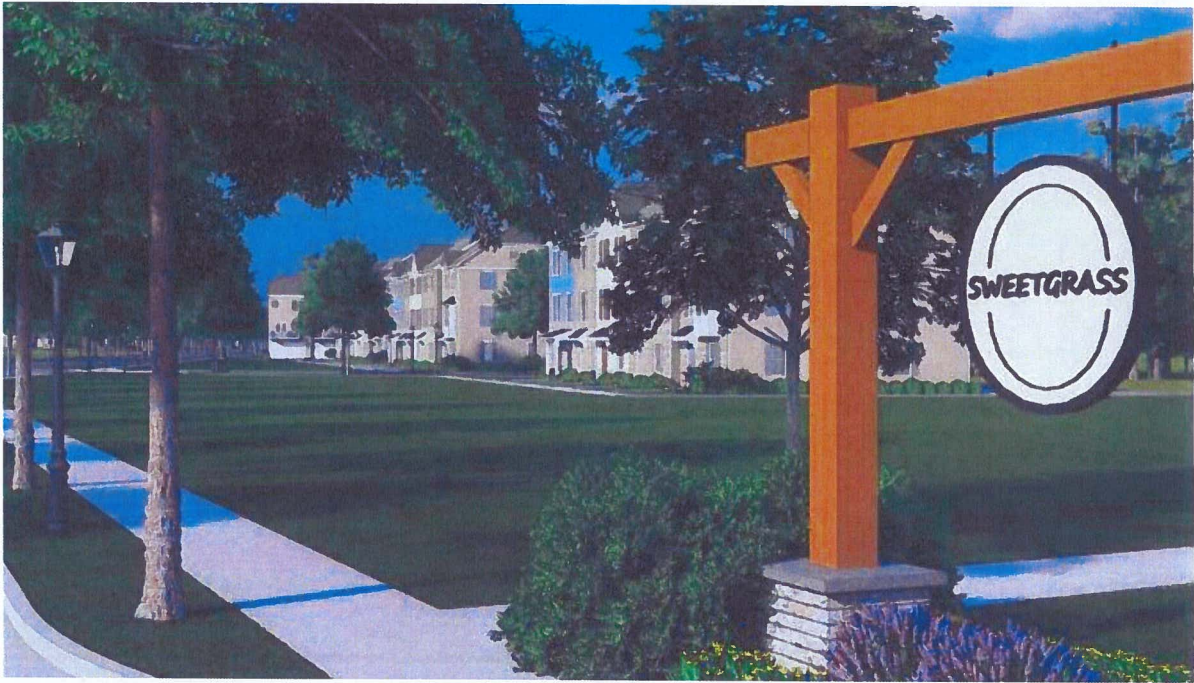
1. FIA assumes an annual absorption of 65 age -restricted single family and 38 townhouses per year with a six year build-out.
2. Average projected price of an age -restricted unit will be \$305,200 and townhomes will be \$258,875.
3. FIA concludes that the proposed development, to include both the residential and commercial uses, will generate \$43.6 million in revenue compared to \$22.7 million in expenditures over a 20 -year period, generating a \$20.9 million net surplus.
4. Costs include ongoing annual operating expenditures and capital costs that include debt financing with payments that continue beyond the last year in the model projection period.
5. Average annual revenues are estimated at \$1.05 million per year.
6. No job creation data was included in either the FIA or community impact statement.
7. Market analysis states census data shows 61,234 persons over the age of 55 in the market area. An average of 13% of this population will desire a living or lifestyle change every year. That produces 6,665 potential buyers per year and the developer maintains they can expect to capture 10% of this market, or 67 units.



STAFF ANALYSIS – VIEWSHED IMPACT

- According to the applicant, many of the residential buildings will be similar to the styles Ryan Homes built in Benn's Grant. Examples of a commercial facade are included in the commercial design guidelines.
- Conceptual site plan also includes a recreational greenspace along Route 10 which will preserve a terminal vista down to the pond and woodland at the rear of the property, preserving a portion of the historical landscape within the proposed development.







COMPREHENSIVE PLAN CONSISTENCY

- Property located in the Newport Development Service District (DSD) area described in the Comprehensive Plan as a focus area for future growth in the County. Mixed use areas are described generally in the plan as comprised of "housing mixed with office, commercial, and other uses...located on major transportation routes and at major intersections."
- Plan describes future residential development anticipated in these areas as "a mix of detached and attached single family residences, multiplexes, townhomes, and apartment style residences, [having] community amenities and preserved natural features" up to density of 14 dwelling units per acre or higher.
- The project as conceptually designed accomplishes several Comprehensive Plan policies regarding the preservation of natural resources. The Plan states that mixed -use areas should include abundant open spaces which preserve natural features (e.g., mature forest cover, wetlands, etc.) and create active - and passive-use recreational amenities such as walking and multi-use trails, playgrounds, open spaces, and natural areas for residents of the community.



DEPARTMENT AND AGENCY REVIEW

Staff distributed the application to the following departments for review and comment.

- Economic Development: No concerns.
- Emergency Services: Comments have been incorporated in the project description above. A copy of the comments are also attached to this staff report.
- Utility Services: No concerns.
- Isle of Wight County Museum: No concerns with the application, provided that the proffered archeology condition is followed.
- Virginia Department of Transportation (VDOT): No concerns with the application, provided that the proffered transportation conditions are followed.

Please note that, should the conditional rezoning request be approved, the project will be subject to site plan review and approval from all necessary agencies.



STAFF ANALYSIS

Strengths:

1. Application is generally consistent with the Comprehensive Plan and can meet all ordinance requirements.
2. Project proposes to preserve the RPA buffer area and floodplain to the greatest extent possible.
3. Proposed development will provide over 9.89 acres of park, trails, community center, pool and play areas to provide parks and recreation services.
4. Applicant proffers that all age-restricted units will have a first floor master bedroom and bathroom which will help facilitate age-friendly housing.
5. Development will include up to 18,000 square feet of retail and commercial uses as well as 55,000 square feet of office which will create employment opportunities and additional revenues to meet public facility and service needs.
6. Conceptual site plan includes a recreational greenspace along Route 10 which will preserve a terminal vista down to the pond and woodland at the rear of the property, preserving a portion of the historical landscape within the proposed development.

Weaknesses:

1. The proposed residential uses may negatively impact existing public facilities and services, such as fire and rescue services and school facilities, until such time as public expenditures are made to increase facility and operational capacity.
2. It is unclear what existing historical and cultural resources exist on the project site which may impact the final layout and design of the community.



STAFF RECOMMENDATION

Due to the development's potential to exceed the existing capacity of certain public facilities to provide an equivalent level of service to both existing and current community members, staff recommends denial of the request.



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

Tim Trant, Kaufman & Canoles, representing the applicant, gave a description of his client's project.

Chairman Carroll called for any citizen wishing to speak on this application.

Terry Kelpien, 14125 Hayloft Lane, shared his concerns about the density and traffic this subdivision will bring and asked the Planning Commission to deny the application.

Linwood Bell, 19341 Beechwood Lane, shared his concerns about an increase in crime and vandalism and asked for an enhanced barrier between this property and his. He also stated concerns with the Route 10 traffic.

Mary Ellen Bebermeyer, 355 Grace Street, Smithfield, stated she is not opposed to development at this site, but is opposed to six-hundred housing units due to the traffic concerns. She added she also had concerns with the ability of Emergency Services to handle the additional homes and asked the Planning Commission to deny the application.

Dustin Askew, 14041 Black Oak Drive, stated he was against the application due to traffic concerns.

Dr. Coleman, Deputy Superintendent of Operations for Isle of Wight Public Schools, stated the schools' concern is not for capacity but for operational costs. He stated the schools will receive a significant impact. He added the schools have the building space for the additional students but do not have enough staff. This would require one additional teacher, one bus and bus driver, special needs bus and driver and one additional special education teacher and teacher assistant

along with additional teacher resources, devices, furniture, textbooks, and technology. Dr. Coleman added that the new Westside school will possibly be able to help with the additional students in the fall of 2027 or spring 2028, if all target dates are met with no delays.

Chairman Carroll invited the applicant to respond.

Mr. Trant stated they are committed to working with the neighboring property owners and are hypersensitive to the additional landscape buffer requests. He stated the County currently has growth pressure and developing in a concentrated area prevents the negative effects from spawl. Mr. Trant stated with the age restrictions, fifty-five and older, with no residents under eighteen, their commuting patterns are during a different time. Mr. Trant added that this is developed in a way to produce a net positive fiscal impact at build out.

Chairman Carroll closed the public hearing and called from discussion from the Commission.

Bobby Jones stated the County is allowed to accept cash proffers for capital improvements only and this does not include school resources.

Commissioner Gibbs asked if there was a cap to the proffer.

Bobby Jones stated it had to be reasonable and directly attributable to the development's impact on the school.

Commissioner Gibbs stated that in 2019, the cost of the proposed houses was \$305,000 and town homes were \$258,000, and asked what the current estimate is.

Mr. Trant stated that it is still the expectation that the town houses are in the \$200,000 price range, and the single-family homes in the \$300,000 price range, possibly higher than the estimated original but still in those ranges.

Commissioner Boykin asked why a current fiscal impact analysis was not done.

Mr. Trant stated that a supplemental memo was prepared the summer of 2023, which stated the net positive cash flow was more than adequate to offset the operational cost of the project.

Commissioner Smith asked what the starting price was of similar homes and townhomes in Benns Grant.

Adam Edbauer, representing the applicant NVR, Inc., stated that currently there are no comparable townhomes for sale currently, but they were previously sold starting in the \$270,00's.

Commissioner Bowser asked for clarification if the townhomes were three stories or four and the square footage for the single-family dwelling.

Mr. Trant stated the townhomes would be three stories, and the single-family homes would be 1,500- 2,000 square feet.

Commissioner Bowser asked for clarification on how the age restriction would be enforced.

Mr. Trant stated that fair housing law prevents discrimination of age, sex, etc. However, with senior citizens having unique needs, congress passed a law to allow age restrictions specifically for senior citizens, and it is enforced by the fair housing law and homeowners' association.

Commissioner Distefano asked whether their rules allow for temporary housing of underage children.

Mr. Trant stated that he is willing to work with the County to prevent the possible situation of children living in the age restrictive homes.

Commissioner Bowser asked when the commercial portion would be built. He added that the townhomes at Benns Grant are an eyesore.

Mr. Trant stated there is not a timeline, and it is driven by market demand. Mr. Trant offered additional landscaping until the commercial area is built out.

Commissioner Smith asked for the elevations of the townhomes facing Route 10 and has concerns with the viewshed.

Mr. Trant stated that the townhomes proposed in the front are rear loaded and the end units include upgraded architecture along with landscaping.

Mr. Edbauer stated the end units have upgraded architecture and additional landscaping.

Commissioner Ford asked how many age-restricted housing units are in the County.

Ms. Ring stated that in the south end of the County, there are about 24 units. South Harbor has 340 units, and Church Square in Smithfield is age-restricted, but she is not sure how many units are in there.

Commissioner Ford asked how enforcement is done with the current age restricted housing.

Ms. Ring stated that there have not been any issues reported.

Commissioner Ford asked if there have been bus routes needed in age restricted housing.

Dr. Coleman stated he was unsure but would pull the report.

Commissioner Smith asked what the phases or timeframe looks like.

Jason Grimes, AES Consulting & Engineers, representing the applicant, stated there will be seven phases spread out over time. Amenities will be built first, and the impacts are addressed during construction.

Commissioner Boykin asked if Bennis Grant has a park or trail.

Ms. Ring stated they have neighborhood parks, a clubhouse with a pool, and trails.

Commissioner Boykin asked if Ryan homes has shown a history of what they proffer is what gets built.

Ms. Ring stated that history shows that the market has caused developers to amend their original proposed proffers.

Chairman Carroll stated that the fire and EMS departments are more than able to meet the current demand and will continue to meet the demand as the population grows.

Commissioner Boykin shared her concerns with overwhelming the police departments, fire and EMS with new calls.

Commissioner Ford stated that this corridor will be popular and needs orderly planned growth and the decision should be based on data.

Commissioner Boykin asked if this is considered orderly development.

Chairman Carroll stated that the EMS predictions seemed high, and added that in order for businesses to come, we need more houses.

Commissioner Gibbs asked how many projected units are in the pipeline.

Ms. Ring stated about 2,500.

Commissioner Gibbs stated the presentation was good but feels like it needs work.

Commissioner Smith stated his concern for affordable housing and the ability for police officers and teachers to live in the community. Commissioner Smith asked how the six year build out effects schools.

Dr. Coleman stated that schools is working on a new area report, and he will provide the information after it is presented to the school board.

Commissioner Smith said he is in favor of the project but would like more data.

Commissioner Boykin asked for the numbers of children and buses coming out of the Bennis Grant community and asked what Bennis Grant estimated for children compared to actual numbers.

Commissioner Bowser stated people want to work in Isle of Wight County and will travel.

Chairman Carroll stated he was disappointed there was no comments from Economic Development and would like to get one with the impact on the County.

Commissioner Distefano stated he would like an updated impact assessment.

Commissioner Distefano made the motion to table the application until next month. Commissioner Gibbs seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

The motion passed, and will be under Old Business next month on October 24, 2023

OLD BUSINESS

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

NEW BUSINESS

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

COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there were no items to discuss for the County Attorney's Report.

PLANNING DIRECTORS REPORT

Amy Ring gave a brief description of the changes made to the proposed short-term rental regulations since the last meeting.

Commissioner Boykin asked about the short-term rental complaint in Rushmere Shores.

Ms. Ring stated she was aware of the complaint and the property currently had multiple violations.

Bobby Jones stated this property just received its third violation letter and will now come to him for enforcement action that he believes will cover all the violations on this property.

Commissioner Boykin asked when the first complaint came in.

Ms. Ring stated she was not sure but would research.

Commissioner Ford asked if they were approved for a short-term rental.

Ms. Ring stated they are not approved for anything but a single-family dwelling.

Commissioner Rawls asked if the owner lives in the County.

Ms. Ring stated yes, the owner lives in the County.

Commissioner Smith asked what the levels of enforcement are once Bobby Jones has the violation.

Mr. Jones stated there is injunctive relief and criminal unclassified misdemeanor. Mr. Jones stated that the County typically goes with the civil route to gain compliance.

Commissioner Ford stated maybe the ordinance should be stricter on numbers and events. He asked how enforcement is possible.

Bobby Jones stated enforcement will be complaint based.

Commissioner Distefano asked if this process will increase resource demand to follow up on complaint activity.

Ms. Ring stated that once the process is in place it will be smoother, because there will be clear expectations along with new software to make the complaint and application process easier and there will be less demand for staff.

Commissioner Distefano asked if this adds any enforcement on the sheriff's office.

Ms. Ring stated they regulate disorderly conduct and noise complaints and do so already, so it does not add any new requirements.

The Planning Commission directed staff to advertise the short-term ordinance for public hearing.

Ms. Ring then gave the Planning Commission a brief introduction on the application for Tidewater Logistics Center in Windsor, since it has been in the news after being discussed at the Windsor Planning Commission meeting. Ms. Ring added that the first submittal was submitted on August 1, 2023, and a comment letter was sent back to the applicant around the first of September. Ms. Ring added that there is also conversation on what type of application needs to be submitted, so this application is premature to be reviewed by Planning Commission. Ms. Ring added that the Planning Commission will see it eventually, but most likely won't be ready for a public hearing until the end of the year due to the number of changes that need to be made.

Ms. Ring also gave a brief introduction to a recently submitted development located in the Town of Smithfield behind Tractor Supply, known as The Promontory, which is currently under review by staff.

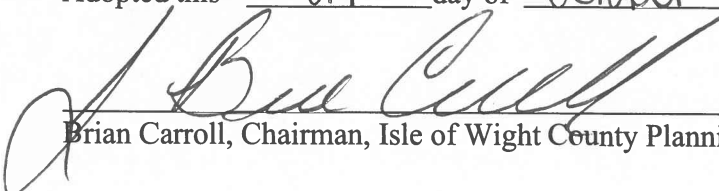
CLOSED MEETING

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 8:32 PM.

Adopted this 24 day of October, 2023.



Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: 

Amanda Landrus, Secretary