

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-EIGHTH DAY OF
NOVEMBER 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 November 28, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Bobby Bowser 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
Rick Sienkiewicz
Raynard Gibbs
Matthew Smith

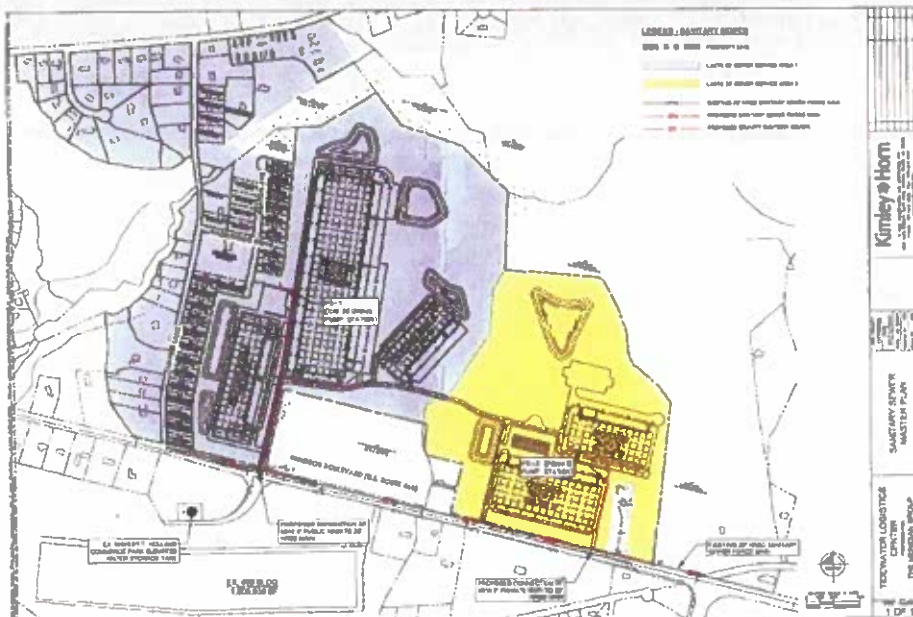
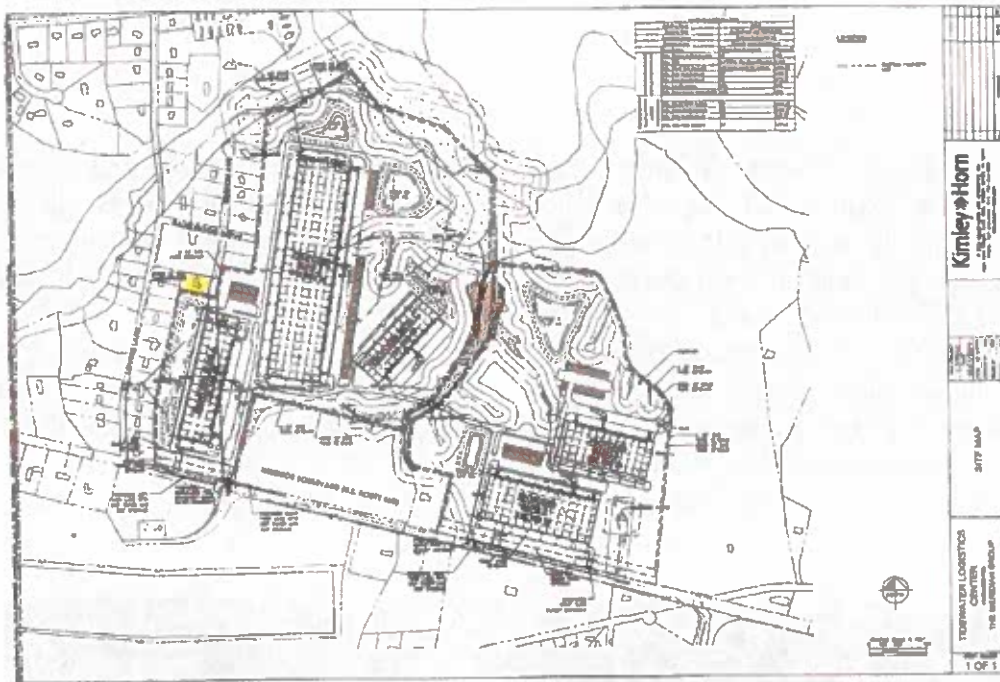
ABSENT

Thomas Distefano

A quorum was determined.

ALSO IN ATTENDANCE

Bobby Jones, County Attorney
Amy Ring, Community Development Director
Caleb Kitchen, Planner I
Amanda Landrus, Secretary



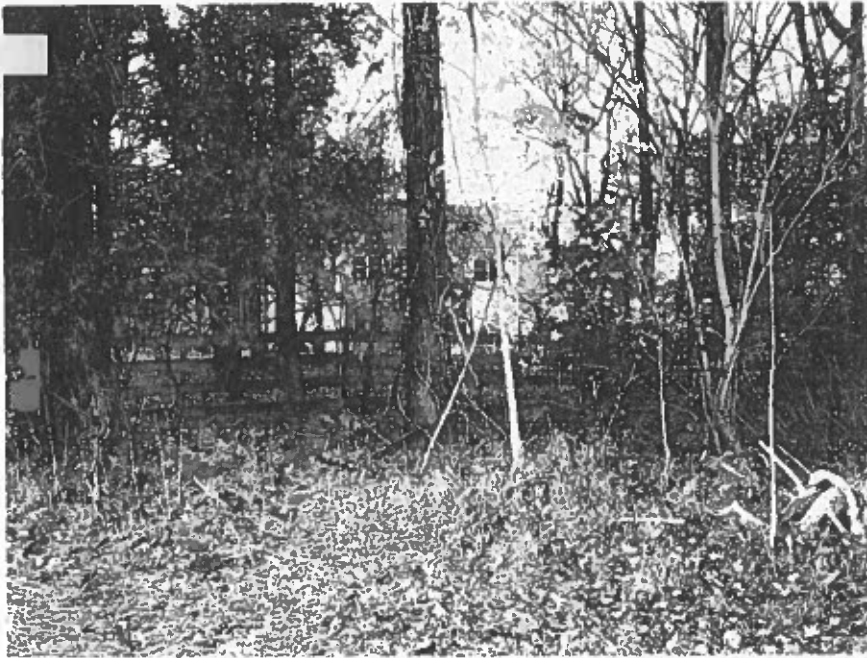


Photo from parking area looking into backyard.
No beam proposed here.



View of home illuminated at night visible from
warehouse

Burwells Bay Road (Rte. 621) on tax parcels 11-01-017, 11-01-018, 11-01-023 and 11-01-023A in the Rural Agricultural Conservation zoning district. The application includes a request to withdraw approximately 523 acres from the Moonlight Agricultural/Forestal District.

Caleb Kitchen, Planner I, gave the following presentation.

Moonlight Solar Energy Generation Major Utility Service Conditional Use Permit Request CUP-10-23

Planning Commission Regular Meeting
November 28, 2023

Site Description

- Tax Map ID#: 11-01-017, 11-01-018, 11-01-023, and 11-01-023A
- Location: Moonlight Road (Rte. 627) and Burwells Bay Road (Rte. 621)
- Current Zoning: Rural Agricultural Conservation (RAC)
- Election District: D5
- Purpose: Establish a 44 MW utility-scale solar energy facility substation on approximately 523 acres and to withdraw approximately 523 acres from the Moonlight Agricultural/Forestal District

CUP-10-23 Conditional Use Permit Request - Closeup Map #1



CUP-10-23 Conditional Use Permit Request - Closeup Map #2







The Planning Commission and Board of Supervisors shall consider the following criteria before the granting of a conditional use permit:

1. Will not be detrimental to or endanger the public health, safety, and general welfare;
2. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. Adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements will be provided;
4. Ingress and egress so designed as to minimize traffic congestion on the public streets;
5. Not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. Shall conform to all other applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and
7. Will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

Staff Analysis – Environmental Resources

- Project lies within the Blackwater River watershed area
- There are two instances of underground collection lines crossing wetlands, of which one of these includes the underground collection line crossing a Zone A floodplain along Stallings Creek.
- Department of Conservation and Recreation's Division of Natural Heritage (DCR) confirms no impacts to threatened or endangered plants or animals.
- Impacts to ecological cores classified as high, moderate, and general (C3, C4, C5) as identified in the Virginia Natural Landscape Assessment through DCR.
- Total prime farmland impact: 274 acres

Staff Analysis – Historical Resources

- Phase 1B archeological study identified 5 archeological sites – None of these sites are considered eligible for listing in the National Register or Historic Places.
- Moonlight Solar will work with landowners to give the Isle of Wight County Museum the opportunity to be a repository for any new finds.
- Phase 1 architectural study identified 21 historic structures – None of the surveyed resources were eligible for listing in the NRHP.
- Carroll Plantation House (VDHR #046-0064) has been listed as eligible for the NRHP and is located on an adjacent parcel. Previously determined potentially eligible as a good example of an early to mid-nineteenth century plantation home.

Department and Agency Review

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

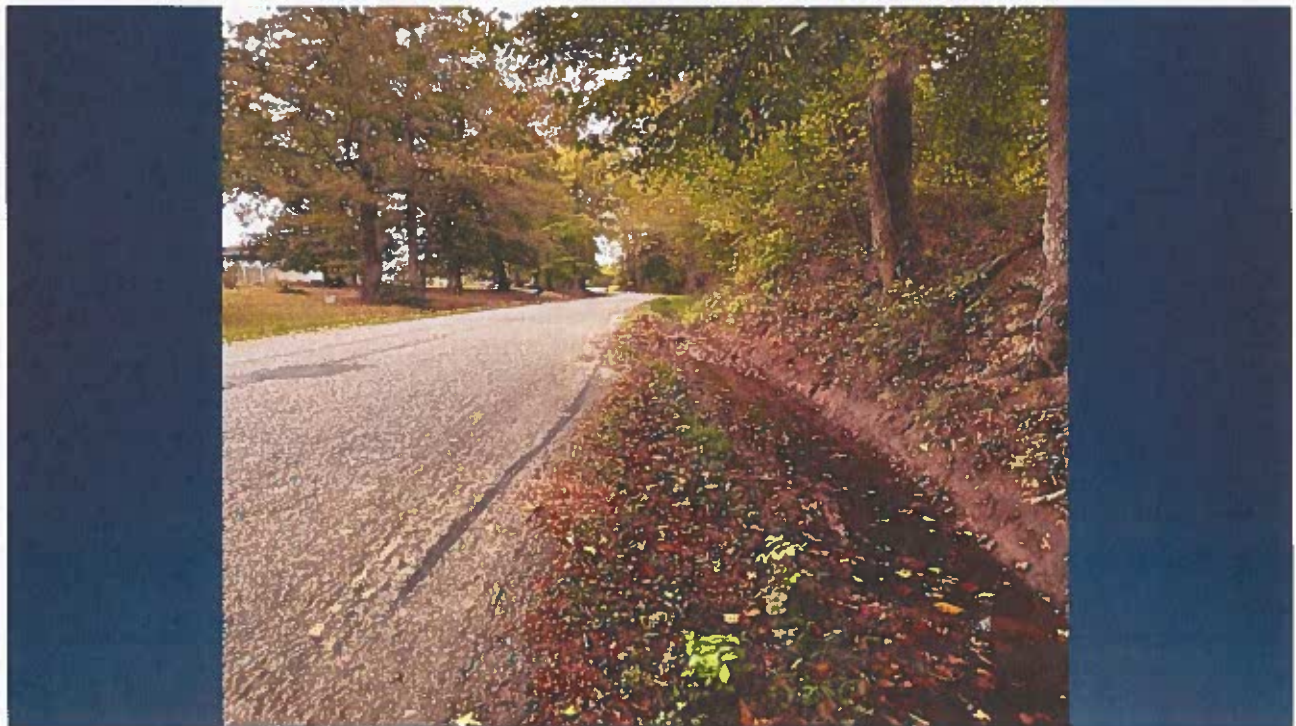
- Economic Development: No Concerns.
- Emergency Services: All concerns have been addressed in the application
- Environmental Planner: All concerns have been addressed in the application.
- Commissioner of the Revenue: The July 1, 2023 General Reassessment of Real Estate established new criteria for assessment of land associated with conditional use permits. The new methodology for solar farms establishes an assessment of \$15,000 per acre for the entire area approved for the CUP. Moonlight Solar designates a 250-acre fenced-in site as solar use property. The use permit application applies for 492.28 acres. The \$15,000 per acre assessment will apply to the 492.38 acres. This will result in an increased amount of taxes, higher than the project's financial analysis projects.
- County Attorney: Only include conditions that go above what is now required under the Zoning Ordinance.

Department and Agency Review Cont.

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

- Sheriff's Department: Increase in patrol during the construction phase and the traffic impacts on proposed transportation routes. These are primarily secondary roads with no to minimal shoulders and are also shared with farm vehicles. During the construction phase they will be bringing in heavy equipment and large vehicles which will require escorts or even road closures. Also, there being multiple sites there is a concern of the operation of heavy equipment on the roads from one parcel to another.
- VDOT: All concerns have been addressed in the application
- Isle of Wight County Museum: No additional archeological work is recommended. Potential for archeological artifacts is highly likely. Museum should be considered for repository.

Note that should this CUP be approved, it will be subject to review and approval from all associated agencies during site plan review.

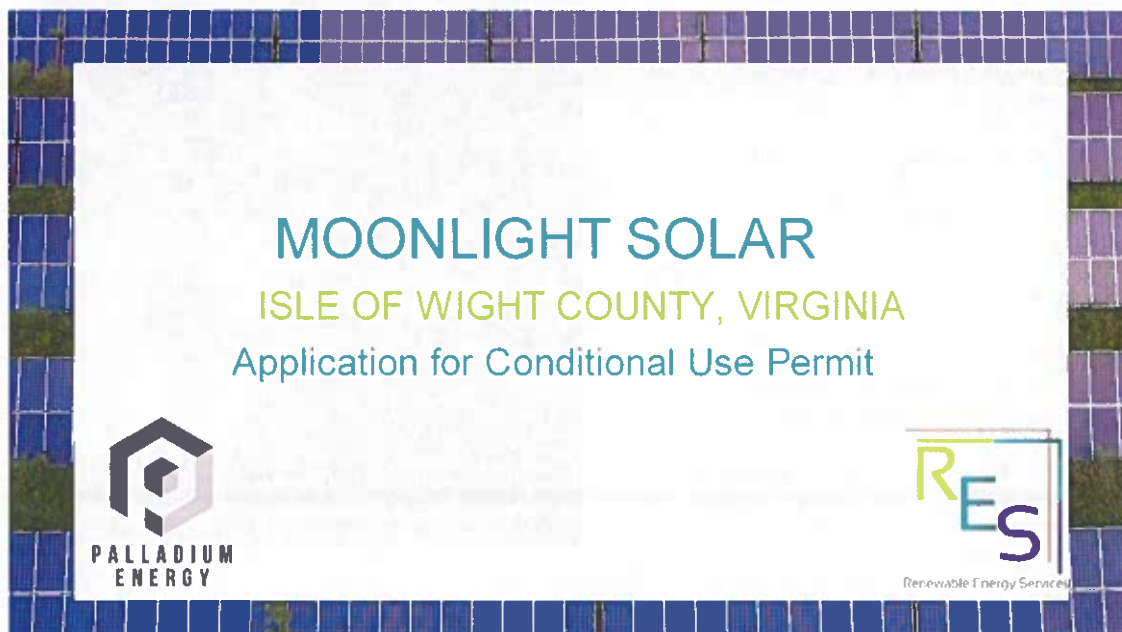


Staff Recommendation Cont.

12. As part of the site plan review, the applicant shall provide documentation that the selected panels and all power-generating equipment on-site are "Tier 1" modules, as established by the most recent "PV Module Tier 1 List" issued by Bloomberg NEF or a similar third party analysis widely accepted in the solar industry. Additionally, the make and model of the selected panels and all power-generating equipment initially installed and replaced on the site must qualify, for disposal purposes only, as non-hazardous waste under applicable U.S. Environmental Protection Agency tests (e.g. TCLP)
13. The applicant shall implement a program for the collection of baseline data establishing pre-construction soil conditions for the production of row crops for the agricultural areas within the project area. The program shall establish the relevant characteristics of the topsoil. The baseline data shall be derived from field and laboratory testing of soil conditions, including depth, density, and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality may include the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity, Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). After 30 years of operation and again after 35 years of operation, soil conditions shall be determined for the same sampling locations using the same parameters and the results used to plan soil restoration activities. After equipment is removed as part of decommissioning to return soil conditions to at least baseline conditions. The County will be provided with data of soil conditions within 30 days after receipt of the results.

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

Chance Zajicek, Development Manager with Palladium Energy, gave the following presentation.

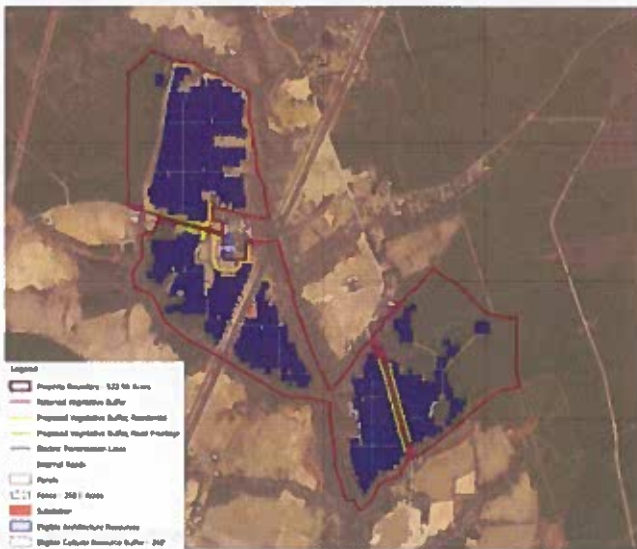


Project Location



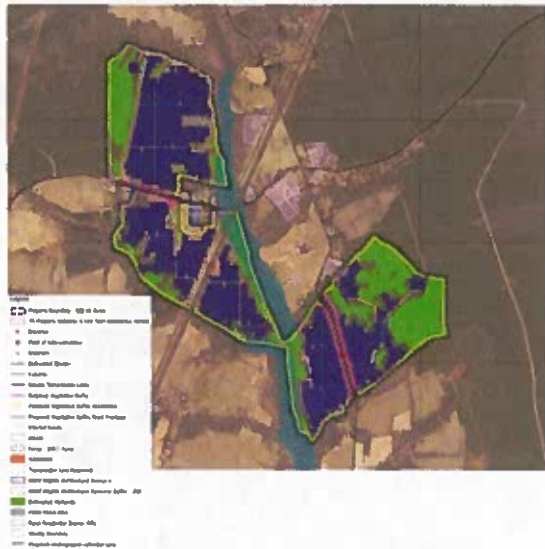
- Located approximately 5 miles northwest of Smithfield; intersected by Burwells Bay Rd. and Moonlight Rd.
- Located in Rural Agricultural Conservation (RAC)
- Located outside the Chesapeake Bay RPA
- Current Use: agriculture
- Adjacent Uses: timber, agriculture, low-density residential

Project Extent



- **Total Site Control Area: ±522 ac.**
- **Area inside the fence line: ±250 ac.**
- **Significant open space & wildlife corridors throughout the site**
- **Setbacks and vegetative buffers meet or exceed the County's ordinance**
 - 75+ ft. setback from property boundary and public ROW, 125+ ft. from residential property lines, & 250+ ft. from eligible cultural resources
 - Substation, transformer and inverters 500ft + from any non-participating property line
 - Unseen at vegetative buffer maturity – protecting the character of surrounding properties
 - Vegetative buffer planted early in construction and maintained for the life of the facility
- **Connecting to Dominion 230kV line**
 - Electrical Point of Interconnection (POI) is on-site and won't require off-site easements

Environmental



- **Protection of water resources**
 - Streams and Wetlands have been field-delineated
 - Wetland setbacks
 - Preservation of natural buffer
 - Streams and Wetlands avoided to greatest extent possible
 - Stormwater Pollution Prevention Plan (SWPPP) will be prepared prior to construction
 - BMPs will be implemented
 - All state & local laws will be strictly followed
- **Ecological Cores**
 - The Project will have minimal impact to Ecological Cores (Timmons Group, 2023)
- **Protection of wildlife**
 - Wildlife corridors
 - Native, pollinator-friendly ground cover
 - No known habitat for threatened or endangered species on site (Timmons Group, 2023)
- **Soil testing**
 - Pre-construction, post-construction, continuing every 5 years for the life of the project

Vegetative Buffer & Visualizations

- 50+ ft vegetative buffer to minimize impacts on public viewsheds and residential properties
- Existing vegetation will be preserved where possible
- Planted vegetation will be installed in areas with insufficient existing vegetation
- Early planting of vegetation during construction
- Buffers supplemented with pollinator-friendly and wildlife-friendly landscaping as needed

BURWELLS BAY ROAD AT PLANTING



BURWELLS BAY ROAD AT MATURITY



Community Outreach

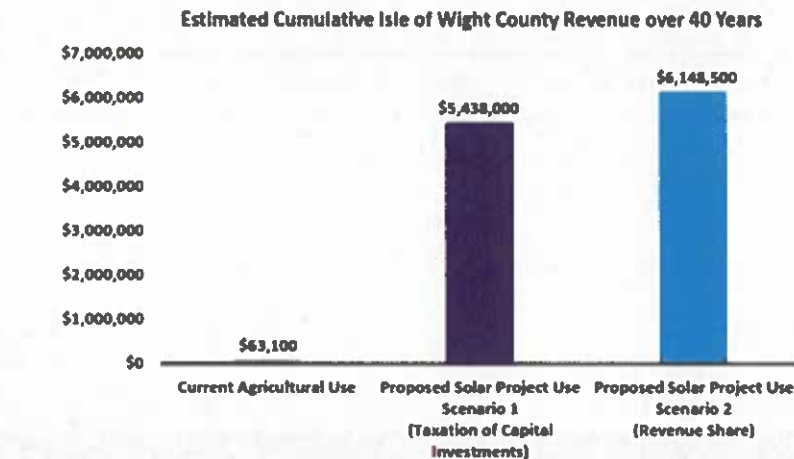
- Contacted 61 neighbors with project information and an invitation to a community meeting
- Hosted a community meeting at the Moonlight Hunt Club on 11/16/2023
 - Presentation of project information, preliminary site plans, and proposed equipment haul route
 - Total of 14 neighbors attended
 - Primary questions and concerns were largely centered around the vegetative buffers and the proposed transportation haul route
- Health and Safety assessment made available to community members

Decommissioning

- Draft decommissioning plan and cost estimate submitted with CUP application
- Final decommissioning plan to be approved by County prior to construction
- All County and State decommissioning requirements will be met
- Plan details:
 - Decommissioning security posted prior to issuance of building and electrical permits
 - Security = full amount of estimated decommissioning and reclamation costs
 - Estimated cost to decommission the facility: ~\$3.5M (Timmons Group, 2023)
 - Salvage value not included in estimated cost to decommission the facility
 - Security to be posted prior to final site plan approval
 - Security amount updated every five years

Tax Base Comparison

- Increased taxes without increased demand for tax-funded services
- Increased revenue funds County projects without raising residents' property taxes



* Estimates based on current tax rates, Taxation of Capital Investments, Siting Agreement, and Solar Revenue Share

Project Request

Requesting a deferral of recommendation for the project's Conditional Use Permit application until January 2024. During this time, we will work to address and mitigate recently identified concerns including:

- Transportation route and safety concerns with VDOT and the County
- Impacts to residential development during construction from traffic and noise
- Impacts to ecological core areas
- Dust control and mitigation during construction

Commissioner Gibbs asked if some of the components from the solar system would be left in the ground as the presentation stated.

Garret Weeks, 4446 Hendrix #356, Jacksonville, FL, representing the applicant, stated that statement was addressing the equipment's deep pile foundations that would be from the larger equipment driven down twenty to thirty feet into the ground. He added that the solution is to dig them up and cut them at three feet below grade.

Commissioner Gibbs asked how that could affect farm equipment.

Chairman Carroll stated farm equipment doesn't go three feet into the ground. He added his concern is the ability to bring the land back to its original existing conditions.

Commissioner Boykin asked if staff believed the transportation concerns could be corrected.

Caleb Kitchen stated the current proposed route makes the most sense on paper, and when looking to choose a secondary route, there are additional concerns as well.

Commissioner Smith addressed the use saturation concern and asked how many acres of this use are within the half mile of the project.

Chairman Carroll asked if the Planning Commission wanted to continue discussion, move forward with the requested deferral, or take action.

Commissioner Boykin stated she didn't believe they would bring anything back in January that would make her change her mind and is ready to take action.

Commissioner Gibbs stated that he believed the application should be allowed to come back in January.

Commissioner Taylor stated that some of the concerns are not going to change, like the 274 acres of prime farmland to be taken out of production.

Commissioner Ford asked if the only reason for the deferral is for the concerns at the community meeting.

Chace Zajicek stated the reason for the deferral is to address the concerns of the community and feedback from the staff report and would like the opportunity to mitigate some of the issues.

Commissioner Ford made the motion to recommend denial of this application to the Board of Supervisors. Commissioner Boykin seconded the motion, which was adopted with Commissioners, Bowser, Boykin, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Carroll voting in favor of the motion and no commissioners voting against the motion (9-0).

The motion passed, and the item will go to the December 14, 2023, Board of Supervisors meeting.

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



BACKGROUND

- Planning Commission held a public hearing on the proposed application at their September 26, 2023, regular meeting.
- Following the public hearing, the Planning Commission moved to continue their discussion to their next regular meeting in order to allow staff time to provide additional information to the Commission.
- Staff met with Fire and Rescue and Schools to further discuss operational impacts.
- Staff recommended no action for the Planning Commission at their October 24, 2023, regular meeting to allow more time for schools. Planning Commission voted to continue their discussion of the application to their November 28 meeting.



Revised Application Document Summary

Revised Master Plan

- Added berms along frontage of the community and added screening adjacent to Beechwood Lane which is to be accomplished by landscaping and/or fencing.

Residential Design Guidelines dated October 20, 2023

- Added additional design standards for those units adjacent to Route 10.
- Added Route 10 street view elevations for illustrative purposes only.

Commercial Design Guidelines dated October 20, 2023

- If not previously installed in connection with the development of the Commercial Area, the landscaping and buffer located on the Commercial Area adjacent to Rt 10 (Benns Church Boulevard) shall be installed prior to the issuance of the 50th C.O.



Revised Application Document Summary

Fiscal Impact Analysis Update dated October 17, 2023

- Updated with FY24 tax rate and budget information
- Project revenue down slightly to \$850,000 a year compared to original \$1 million per year, however, the revenue is shown to cover anticipated additional school operational costs, including staff and transportation



Chairman Carroll called for discussion from the Commissioners.

Chairman Carroll asked if there was anyone present representing schools.

Ms. Ring stated no one from schools is present.

CALCULATING SCHOOL IMPACT

DATA FROM ISLE OF WHITE SCHOOL BOARD MEETING ON 11.8.23

COOPERATIVE STRATEGIES
 COOPERATIVE FINANCING • EMPOWERING HOMEOWNERS FOR PROTECTION

Housing Type

	Units	22 '23	22 '21
Apartment	1,121	379	0.338
Manufactured Home	1,174	427	0.364
Single Family Home	8,380	2,888	0.345
Townhome	572	172	0.298
Total	11,247	3,866	0.344

Worksheet 4-6

	Apartment	Manufactured Home	Single Family Home	Townhome
Worksheet 4-6	0.00	0.02	0.04	0.00
Worksheet 4-5	-	0.00	0.00	-
Worksheet 4-4	0.00	0.00	0.00	0.00
Worksheet 4-3	0.00	0.00	0.00	0.00
Worksheet 4-2	0.00	0.00	0.00	0.00
Worksheet 4-1	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00

Worksheet 4-6

	Apartment	Manufactured Home	Single Family Home	Townhome
Worksheet 4-6	0.00	0.02	0.04	0.00
Worksheet 4-5	-	0.00	0.00	-
Worksheet 4-4	0.00	0.00	0.00	0.00
Worksheet 4-3	0.00	0.00	0.00	0.00
Worksheet 4-2	0.00	0.00	0.00	0.00
Worksheet 4-1	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00

Worksheet 4-6

	Apartment	Manufactured Home	Single Family Home	Townhome
Worksheet 4-6	0.00	0.02	0.04	0.00
Worksheet 4-5	-	0.00	0.00	-
Worksheet 4-4	0.00	0.00	0.00	0.00
Worksheet 4-3	0.00	0.00	0.00	0.00
Worksheet 4-2	0.00	0.00	0.00	0.00
Worksheet 4-1	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00

Worksheet 4-6

	Apartment	Manufactured Home	Single Family Home	Townhome
Worksheet 4-6	0.00	0.02	0.04	0.00
Worksheet 4-5	-	0.00	0.00	-
Worksheet 4-4	0.00	0.00	0.00	0.00
Worksheet 4-3	0.00	0.00	0.00	0.00
Worksheet 4-2	0.00	0.00	0.00	0.00
Worksheet 4-1	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00

Worksheet 4-6

	Apartment	Manufactured Home	Single Family Home	Townhome
Worksheet 4-6	0.00	0.02	0.04	0.00
Worksheet 4-5	-	0.00	0.00	-
Worksheet 4-4	0.00	0.00	0.00	0.00
Worksheet 4-3	0.00	0.00	0.00	0.00
Worksheet 4-2	0.00	0.00	0.00	0.00
Worksheet 4-1	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00

Worksheet 4-6

	Apartment	Manufactured Home	Single Family Home	Townhome
Worksheet 4-6	0.00	0.02	0.04	0.00
Worksheet 4-5	-	0.00	0.00	-
Worksheet 4-4	0.00	0.00	0.00	0.00
Worksheet 4-3	0.00	0.00	0.00	0.00
Worksheet 4-2	0.00	0.00	0.00	0.00
Worksheet 4-1	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00
Worksheet 4-0	0.00	0.00	0.00	0.00

Worksheet 4-6

	Apartment	Manufactured Home	Single Family Home	Townhome
Worksheet 4-6	0.00	0.02	0.04	0.00
Worksheet 4-5	-	0.00	0.00	-
Worksheet 4-4	0.00	0.00	0.00	0.00
Worksheet 4-3	0.00	0.00	0.00	0.00
Worksheet 4-2	0.00	0.00	0.00	0.00
Worksheet 4-1	0.00	0.00	0.00	0.00

CALCULATING SCHOOL IMPACT

TISCHLER BISE = 52 students

*COOPERATIVE STRATEGIES REPORT = 77 students

 $225 \times .34 = 77 \text{ Students}$

(Used Single Family yield metrics vs TH metrics)

Smithfield High = 26

Smithfield Middle = 13

Westside Elementary = 17

Hardy Elementary ≈ 21

COOPERATIVE STRATEGIES CORRECTED NUMBERS = 69

$$225 \times 298 = 69 \text{ Students}$$

(Using TH impact + Rounding up on per school impact)

Smithfield High = 21

Smithfield Middle 9

Westside Elementary = 18

Hardy Elementary = 21



77 Students

*Isle of White Schools commissioned Cooperative Strategies to review school Capacity. This report was presented at the Isle of Wight School Board meeting on November 8th, 2023. The information & numbers used in this presentation are from this report.

CAPACITY RESOLUTION PROPOSALS

DATA FROM ISLE OF WHITE SCHOOL BOARD MEETING ON 11.8.23

• L.F.S. 7.9 Capital Expenditure Methodology

School	20-24 Enrollment	Capacity	Utilisation	• Standing Employment	Future Utilisation	Facilities Considerations
Carleton Elementary (Pres. 6)	1,061	1,095	96%	112	100%	Additional, or construct new North side elementary
Carleton Elementary (Pres. 6)	1,061	1,095	96%	112	100%	Additional, or construct new North side elementary
North Elementary (Pres. 6)	1,205	1,160	79%	120	61%	Additional, or construct elsewhere if longer than current
North Elementary (Pres. 6)	1,205	1,160	79%	120	61%	Additional, or construct elsewhere if longer than current
George F. J. Jr. Middle (7-8)	948	1,100	79%	120	61%	Continue to track enrollment trends
George F. J. Jr. Middle (7-8)	948	1,100	79%	120	61%	Continue to track enrollment trends
Southside High (9-12)	1,824	2,415	79%	179	88%	Continue to track enrollment trends
Southside High (9-12)	1,824	2,415	79%	179	88%	Continue to track enrollment trends

• L.F.S. 7.9 Capital Expenditure Methodology

School	20-24 Enrollment	Capacity	Utilisation	• Standing Employment	Future Utilisation	Facilities Considerations
Carleton Elementary (Pres. 6)	1,061	1,095	96%	112	100%	Additional, or construct elsewhere if longer than current, or construct new North side elementary
Carleton Elementary (Pres. 6)	1,061	1,095	96%	112	100%	Additional, or construct elsewhere if longer than current, or construct new North side elementary
North Elementary (Pres. 6)	1,205	1,160	79%	120	61%	Continue to track enrollment trends
North Elementary (Pres. 6)	1,205	1,160	79%	120	61%	Continue to track enrollment trends
George F. J. Jr. Middle (7-8)	948	1,100	79%	120	61%	Continue to track enrollment trends
George F. J. Jr. Middle (7-8)	948	1,100	79%	120	61%	Continue to track enrollment trends
Southside High (9-12)	1,824	2,415	79%	179	88%	Continue to track enrollment trends
Southside High (9-12)	1,824	2,415	79%	179	88%	Continue to track enrollment trends

**COOPERATIVE
STRATEGIES
PROVIDED MULTIPLE
SOLUTIONS
WITHOUT BUILDING
NEW FACILITIES**

SUMMARY

- \$850,000 positive fiscal impact annually
- Project revenues cover all potential increased operational expenses raised by School Division
- Over \$250,000 reduction in water fees annually

Mr. Edbauer stated that was correct and has also offered to do a cash in lieu due to the other potential development in the area if that's a better scenario.

Commissioner Boykin asked why the underage clause was taken out of the age restriction rules.

Ms. Ring stated it was due to a concern brought up at the September meeting, that even with that 90-day limit, a potential impact on the schools may be created if the child moved in at any point in the school year.

Commissioner Boykin stated that at completion, Bennis Grant was projected to generate only 384 students and currently has 363 students with the subdivision not complete. She shared her concerns with the projected numbers being conservative.

Commissioner Smith asked how the berm can be addressed.

Ms. Ring stated she has seen more examples of more bad examples of berms than good ones, and over time, the berms tend to become overgrown. Ms. Ring added it does not look natural and does not promote pedestrian activity. Ms. Ring stated she would suggest additional landscaping, fences, walls, and increased building design criteria.

Commissioner Boykin asked if proffers could be changed.

Bobby Jones stated a proffer could only be changed with the Boards approval.

Commissioner Taylor stated that she still has concerns with the traffic in this area with the upcoming development.

Commissioner Ford made the motion to defer this application to the December Planning Commission Meeting. Commissioner Bowser seconded the motion, which was adopted with Commissioners, Bowser, Ford, Gibbs, Smith, and Carroll voting in favor of the motion and Commissioners Boykin, Rawls, Taylor, and Sienkiewicz voting against the motion (5-4)

NEW BUSINESS

Chairman Carroll called for the New Business item.

Application of Elizabeth K. Russell, property owner, for a height exception to Section 4-2006.A of the Zoning Ordinance for a proposed single-family dwelling, to be located at 9615 Old Stage Highway on property with tax map number 13-01-048C which will exceed the maximum height of 35 feet by eight feet, eight inches for a total height of 43 feet, 8 inches.

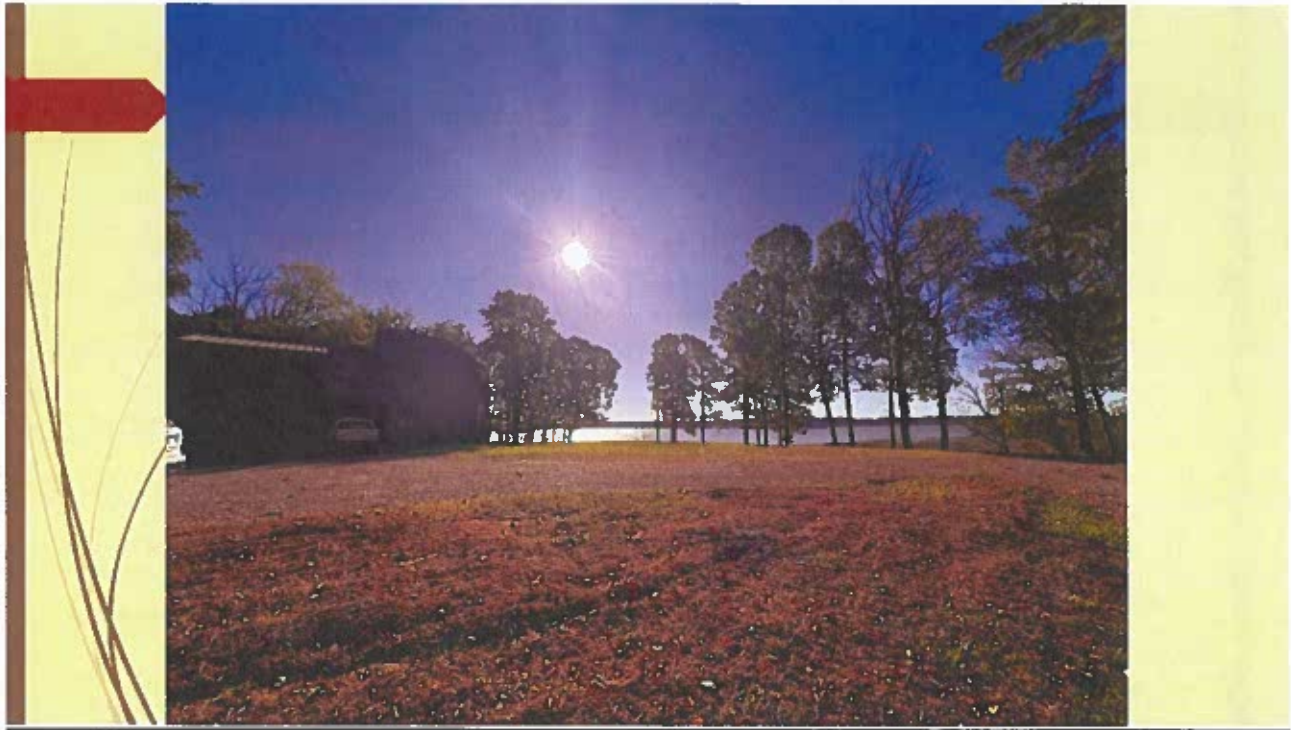
Caleb Kitchen gave the following presentation.

Background

- Two-story single-family dwelling constructed June 2020.
- Applicant applied for zoning and building permits to construct a large expansion of the existing home in September 2023.
- Owner is requesting a building height exception in accordance with Section 5-2000.D.5 for an expansion of an existing single-family dwelling to exceed the maximum building height in the RAC zoning district (35 feet) by 8'8" for a total of 43'8".

EXC-11-23 Height Exception Request - Location Map





Comprehensive Land Use Plan Review

- Future recommended land use designation for the subject property is Rural Agricultural Conservation (RAC) and Environmental Conservation (EC).
- Role of the RAC designation is to maintain and conserve rural character and farmlands, and to provide for a full range of agricultural and farming activities and related uses, along with some low-density residential development.
- EC encompasses familiar wetland types such as marshes, rivers, streams, resource protection areas, and a protective buffer around those features. It also includes large areas of forested wetlands which often are not as discernable as wetlands.

Staff Analysis

Strengths:

1. The proposed structure is not visible from Old Stage Highway and may only have limited visibility from along different points looking across the Pagan River.

Weaknesses:

1. The proposed building height exceeds the maximum height permitted in Section 4-2006.A of the Zoning Ordinance.
2. The Property owner has the ability to meet the Zoning Ordinance requirement and granting approval would grant her a special privilege not otherwise enjoyed by other property owners.

Staff Recommendation

Staff Recommends denial of the request due to the ability of the property owner to meet the Zoning Ordinance requirements without an exception.

William Riddick, legal representative, stated the applicants learned that a height exception would be required during the plan review process for the addition. Mr. Riddick stated this is a 500-acre parcel, and this exception will have no affect to neighboring properties and asked for the Planning Commission's favor in approving this application.

Commissioner Taylor asked if they are able to meet the height restriction.

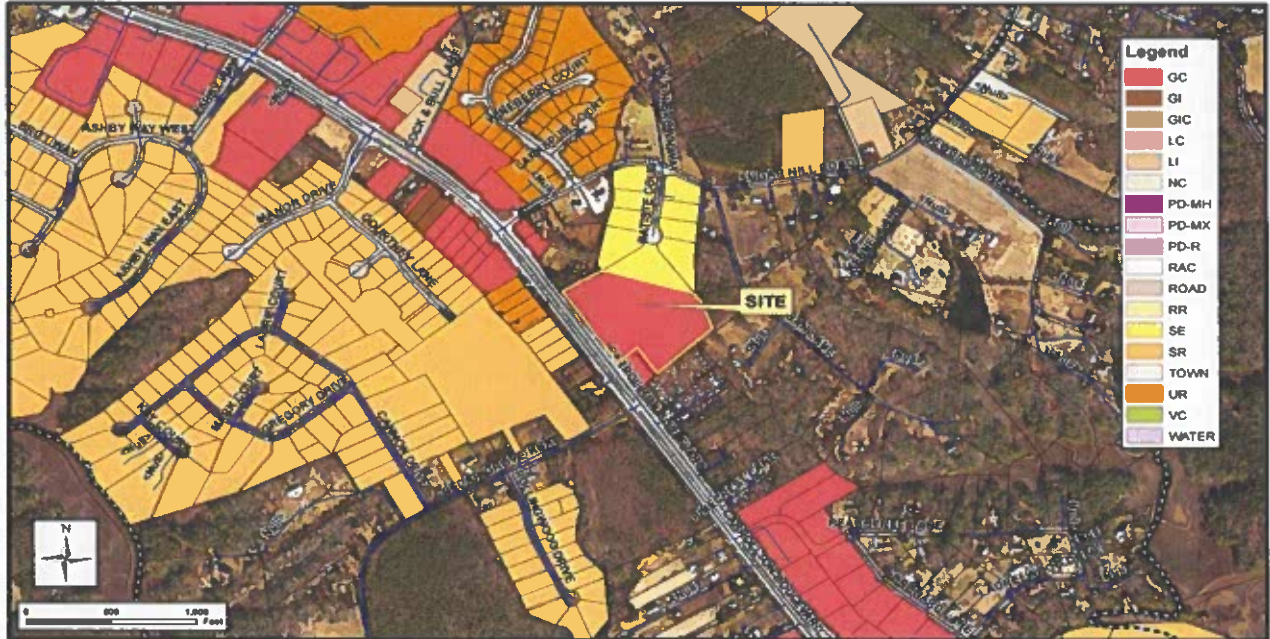
Details

Tax Map ID#:	34-01-108
Location:	15411 Carrollton Boulevard
Current Zoning:	Conditional-General Commercial (C-GC)
Election District:	D2
Purpose:	Exception to Section 6-2010.A.1.b, Section 6-2010.A.1.c, and Section 6-2010A.3 of the Newport Development Service Overlay (NDSO) District regulations. The purpose is to allow for an exception to the NDSO architectural guidelines for nonresidential uses to allow metal exterior walls along the street-facing storage unit buildings.

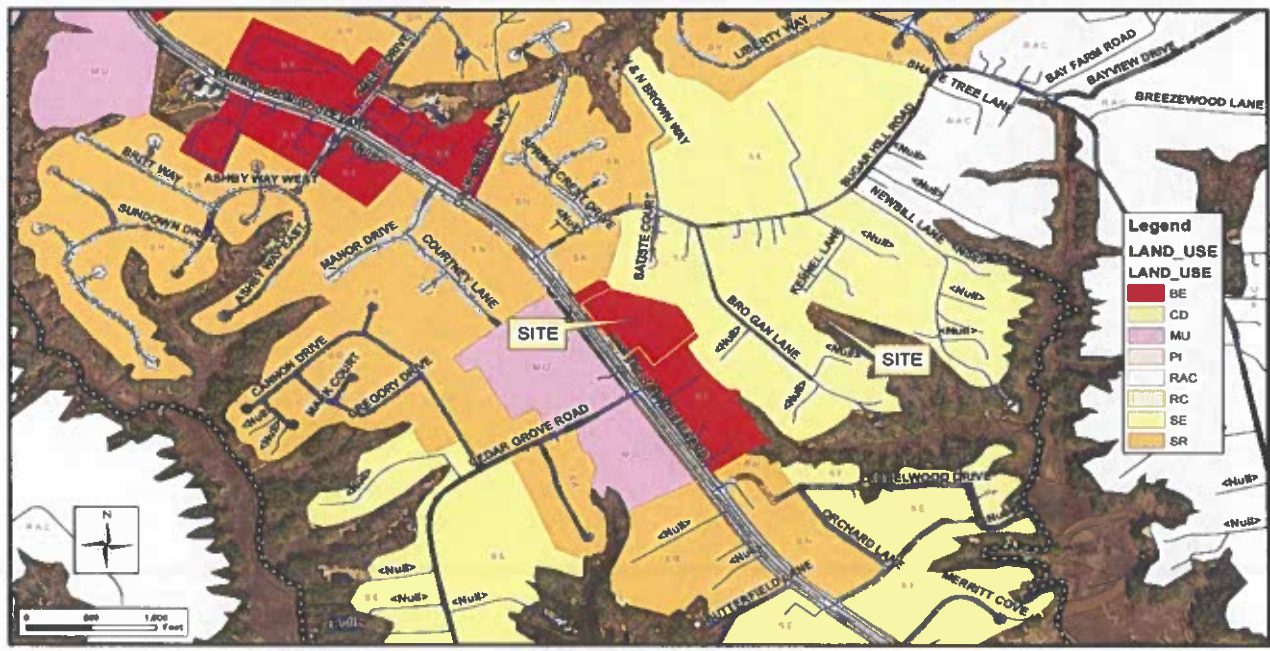
Background

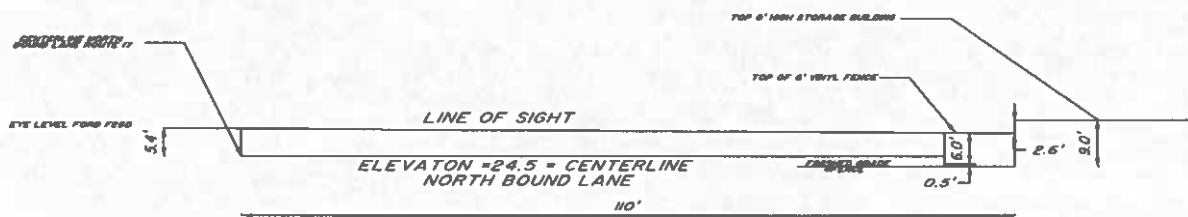
- Rezoned to C-GC in 2008 with proffers limiting use types.
- Proffers were amended in 2019 to allow for additional uses that are generally consistent with those permitted by right in the GC zoning district.
- Applicant submitted a site plan in December 2022 to establish a miniwarehouse commercial use, specifically SAWCO South Self Storage.
- Upon review, staff communicated to the applicant that the two storage unit buildings that are visible from the public right-of-way along Carrollton Boulevard must meet NDSO architectural standards.
- Applicant submitted building elevations showing the metal-sided buildings to be 9 feet in height, and similar in design to the storage unit buildings at SAWCO Self Storage, located at 15111 Carrollton Boulevard.

EXC-10-23 Zoning Map



EXC-10-23 Land Use Map





Future Land Use Analysis

The recommended future land use designation is Business and Employment. The 2020 Comprehensive Plan states that building design which promotes the character and values stated in the NDSO regulations is encouraged. Architectural guidelines are recommended for non-residential structures to ensure compatible and positive aspects of the district's visual experience from the arterial roadways. Buildings should reflect an individual design that considers site location, conditions, intended use, and the character/building mass of the surrounding properties.

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 Recommendation

Based on the analysis and the criteria for an exception to the NDSO district design standards, staff recommends denial of the application because it does not meet all of the criteria for an exception approval set forth in Section 6-2011 of the Zoning Ordinance.

Chairman Carroll invited the applicant to speak.

Melissa Sawyer Vick, representing the applicant, shared the following presentation.

SAWCO SOUTH SELF STORAGE EXCEPTION REQUEST

PLANNING COMMISSION MEETING

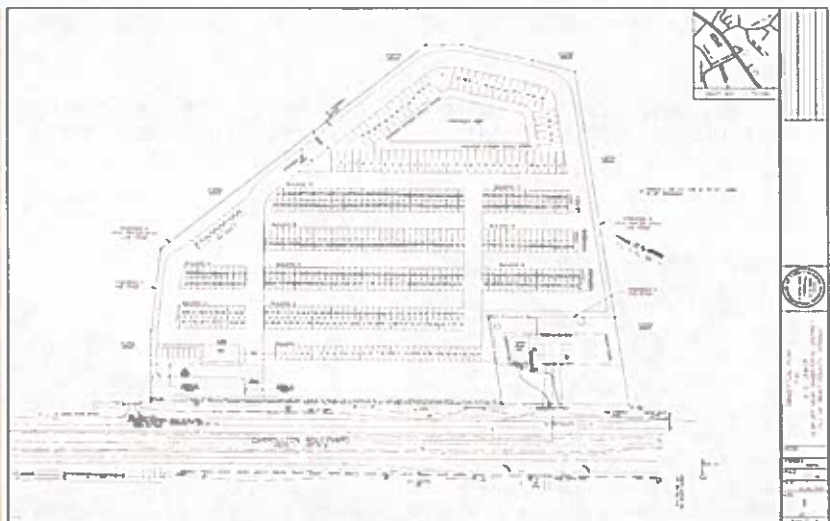
NOVEMBER 28, 2023

IT IS LOCATED BETWEEN CLAYTON AUTO PARTS, INC. (JUNKYARD) AND SHARON VINCENT'S INSURANCE OFFICE ON THE SOUTHEAST SIDE AND SINGLE-FAMILY RESIDENTIAL ON THE NORTHWEST SIDE, AND TO THE REAR OF THE SITE.



SITE LAYOUT

- The office building will be located on the property's frontage, facing Carrollton Boulevard.
- The office will be located behind the required 50' minimum visual buffer, and has been designed to meet the architectural requirements of the NDSO with windows on 50% of the building facing Carrollton Boulevard.



We believe we have addressed the Weaknesses identified by staff, as follows:

Staff Weakness #1. The proposed storage unit building facades will not meet NDSO requirements for nonresidential uses.

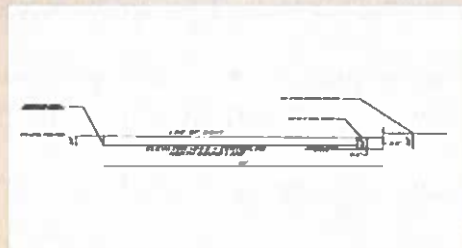
➤ **Response:** The NDSO provides for exceptions on a case-by-case basis, based upon the following: 1.The exception shall be no less beneficial to the residents or occupants of the development, as well as neighboring property, that would be obtained under the applicable regulation; 2.That the exception is reasonable because of the high level of design and construction that will be incorporated in the development;3.That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

- ✓ We are proposing a quality view that is no less beneficial for the neighboring property. We believe that focus of the site to be the brick office building which will certainly add value to the adjacent properties, and which meets the NDSO requirements.
- ✓ We propose that the remainder of the site will maintain a remote, secure setting by putting everything behind the fence which will be nicely landscaped and recessed behind the required NDSO setback.
- ✓ We are leaving much of the visual buffer in place and visually screening the storage units.

✓ **Therefore, we believe we meet the criteria for an exception and we hope that you will act favorably on our request.**

Staff Weakness #2.The proposed development is new construction and has the ability to meet the design requirements.

- ✓ The NDSO does not specifically address every situation and not every project or site has the same characteristics.
- ✓ We propose to install a 6' vinyl fence with recesses that jog behind the brick building and the adjacent insurance site keeping much of the mature landscaped buffer (maintaining the rural nature of the site) in addition to installing the required amount of landscaping per the ordinance provisions.
- ✓ Only the top 2.6' of the storage units will be visible from travelers on Rt. 17 based upon the units being set back farther than required and as shown in the exhibit below.



- ✓ **Again, we believe that the recessed fencing along with the natural, existing, and enhanced bufferyard design will effectively break the visual monotony of the 2 units in question.**

Amy Ring clarified that this rezoning was approved in 2019, and the staff report addressed the design requirements for the NDSO district.

Commissioner Smith asked if the brick would be required to completely to the roof line.

Ms. Ring stated that only the part visible would be required to meet the NDSO requirements.

Ms. Vick stated that she is willing to add any elements to the top part of the structure if that would help to get approval. She added that the road is approximately three feet higher than the grade of the property.

Commissioner Sienkiewicz asked if they would be required to raise the grade of the building to match the road.

Mitch Wilcox, engineer representing the applicant, stated the first buildings match the existing grade of the road and slopes to the back. He added that several existing trees have been left along with the six-foot fence to provide screening for the building.

Commissioner Bowser made the motion to recommend approval to the Board of Supervisors Commissioner Ford seconded the motion, which failed with Commissioners, Bowser, Ford, voting in favor of the motion and Commissioners Boykin, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Carroll voting against the motion (2-7)

This application will move forward to the Board of Supervisors with the recommendation of denial from the Planning Commission.

COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there were no items to discuss.

PLANNING DIRECTORS REPORT

Amy Ring confirmed there were no items to discuss.

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 8:40 PM.