

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-SEVENTH DAY OF
AUGUST IN THE YEAR TWO THOUSAND AND TWENTY-FOUR**

CALL TO ORDER

Bobby Bowser, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on August 27, 2024, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Chairman Bowser delivered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Bowser invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Bobby Bowser, Chairman
Thomas Distefano, Vice-Chairman
Cynthia Taylor
James Ford
Jennifer Boykin
George Rawls
Rick Sienkiewicz
Raynard Gibbs
Matthew Smith

ABSENT

Brian Carroll

A quorum was determined.

ALSO IN ATTENDANCE

Amy Ring, Community Development Director
Bobby Jones, County Attorney
Don Robertson, Assistant County Administrator
Trenton Blowe, Planner II
Sandy Robinson, Planner II
Caleb Kitchen, Planner I
Amanda Landrus, Secretary

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

Chairman Bowser asked if there were any requests to table or withdrawal agenda items. Amy Ring stated there were no requests.

APPROVAL OF AGENDA

Chairman Bowser called for a vote to approve the agenda. Commissioner Taylor made the motion to approve the agenda. Commissioner Smith seconded the motion. Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

APPROVAL OF CONSENT AGENDA

Chairman Bowser made a correction to the date on the July 23, 2024, meeting minutes. Commissioner Smith made the motion to approve the consent agenda with the date correction in the July 23, 2024, meeting minutes. Commissioner Boykin seconded the motion. Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

James J. Villers Jr., 12262 Keaton Avenue, Windsor, wanted to restate the information that Glen Willis has been sharing at previous Planning Commission meetings about the request to change industrial setbacks from residential neighborhoods.

PUBLIC HEARINGS

Chairman Bowser called for the first public hearing on the following item:

Application (AFD-1-24) of Todd and Kristi Bryant, owners, to withdraw 27 acres of land located near Trump Town Road (Rt. 651) on Elmwood Lane on tax map parcel 29-01-029 from the Courthouse Agricultural District. The purpose of the application is to convert 27 acres of existing agricultural land to forested wetlands.

Sandy Robinson, Planner II, gave the following presentation.

Application of Todd and Kristi Bryant to Withdraw Land from the Courthouse AFD



Planning Commission Regular Meeting
August 27, 2024

SITE DESCRIPTION

Tax Map ID#: Part of 29-01-029

Location : Elmwood Lane/Trump Town Road

Current Zoning : RAC

Election District: D3

Request: Withdraw 27 acres from the Courthouse AFD to convert to wetlands bank

BACKGROUND

- Existing uses currently consist of one home site, approximately 10 acres of woods, 43 acres of agricultural land, and approximately one-half acre of swamp.
- Project site is on the west side of Trump Town Road.
- Request is for a wetlands restoration project in order to create a wetlands bank.
- Proposed use is permitted in the Rural Agricultural Conservation (RAC) zoning district, however the use does require removal from the district, because the wetlands restoration area will require a dedicated easement which will prohibit the future use of agricultural and silvicultural uses.
- The A/F Committee voted to recommend approval of the request at its July 3, 2024, meeting.

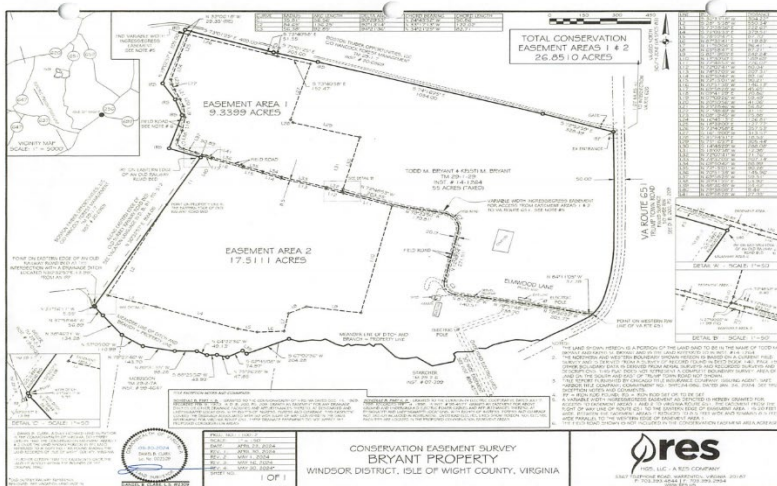
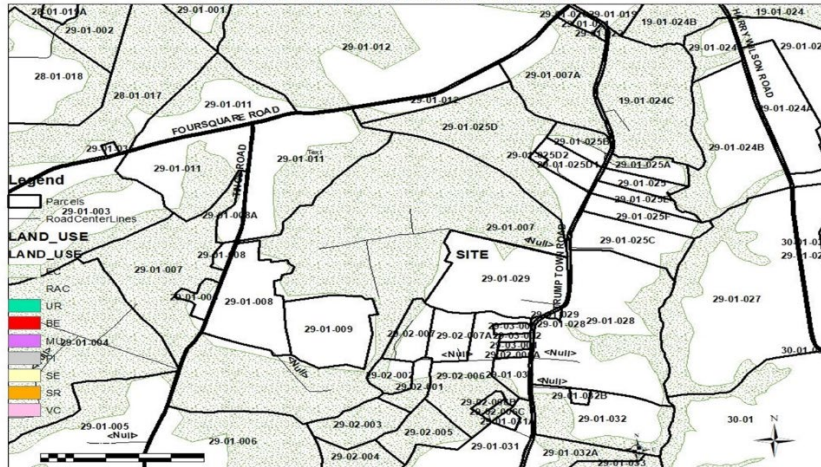
MISC-1-24 BRYANT- A & F DISTRICT MAP



AF-01-24 AGRICULTURAL FORESTAL DISTRICT APPLICATION
LOCATION MAP



MISC-1-24 BRYANT- LAND USE MAP





STAFF CONCLUSIONS

Strengths:

- Proposed use is compatible with the existing land uses in the vicinity and within the guidelines of the future Recommended Land Use Plan Designation.

Weaknesses:

- None determined at this time.



STAFF RECOMMENDATION

Staff recommends approval of the request to remove the parcel from the Courthouse AFD.

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

Anna Stewart Lambert, Project Manager with RES, gave the following presentation.

Who is RES?

- RES is an ecological restoration provider, specializing in stream and wetland mitigation



RES Wetland Restoration



Project Overview

Provide wetland mitigation services by restoring forested wetlands on agricultural land that was previously wetland. Mitigation for permitted wetland impacts for upgrades on an existing utility corridor.

- **Location:** 11456 Elmwood Lane, Windsor, Virginia 23487
- **Size:** ~26 acres
- **Protective instrument:** Protected in perpetuity under a conservation easement
- **Soils:** Mineral flatwood soils (hydric)
- **Zoning:** Rural Agricultural Conservation (RAC)

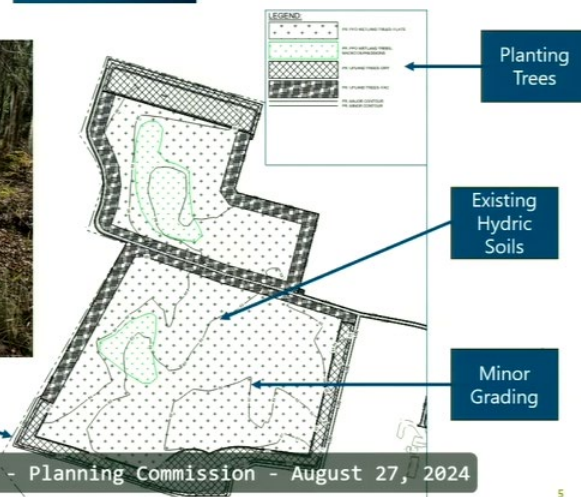


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Wetland Restoration Plans

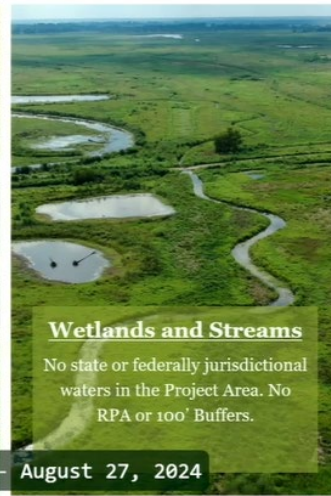
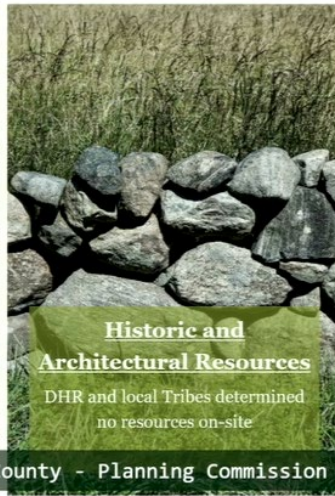


Plugging
Ditches



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Sensitive Resources



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© RES 2024

Community Benefits

- Aligns with goals of the County's Comprehensive Plan
- Maintain rural character and open spaces
- Enhance County's native vegetative cover
- Protected from development in perpetuity
- Improve water quality by reducing runoff, filtering pollutants, and recharging groundwater supplies
- Provide wildlife habitat
- All cut/fill will remain on-site
- No negative impacts to existing road networks, traffic patterns, emergency services, schools, or recreation areas



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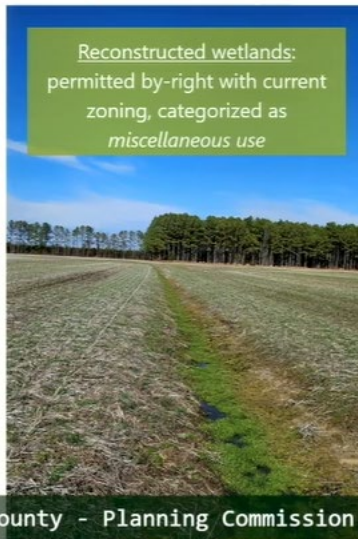


Agricultural and Forestal District

Agricultural Forestal Districts 2022



Reconstructed wetlands: permitted by-right with current zoning, categorized as miscellaneous use



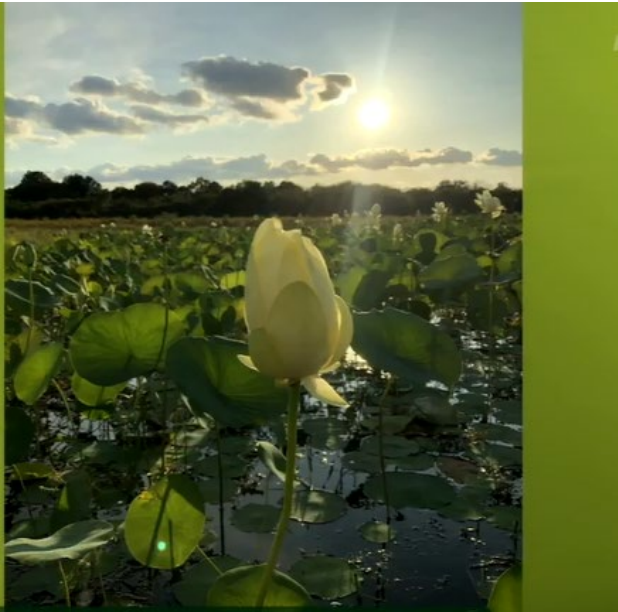
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Questions?

Anna Stuart Lambert

Project Manager

alambert@res.us | 804.729.8984



There being no public comment, Chairman Bowser closed the public hearing and call for discussion from the commissioners.

Commissioner Taylor asked if there were wetland credits being sold from this project.

Ms. Lambert stated that this mitigation is to serve an existing linear utility project due to no wetland credits available to purchase.

Commissioner Rawls asked if they would be utilizing all 27 acres.

Ms. Lambert stated that this project is producing more credits than the lease needs and is considered one of the benefits of this project.

Commissioner Boykin asked if the utility project is local.

Ms. Lambert stated this project is in the watershed but not entirely in the County.

Commissioner Smith asked how long it would take to complete the wetland restoration project.

Ms. Lambert stated they are anticipating just a couple of months and hoping to be done by the end of the year.

Chairman Bowser asked if the County has had this type of application before.

Amy Ring stated that this is the first project of this type.

Commissioner Boykin asked if there was a negative impact from this project.

Ms. Ring stated the only disadvantage is that this is removing agriculture land from production.

Commissioner Rawls asked if any of the 27 acres is prime farmland.

Ms. Lambert stated that she didn't believe it was due to the amount of ditching that was needed to make farming viable.

Commissioner Boykin asked if any piece of property could be turned into wetland.

Robin Bedenbaugh, wetland mitigation designer, stated that not just any land can be turned into a wetland. He stated that they look for sites that have hydric soils that were once wetlands, and they restore wetlands that were turned into farm land.

Commissioner Ford asked how long before the project reaches full maturity.

Mr. Bedenbaugh stated between fifteen to twenty years for wetland to grow enough to provide wildlife and between forty to fifty years before the trees are all full maturity.

Commissioner Gibbs asked if there are other projects currently being worked on.

Mr. Bedenbaugh stated not in this County, but they are working on multiple projects in general and are constantly looking for sites to restore wetlands.

Commissioner Gibbs made the motion to send this application to the Board of Supervisors with the recommendation of approval. Commissioner Ford seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

The motion passed unanimously, and the item will go to the Board of Supervisor's September 19, 2024, meeting.

Chairman Bowser called for the next public hearing item.

Application (ZA-05-24) of Coastal Investors, owners, to rezone .237 acres located on Bennis Church Blvd. (Rt. 10) tax map parcel 32-01-061 from Planned Development – Mobile Home to Conditional General Commercial to enlarge commercial parcel 32-01-061C

Sandy Robinson, Planner II, gave the following presentation.

Change of Zoning Request of Coastal Investors from PD-MH to C-GC

**Planning Commission Regular Meeting
August 27, 2024**



SITE DESCRIPTION

Tax Map ID#:	Part of 32-01-061
Location :	Red Oaks Drive
Current Zoning :	Planned Development Mobile Home Park (PD-MH)
Election District:	D3
Request:	Rezone .237 acre to Conditional – General Commercial (C-GC) to add to an adjoining parcel

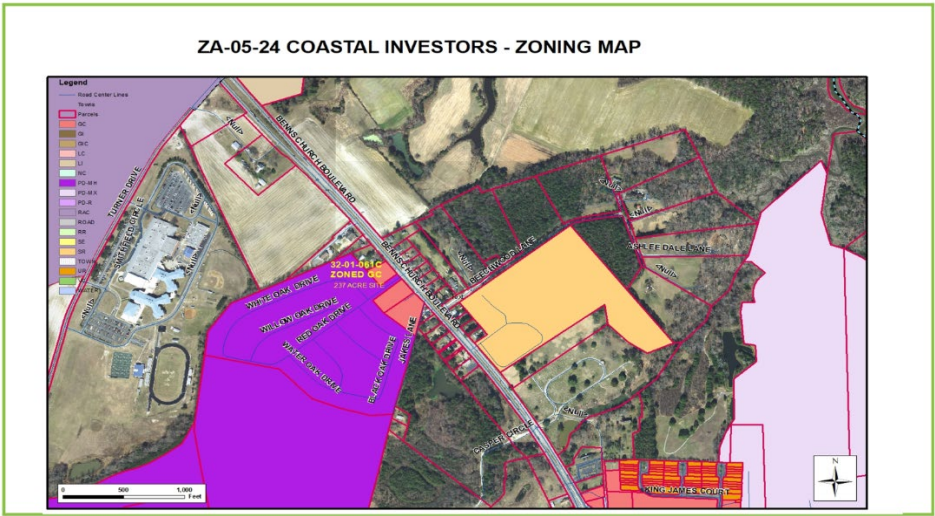
BACKGROUND

- Property is located off the west side Bennis Church Blvd. and on the north side of Red Oaks Drive. The property is adjacent to commercial property to the south and north and residential property to the west. The property is bounded by Bennis Church Blvd. on the east. The area has a mixture of residential and commercial properties.
- Mobile home park has developed prior to 1970 and enlarged through subsequent conditional use permits.
- Parcels 32-01-061B and 32-01-61C on Bennis Church Blvd were rezoned to General Commercial in January 1971.
- Request is to specifically add the .237 acre to Benn's 32-01-061C to allow for adequate area for commercial development.
- Owner has conditioned the rezoning of the .237 acres to be added to the adjoining parcel 32-01-061C within 12 months of approval of the rezoning.

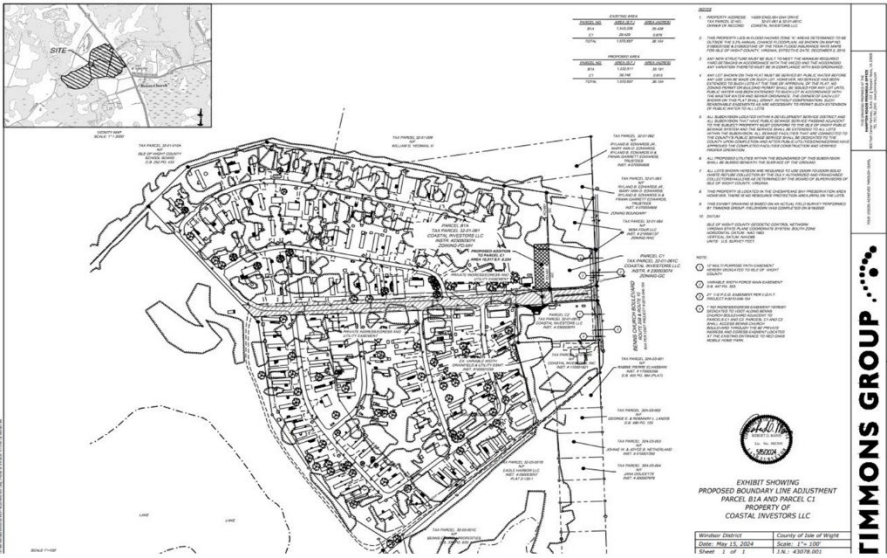
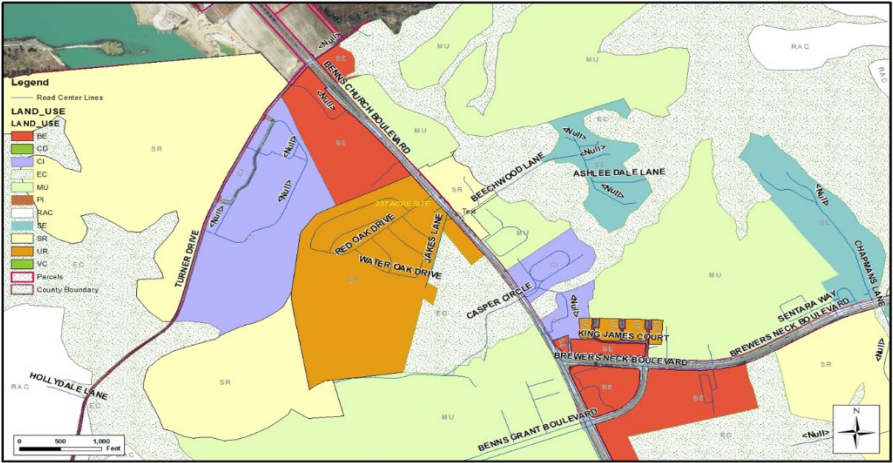
ZA-05-24 COASTAL INVESTORS - LOCATION MAP

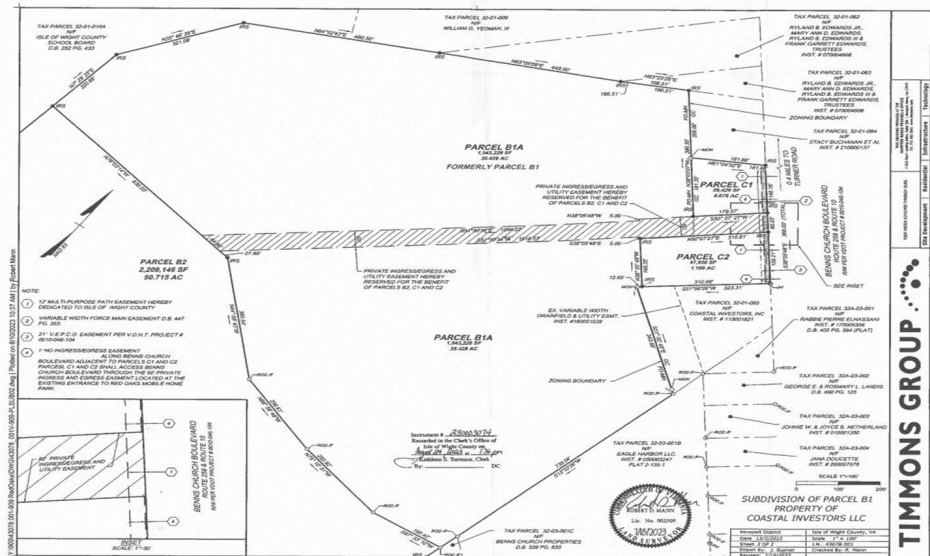


ZA-05-24 COASTAL INVESTORS - ZONING MAP



ZA-05-24 COASTAL INVESTORS - LAND USE MAP







STAFF CONCLUSIONS

Strengths:

1. The proposal will help bring additional business to the County.
2. The proposal will not negatively impact adjacent properties.

Weaknesses:

1. Not consistent with the UR designation on the future land use map.

STAFF RECOMMENDATION

Based on the strengths of the application, staff recommends approval of the application with the proffered conditions as submitted by the applicant.

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

William Riddick, legal representative for the applicant, stated that increasing the size of the existing commercial zoned parcel will make it more attractive to potential buyers. He stated this is needed due to the current requirement for setbacks, parking and landscaping.

There being no citizen comment, Chairman Bowser closed the public hearing and called for discussion from the commissioners.

Chairman Bowser asked if the questions received from the citizens were because they didn't understand what this application was about.

William Riddick stated that he was certain of that.

Commissioner Sienkiewicz asked if the side setback from the office building will be okay.

Ms. Robinson stated there will be a setback between the two zoning districts, and it can be met.

Commissioner Distefano asked if there were existing proffers on this parcel.

Ms. Robinson stated it was rezoned in 1971 with no conditions.

Commissioner Distefano asked what will happen if the plat isn't recorded within the twelve-month timeframe.

Bobby Jones stated the zoning would revert to the original zoning district.

Commissioner Gibbs made the motion to send this application to the Board of Supervisors with the recommendation of approval. Commissioner Boykin seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

The motion passed unanimously, and the item will go to the Board of Supervisor's September 19, 2024, meeting.

OLD BUISNESS

Amy Ring confirmed there were no old business items.

NEW BUISNESS

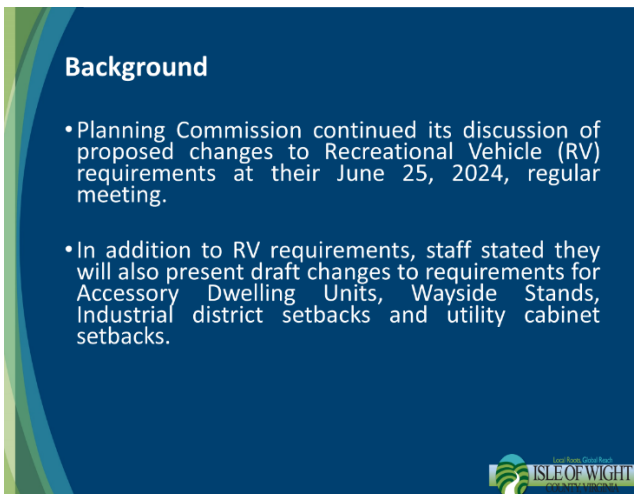
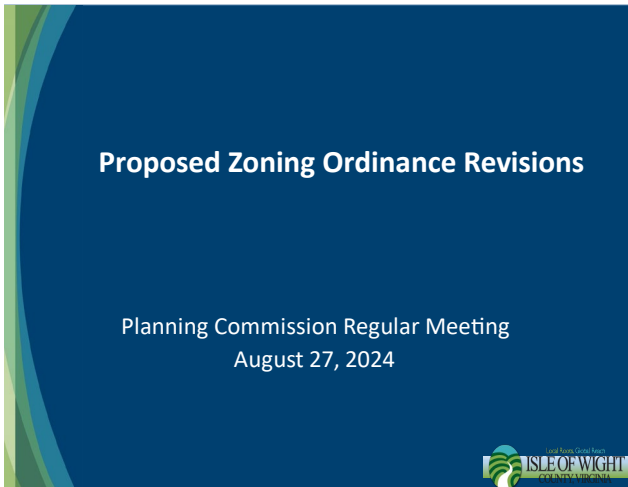
Amy Ring confirmed there were no new business items.

COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there were no items.

PLANNING DIRECTORS REPORT

Amy Ring gave the following presentation on the Proposed Zoning Ordinance Revisions.



Wayside Stands

Sec. 5-5001. - Supplementary use regulations for agricultural use types.

K. Wayside stand. A structure may be permitted for the display and sale of agricultural and fishery products grown and produced on premises subject to the following standards:

1. A zoning permit is required for first year's operation.
2. A wayside stand structure shall not exceed seven hundred fifty (750) square feet in floor area and ten (10) feet in height and must be in compliance with the applicable standards of the Virginia Uniform Statewide Building Code.
3. All structures shall ~~meet the minimum yard setback requirements of the underlying zoning district~~ be located outside of the required 25 foot sight triangle formed by the intersection of the driveway and the public or street rights-of-way in accordance with Section 5-2000.O. It shall be located so as to provide safe ingress and egress from public or street rights-of-way.
4. All wayside stands and related structures shall be considered seasonal or temporary in nature.



Industrial District Setbacks

Sec. 4-11005. Limited Industrial - Bulk regulations

C. Minimum setback requirements:

1. Front yard: Thirty-five (35) feet.
 - a. Industrial uses shall meet a setback of one hundred (100) feet, except that office buildings associated with the industrial use may meet the minimum thirty-five (35) feet setback.
 - b. For lots within designated industrial park of twenty (20) acres or more, office buildings associated with the industrial use shall meet a setback of thirty-five (35) feet.
2. Side yard: Twenty (20) feet.
3. Rear yard: Twenty (20) feet.
4. For parcels directly adjacent to a residential use or district, the minimum setback shall be 250 feet from the property line for all improvements, such as buildings, parking lots, drive aisles, storage yards and similar features.

****Item 4 also proposed for GI & GIC districts**



Utility Cabinet Setbacks

Sec. 5-2000. - Supplementary density and dimensional regulations.

H. Projections and yard setback modifications.

8. Exemption of yard setback requirements for electrical, water or wastewater utility cabinets. Utility cabinets measuring no more than six feet high and eight feet wide shall be allowed to encroach into required yard setbacks and shall be located outside of any required sight line or sight triangle.



Accessory Apartments

Section 5-5002.A

- An accessory apartment may be located either in a primary dwelling unit or as a separate accessory building or as part of an accessory structure on the same lot or parcel as the primary dwelling.
- The maximum floor area of an accessory apartment in a primary dwelling shall not exceed one thousand (1,000) square feet or thirty-five percent (35%) of the living area of the primary dwelling, excluding garages, breezeways, etc., whichever is less. The maximum floor area of an accessory dwelling or an accessory apartment in an accessory building shall not exceed fifty percent (50%) of the floor area of the principal dwelling or one thousand two hundred (1,200) square feet, whichever is less.



A brief discussion was had on the proposed ordinance changes, and it was agreed that the recreational vehicle, wayside stand and accessory apartment ordinance revisions were ready to go to public hearing, and the industrial use setbacks and utility cabinet revisions were not ready, as additional information is needed before going to public hearing.

Commissioner Taylor made the motion to send the recreational vehicle ordinance revisions to public hearing at the next Planning Commission Meeting. Vice-Chair Distefano seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

Commissioner Boykin made the motion to send the wayside stand ordinance revisions to public hearing at the next Planning Commission Meeting. Commissioner Smith seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

Commissioner Boykin made the motion to send the accessory apartment revisions with the revisions that were discussed to public hearing at the next Planning Commission Meeting. Commissioner Gibbs seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Bowser voting in favor and no Commissioners voting against.

These three items will go to the September 24, 2024, Planning Commission meeting.

Ms. Ring stated that at the August 1st 2024, Board of Supervisors Work Session, the Board made a motion to direct the Planning Commission to take an intensive look at the sign ordinance. Ms. Ring stated that she would send the current sign ordinance out to the commissioners to begin to review, and she would be getting a list together of current sign complaints and violations in the County and a list of staff's concerns.

ADJOURNMENT

There being no further information to discuss, Chairman Bowser adjourned the meeting at 7:26 PM.

Adopted this 24 day of September, 2024

Bobby A. Bowser

Bobby Bowser, Chairman, Isle of Wight County Planning Commission

Attest: Amanda Landrus

Amanda Landrus, Secretary