

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWELVETH DAY OF
NOVEMBER 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 November 12, 2024, 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 Bowser invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Bobby Bowser, Chairman
Thomas J. Distefano, Vice-Chairman
Brian Carroll (late)
Cynthia Taylor
James Ford
Jennifer S. Boykin
George Rawls

ABSENT

Matthew Smith
Raynard Gibbs

A quorum was determined

ALSO IN ATTENDANCE

Amy Ring, Community Development Director
Bobby Jones, County Attorney
Sandy Robinson, Planner II
Amanda Landrus, Secretary
Kristi Sutphin, Economic Development Director

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 Ford seconded the motion. Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

CONSENT AGENDA

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

CITIZENS' COMMENTS

Chairman Bowser called for citizen comment.

Glen Willis, 24291 Lovers Lane, Windsor, shared the following setbacks document with the Planning Commission.

Setbacks and Impact Factors							
Zone/Use and setbacks from Existing IoW Code							
Zone/Use	Setback	Noise	Odor	Impacting factor			
				Light	Visual	Health	Other
Warehouse (L)	20Ft	Trucks	Diesel	Yes	Yes	Diesel fumes	Traffic
Child Care	60 ft	Children	No	No	No	No	
Golf Course	100 ft	People	No	No	No	No	
Auto Repair storage	100 ft	Auto	Potential	No	Potential	Minimal	Traffic
Public pool	125 ft	People	No	No	Minimal	No	
Solar	125+50 ft (residential) 250 ft (cemetery)	Equipment	No	No	Yes	RF	
kennel	200 ft	Dogs	Dogs	No	Potential	No	
Crematorium	200 ft	No	Smoke	No	No	Potential	
Landfill	200 ft	Trucks	Garbage	Potential	Yes	Potential	
Commercial pool	200 ft	People	No	No	Minimal	No	
Campground	300 ft	People	No	Potential	Potential	No	Traffic
Adult Entertainment	2500 ft	Auto	No	No	Yes	No	Clientele
Livestock processing	2500 ft	Trucks/animals	Animals	Potential	Potential	Minimal	

Mr. Willis stated that he does not agree with the setbacks to be measured from a residence instead of the property line. Mr. Willis asked for adequate setbacks for incompatible uses adjacent to residential.

With there being no further citizen comments, Chairman Bowser closed citizen comments.

PUBLIC HEARINGS

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

Application (REZN-24-6) of Karen Marie and Robert B. Meade, owners, for a change in zoning classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of approximately six acres which includes a proffer for no further subdivision of the new lot.

Sandy Robinson, Planner II, gave the following presentation.

**Application ZA-24-6
Meade Rezoning
to
Conditional Rural Residential**

Planning Commission Regular Meeting
November 12, 2024

Site Description

- Tax Map ID: 59-01-001D
- Location: Bows and Arrows
- Current Zoning: RAC
- Election District: D5
- Purpose: Rezone approximately 6 acres to C-RR for one single family residential lot.

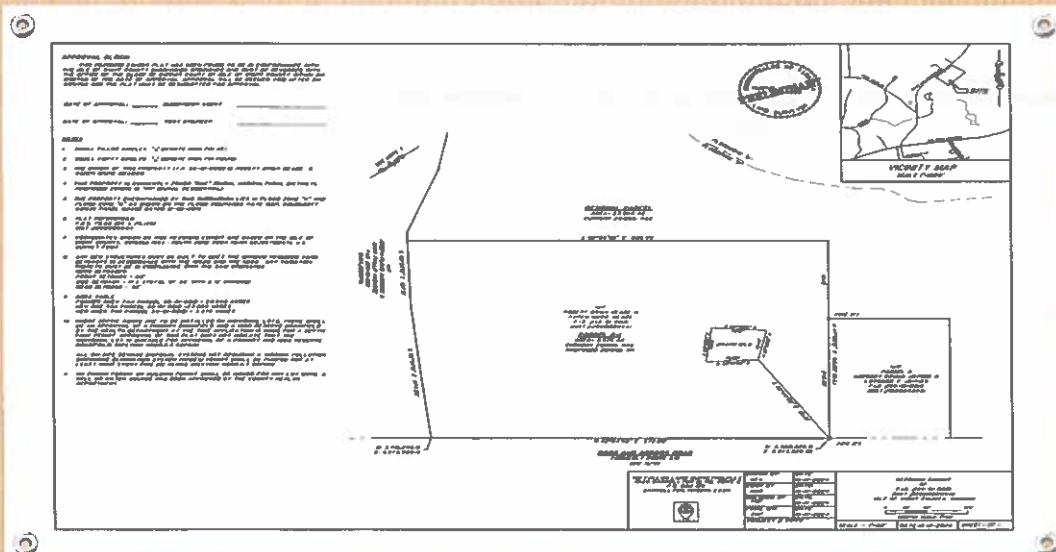
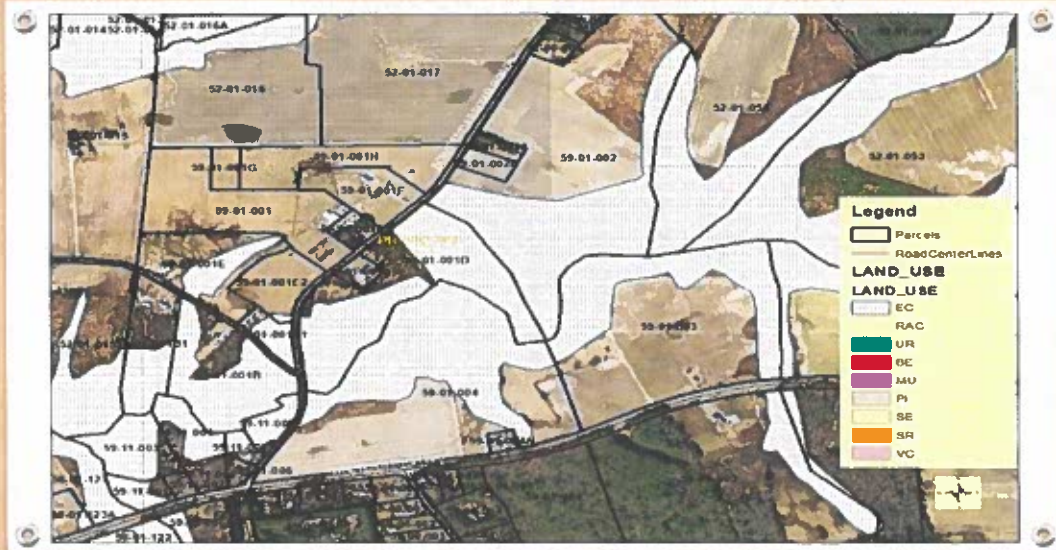
Background

- Property, created in 1968, is vacant and wooded, contains approximately thirty acres
- Rural Residential Zoning District provides for one new single family residential lot based on the acreage of the tract
- If rezoning is approved this property has no more rezoning options
- Proffer excludes new lot from any family member transfers
- The Capital Impacts Model results show there is existing capacity for public facilities in the southern service area.

Background

- Proposed zoning to C-RR is consistent with the future Recommended Land Use Map.
- Request meets the minimum requirements of the RR zoning district.
- Proposed new lot does not contain a special flood zone designation.
- Property is not in Chesapeake Bay Preservation Area Overlay District







The following departments have no concerns with the rezoning application as presented:

- General Services
- Fire and Rescue
- Environmental Planner
- Virginia Department of Transportation
- AOSE (Adams Septic Evaluation and Design)
- County Attorney

Strengths:

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

Weakness:

- None determined at this time.

Staff Analysis

Based on the strengths of the application, staff recommends approval of the rezoning application as conditioned.

Recommendation

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

Karen Meade, 56062 Duck Town Road, stated that they would like to sell this property to a distant family member, so they may utilize it to its full potential.

Chairman Bowser closed the public hearing and called for discussion from the commissioners.

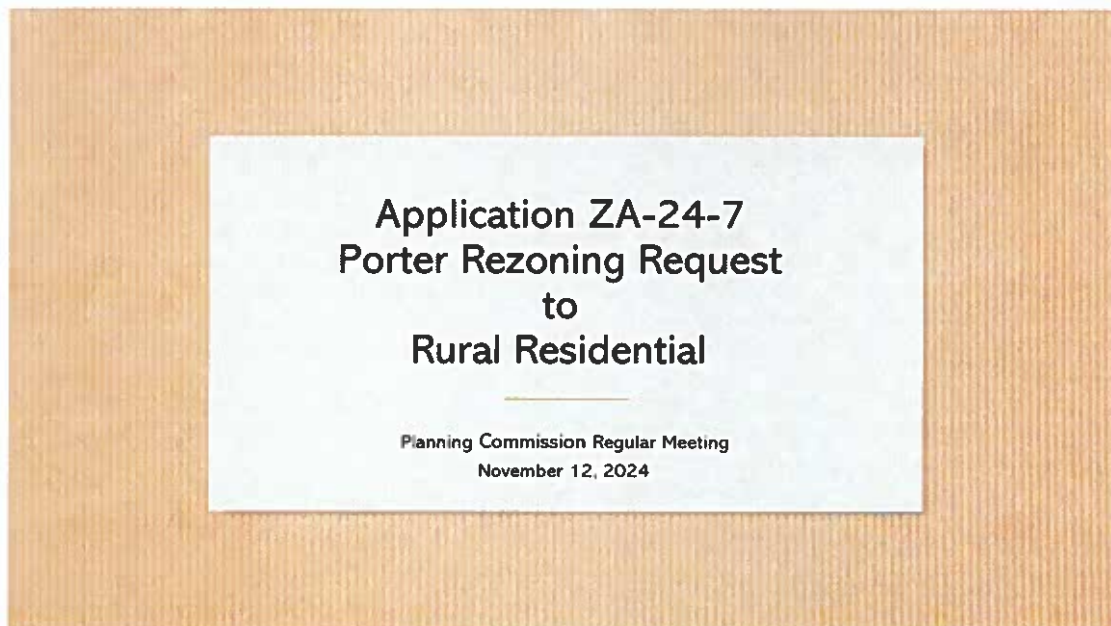
Commissioner Distefano stated that he didn't have any concerns with the application and made the motion to send this application to the Board of Supervisors with the recommendation of approval. Commissioner Boykin seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Carroll and Bowser voting in favor, no Commissioners voting against (7-0).

The motion passed unanimously, and the item will go to the Board of Supervisors on December 12, 2024.

Chairman Bowser called for the following public hearing item:

Application (REZN-24-7) of Anthony Porter, owner, for a change in zoning classification from Rural Agricultural Conservation (RAC) to Rural Residential (RR) of 1.68 acres. The application includes a waiver to Section 4-3004 of the Zoning Ordinance to allow a private driveway on a primary state highway.

Sandy Robinson, Planner II, gave the following presentation.



Site Description

- Tax Map Number: 13-01-0048
- Location: Old Stage Hwy.
- Current Zoning: RAC
- Election District: D3
- Purpose: Rezone 1.68 acres to RR for a single family residential lot.

Background

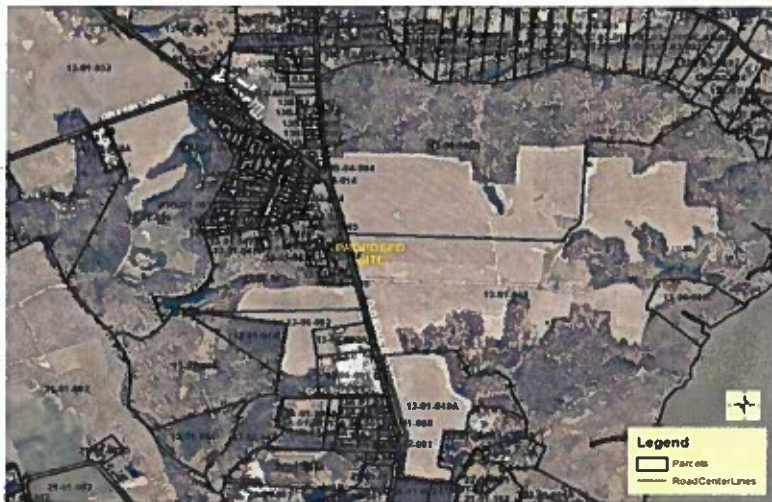
- Part of parcel 13-01-048 on the west side of Old State Hwy. (Rte. 10)
- In 2017, a plat which included this portion of the property was approved and recorded as an agricultural, horticultural, or silvicultural parcel
- Section 3.2.3.B.1.a. of the Subdivision Ordinance allows the division of land into parcels greater than 10 acres for bona fide agricultural, horticultural, or silvicultural purposes where no street right-of-way dedication is involved and where there is no change in the intensity of use, provided such divisions shall have the following notation prominently set forth on the recorded plat: "Residential development on any lots shown will require Residential Zoning pursuant to Section 3.2.3.C of the Subdivision Ordinance of Isle of Wight County, Virginia, as amended."

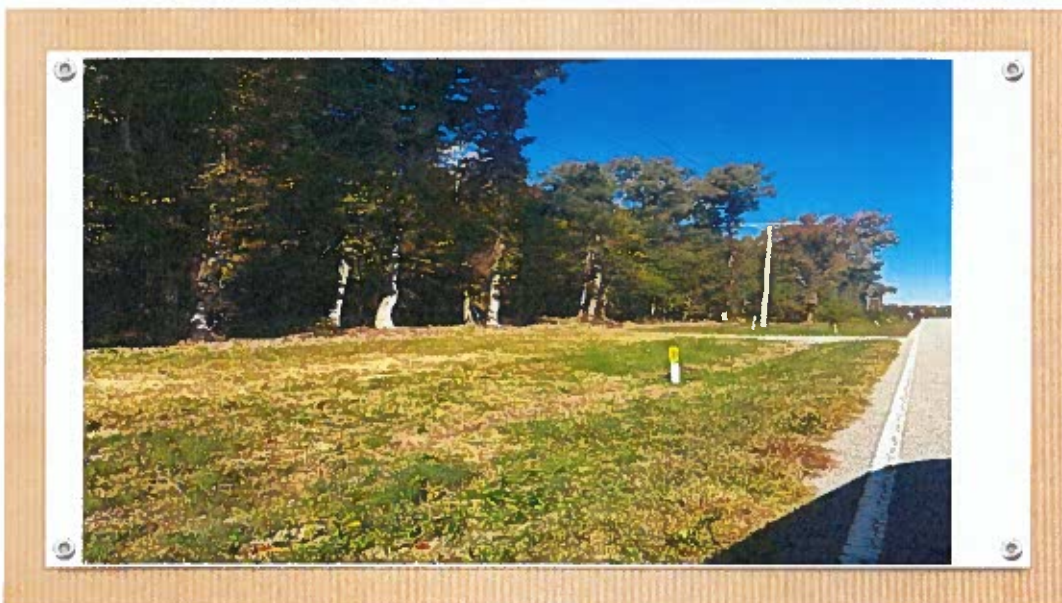
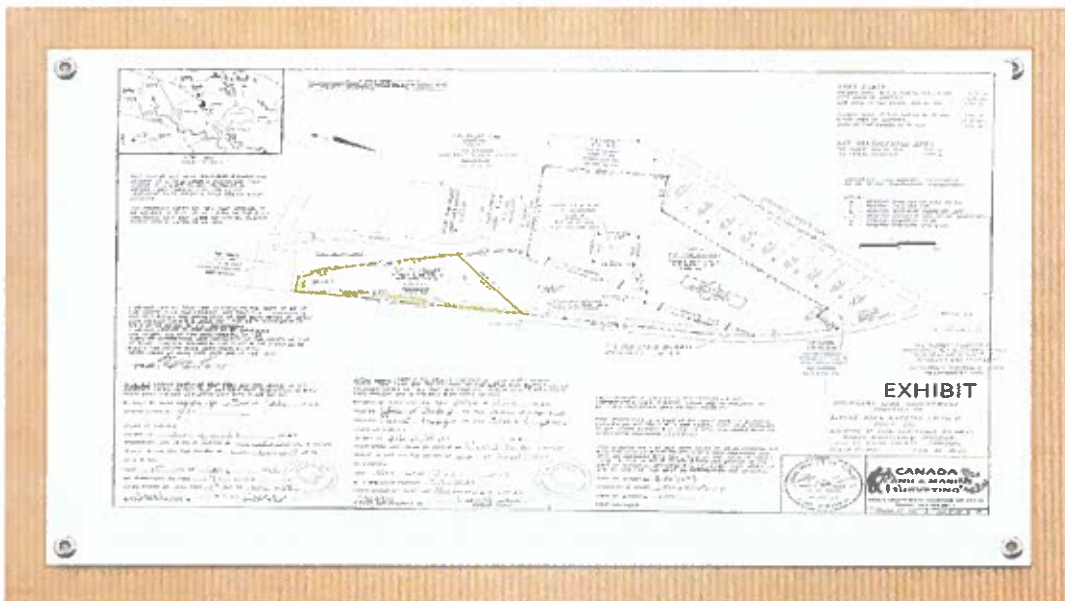
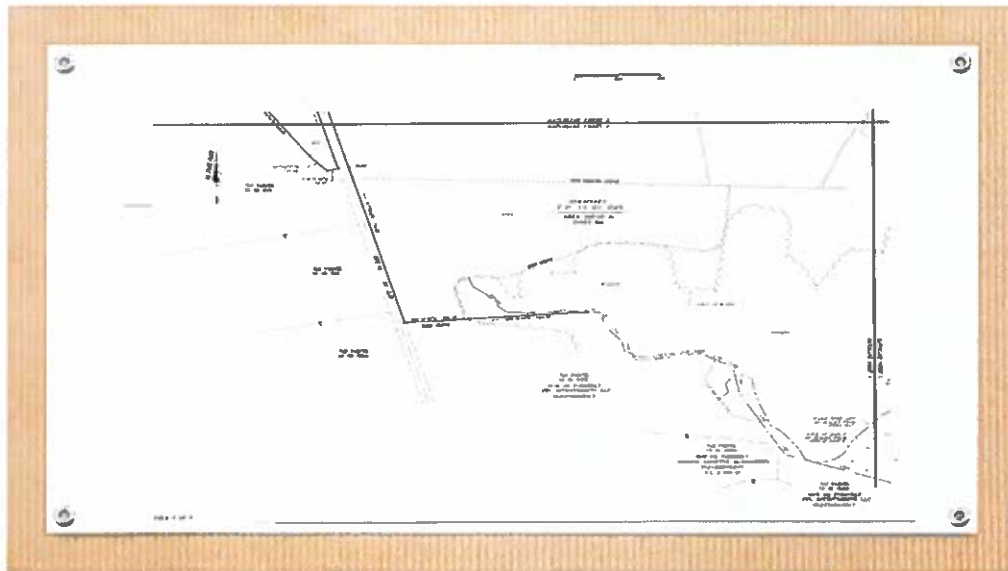
Background

- Owner wishes to rezone this lot and has asked for a waiver for public road frontage as required by the RR zoning classification.
- Capital Impacts Model results show additional capacity is needed at the middle school for the projected one additional student, because existing enrollment at the school has reached 95% capacity. The school policy states that capacity expansion planning and implementation begins at the 95% school capacity level.
- Model also shows an existing deficit for neighborhood park, event center and community center space in the northern service area which is exacerbated with any new development in this area. However, there are no capacity expansion projects included in the County's Capital Improvement Plan for these types of parks and recreation facilities. The model shows sufficient capacity for fire and rescue, transportation, and law enforcement facilities to serve the parcel.

Background

- Proposed zoning to C-RR is consistent with the future Recommended Land Use Map.
- Request meets the minimum requirements of the RR zoning district.
- Proposed new lot does not contain a special flood zone designation.
- Property is in Chesapeake Bay Preservation Area Overlay District, however there is no RPA or RPA Buffer.







The following departments have no concerns with the rezoning application as presented:

- General Services
- Fire and Rescue
- Environmental Planner
- Virginia Department of Transportation
- Health Department
- County Attorney

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.
- Subdivision already permitted, because it is already separated from the parent tract by a state road.

Weakness:

- None determined at this time.

Staff Analysis

Based on the strengths of the application, staff recommends approval of the rezoning and waiver request.

Recommendation

Bobby Jones clarified that the only reason this application had to come before the Planning Commission is that when the large parcel on the opposite side of the street was subdivided this parcel was included in the language.

The applicant's legal representative, William Riddick, was unable to attend the meeting and provided the following letter.



RIDDICK & POPE, PC
ATTORNEYS AND COUNSELORS AT LAW

William H. Riddick, III
wridrick@rplawva.com

Ashby Leigh Pope
apope@rplawva.com

November 12, 2024

Planning Commission
Isle of Wight County
Monument Circle
Isle of Wight, VA 23397

RE: Application for rezoning – property of Anthony Porter

Dear Member of the Planning Commission:

I represent Anthony Porter, the owner of a 1.68 acre parcel on Old Stage Highway. I filed this application on his behalf and fully intended to appear before you to present his application. At the time of filing, I was not aware that the matter was to come before you at your November meeting which was rescheduled to tonight from its regular date on the fourth Tuesday of the month.

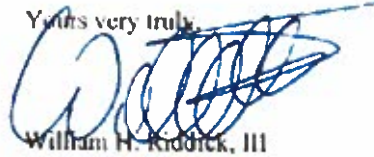
I am the Town Attorney for Smithfield and the town's planning commission has its regular monthly meeting tonight. There are matters on the agenda that require me to be present so I cannot appear before you tonight.

As always, Mrs. Robinson has prepared a very thorough Planning Report. There is not much that I could add other than some background. This property was previously owned by ROSF, LLC, a company solely owned by Joseph W. Luter, IV. The parcel was divided as shown on the subdivision plat attached to your staff report. The "Addition" parcel was donated by Mr. Luter to Little Zion Baptist Church as an addition to the existing church property. The remainder parcel containing 1.68 acre was a gift by Mr. Luter to Anthony Porter, a long-time employee of his and his family.

The original parcel shown on the subdivision plat is separated from a much larger tract across the highway that was created by an agricultural subdivision. There is a note on the plat which requires that any use other than agricultural use requires a rezoning. This was not intended to apply to this smaller parcel, but it does and therefore requires this application for a change in zoning.

Mr. Porter intends to build a single-family residence on the property. The parcel has a site suitable for a septic system. On behalf of Mr. Porter, I respectfully request that you follow the recommendation of your staff and recommend approval of the change in zoning classification to the Board of Supervisors.

Again, I apologize for my absence but it cannot be helped due to the circumstances.

Yours very truly,

William H. Kiddick, III

Chairman Bowser opened the public hearing.

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

Commissioner Taylor asked if there was a private drive at the back of the property that was able to be connected to, to gain access to the site.

Bobby Jones stated that it was not an option as it does not have deeded access.

Commissioner Ford made the motion to send this application to the Board of Supervisors with the recommendation of approval. Commissioner Taylor seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Carroll and Bowser voting in favor, no Commissioners voting against (7-0).

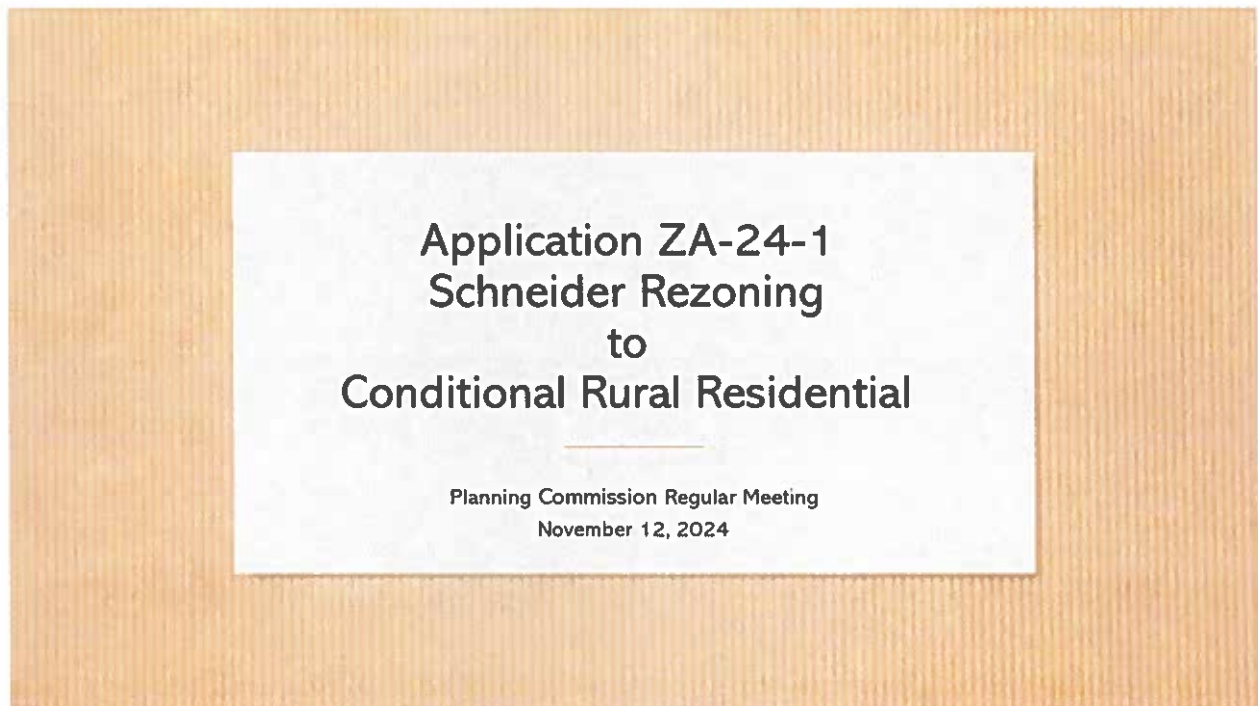
The motion passed unanimously, and the item will go to the Board of Supervisors on December 12, 2024.

Chairman Bowser called for the next public hearing item.

REZN-24-1 Schneider Conditional Residential Rezoning Request

Application (REZN-24-1) of Jennifer and Donald Schneider II, owners, to change the zoning district from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential of approximately 49 acres located off of Murphy Mill Road (Rt. 605) and Lake Point Drive (private) on tax map number 49-01-007 for the purpose of creating two residential lots with a proffered condition to prohibit further subdivisions. A waiver to Section 4-3004 of the Zoning Ordinance is also requested to create two lots larger than ten acres.

Sandy Robinson, project manager, gave the following presentation.



Site Description

- Tax Map ID: 49-01-007
- Location: Murphy Mill Road
- Current Zoning: RAC
- Election District: D4
- Purpose: Rezone 49 acres to C-RR for single-family residential use

Background

- Property, created in the 1900's, is wooded and vacant. It adjoins Lake Burnt Mill on two sides.
- Property accessed by a private thirty-foot ingress/egress easement providing direct access to Murphy Mill Road.
- Easement was created by the City of Norfolk in 2007 in order for this parcel to have exclusive access to Murphy Mill Road, and the original access easement to Lake Point Drive was vacated.
- Under the sliding scale option in the RR zoning district, one new lot is allowed. If this rezoning is approved, there will be no more rezoning options for this property.
- Owner has proffered no further subdivision of the property including family member transfers.

Background

- Owner has requested waiver to allow the two parcels to be larger than ten acres, so it can be divided half.
- Capital Impacts Model results show there is existing capacity for public facilities in the southern service area.
- There is no Special Flood zone designation.
- Property is in the Chesapeake Bay Preservation Area Overlay district and does contain a 100' RPA Buffer.





The following departments have no concerns with the rezoning application as presented:

- General Services
- Fire and Rescue
- Environmental Planner
- Virginia Department of Transportation
- AOSE Soil Scientist
- County Attorney

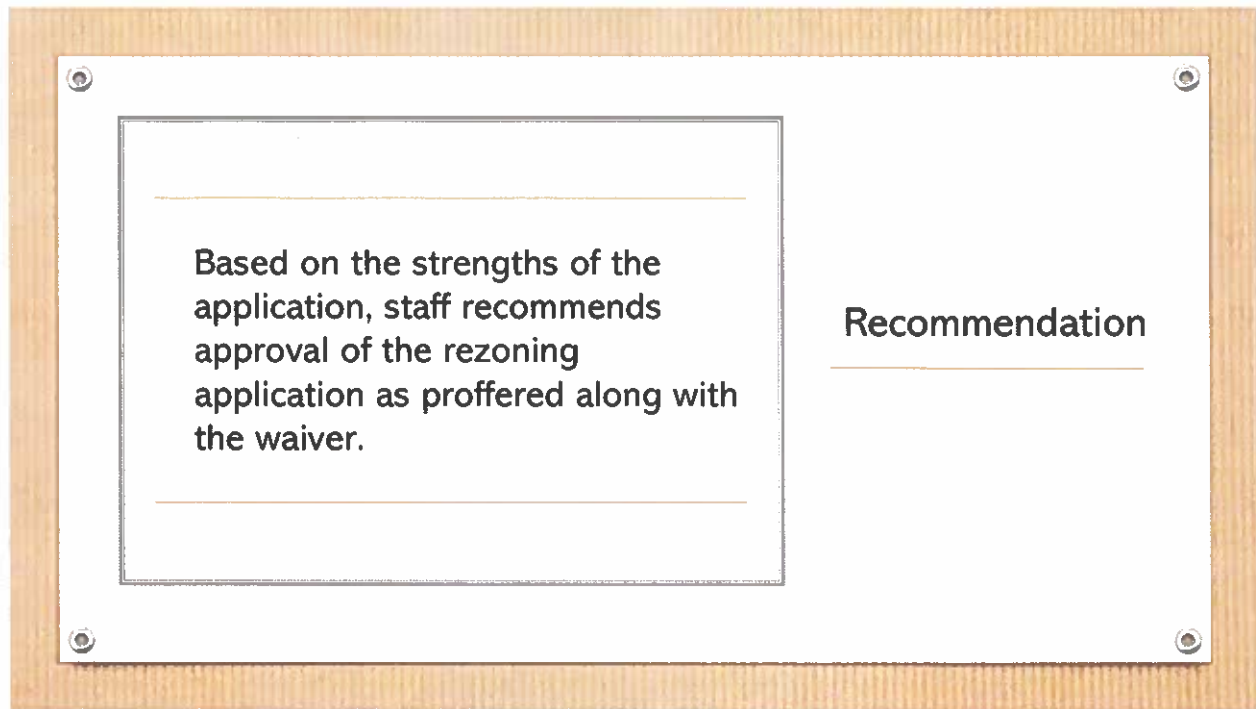
Strengths

- The application is compatible with the existing land uses in the vicinity.
- The proposal is on a private ingress/egress easement as required by the RR zoning designation.
- The proposal is within the guidelines of the Future Recommended Land Use Plan Designation.

Weakness:

- The sliding scale option limits a maximum lot are of ten acres with BOS approval.

Staff Analysis



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

Tim Fallon, Land Surveyor, 11059 Windsor Way, Windsor, stated that Sandy covered all the basics of the application, and he is available for questions if needed.

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

Commissioner Boykin made the motion to send this application to the Board of Supervisors with the recommendation of approval for the rezoning application and the waiver as requested. Commissioner Ford seconded the motion. The motion was adopted with Commissioners Boykin, Distefano, Ford, Rawls, Taylor, Carroll and Bowser voting in favor, no Commissioners voting against (7-0).

The motion passed unanimously, and the item will go to the Board of Supervisors on December 12, 2024.

OLD BUSINESS

Amy Ring confirmed there are no old business items.

NEW BUSINESS

Amy Ring confirmed the Planning Commission need to adopt a resolution to make the appointments for the Energy Subcommittee.

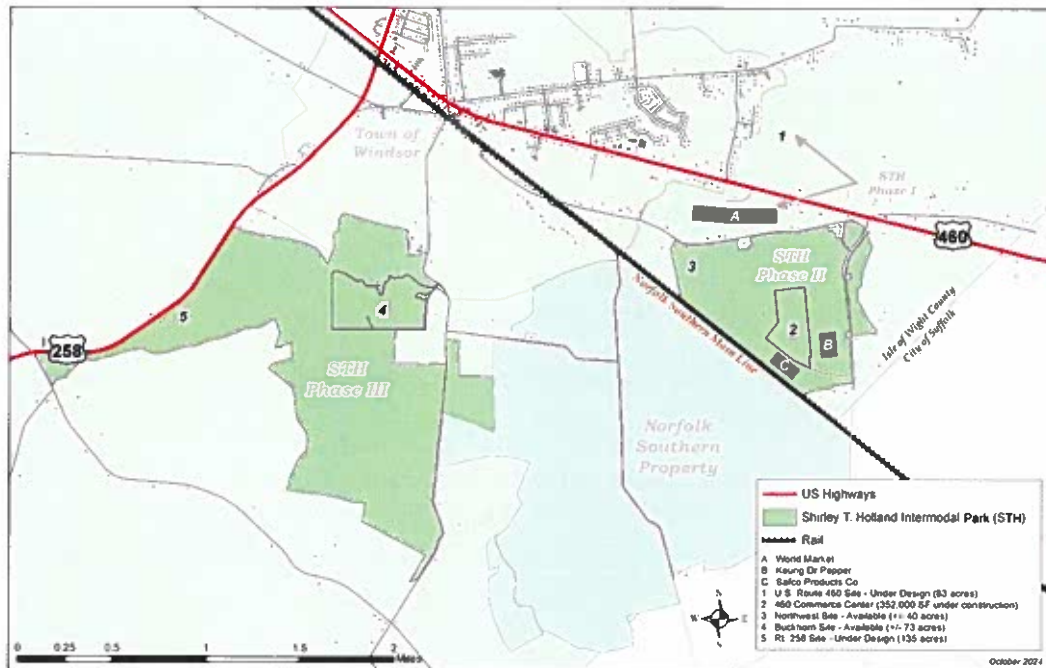
Commissioner Distefano made the motion to establish the Energy Subcommittee as part of the Planning Commission and recommended himself and Commissioner Smith as the members of the subcommittee. Commissioner Carroll seconded the motion. Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

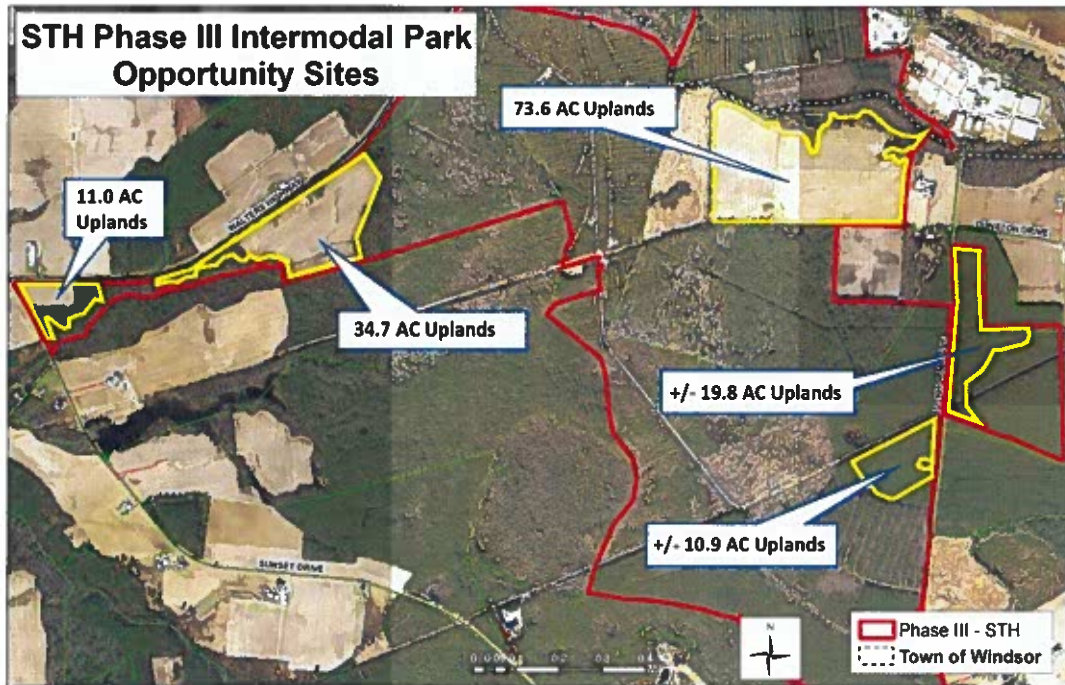
COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there were no items for the county attorney's report.

PLANNING DIRECTOR'S REPORT

Kristi Sutphin, Economic Development Director, shared her findings from the analysis that was conducted for the potential impacts of the proposed setbacks for industrial uses adjacent to residential by giving the following presentation.



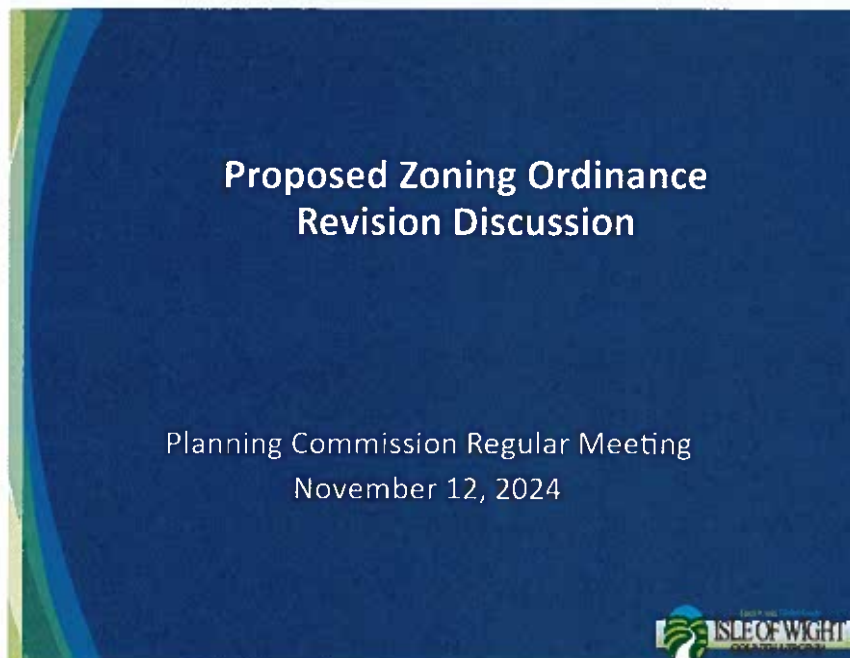






A brief discussion was had on the potential impacts of the proposed ordinance changes on some of the Economic Development Authority properties.

Ms. Ring gave the following presentation on the changes made to the proposed setbacks from the October meeting.



Background

Planning Commission continued its discussion of proposed changes to the industrial use setback requirements at their October 22, 2024, regular meeting.



Industrial District Setbacks

For parcels directly adjacent to a residential use or district **whose principal use is residential**, the minimum setback shall be **300 feet from the property line**. Within the required setback, there shall be no development, clearing, grading, or construction activity with the following exceptions:

- a. Roadway or driveway access to the portion of the site not in the minimum residential setback is permitted provided that it is approximately perpendicular to the arterial public right-of-way;
- b. Water, sanitary sewer, storm drainage, including **stormwater management ponds**, electrical, telephone, natural cable, and utility service lines may be installed below the surface of the ground at right angles, provided that the natural vegetation is preserved and protected to the greatest extent practicable, and landscaping requirements are met;
- c. Sidewalks, pedestrian pathways and bicycle paths designed to provide continuous connection along the road corridor may be permitted, provided that they can be constructed without materially reducing the screening and visual softening capacity of the required landscaping.



Industrial District Setbacks

- d. Signs are permitted in accordance with article IX;
- e. Clearing for sight distances is permitted at the entrances and exits to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices recommended or required by the Virginia Department of Transportation;
- f. The trimming of existing limbs or branches of preserved trees is permitted when approved by the zoning administrator;
- g. When, in the opinion of the zoning administrator, the addition of plantings and earthen berms or masonry walls would better achieve the purposes of this district in lieu of the landscaping requirements of the perimeter zone.
- h. There shall be an earthen berm with a minimum height of ten (10) feet installed in the required set back between the residential use and the industrial use.**
- i. A sound study shall be required with the submittal of the application for the industrial use.**



A brief discussion was had on the proposed ordinance changes and agreed that additional information is needed, to include a comparison with other localities' setback requirements and the financial impact to the EDA properties, before going to public hearing.

There being no further information to discuss, Chairman Bowser adjourned the meeting at 7:01 PM.

Adopted this 28 day of January, 2025

Bobby Bowser

Bobby Bowser, Chairman, Isle of Wight County Planning Commission

Attest: Amanda Landrus

Amanda Landrus, Secretary