

**Minutes
Planning Commission
Isle of Wight County
17140 Monument Circle, Isle of Wight County
March 24, 2026**

1. Call to Order

Bobby Bowser, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on March 24, 2026, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

Keith Johnson delivered the invocation.

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

2. Roll Call/Determination of a Quorum

Roll was called and the following members were present: Bobby Bowser, Brian Carroll, James Ford, Jennifer Boykin, Raynard Gibbs, Matthew Smith, Brian Shotwell, George Rawls, Keith Johnson, Thomas Distefano.

A quorum was determined.

Also in Attendance:

Amy Ring, Community Development Director
Mandy Rogers, Substitute Council to the Planning Commission
Don Robertson, County Administrator
Cordel Asbenson, Planner I
Shaunee Beussink, Environmental Planner
Amanda Landrus, Secretary
Heather Crocker, Permit Tech I

3. 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.

4. Approval of Agenda

Chairman Bowser called for a vote to approve the agenda. Commissioner Carroll made the motion to move the Old Business item B, EXC-24-3, to be considered before the Public Hearing items.

Commissioner Smith seconded the motion.

Chairman Bowser asked for all in favor to signify by saying aye.

The motion passed unanimously.

5. Consent Agenda

Chairman Bowser called for a vote to approve the following consent agenda items:

- A. February 19, 2026, Board of Supervisors Action List; and
- B. February 24, 2026, Planning Commission Regular Minutes.

Commissioner Gibbs made the motion to approve the consent agenda.

Commissioner Boykin seconded the motion.

Chairman Bowser asked for all in favor to signify by saying aye.

The motion passed unanimously.

6. Citizens' Comments

Chairman Bowser opened the floor for any citizens' comments.

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

7. Public Hearings

- A. **Application CSUP-25-5 of Jonathan Yates, applicant, and Martin Holmes, property owner, for a conditional use permit to construct a 197-foot-tall monopole-style wireless communications tower at 15562 Scotts Factory Road on tax map number 31-01-003 in the Rural Agricultural Conservation zoning district, as well as for a withdrawal of 10,000 square feet from the Courthouse Agricultural and Forestry District**

Cordell Asbenson, Planner I, gave the following presentation.

CSUP-25-5 Scotts Factory Road Verizon Communication Tower

CORDELL ASBENSON, PLANNER I
MARCH 24, 2026

Details

- TPIN: 31-01-003
- Election District: District 3
- Zoning: Rural Agricultural Conservation (RAC)
- Purpose: To receive a conditional use permit to construct a 197-foot tall monopole-style wireless communications tower at 15562 Scotts Factory Road and withdraw 10,000 square feet from the Courthouse Agricultural and Forestry District

Background

- The project is proposed on 10,000 square feet on a larger 125-acre property
- The property was originally created in 1948 and was sold in 1978 to the current owner, Mr. Holmes. It has only ever been used for agricultural and silvicultural purposes
- The 10,000 square foot area designated for the tower site has been submitted to be removed from the Agricultural/Forestry District. The Agricultural/Forestry District Advisory Committee recommended removal from the district

Location Map



Land Use Map



Zoning Map



Description

- **The Tower**
 - A 197-foot monopole communication tower to increase data speeds and signal quality for Verizon customers who live within its service area in the seven-mile gap between Verizon service areas along Courthouse Road.
- **The Land**
 - The property consists of 62 acres of agricultural land, thirty acres of woodlands, 16.5 acres of pastureland, and another 15.4 acres for a utility easement, in addition to the home.
 - The property is also located near a historic site.



Comprehensive Plan Review

- The future recommended land use designation for this property is Rural Agricultural Conservation (RAC). Appropriate uses for the RAC land use designation include agriculture, horticulture, forest lands, low-density residential, and communication towers (when appropriately sited with a conditional use permit).
- The proposed use is consistent with the future recommended land use designation.



Ordinance Review: Required Standards

- The application meets and acknowledges all the requirements and responsibilities for a communication tower outlined in Section 5-5007.D of the Zoning Ordinance. These include:
 - Setbacks from the road.
 - Details on alternative locations and towers in a five-mile radius of the proposed site.
 - Visual impacts.
 - FAA standards.
 - Yearly reports on the tower.
 - Tower removal guidelines when the tower is decommissioned.



Ordinance Review: For Consideration

- Section 5-5007.D.10 of the Zoning Ordinance outlines factors to be considered in granting conditional use permits for new towers. These include:
 - Height of the proposed tower.
 - Proximity of the tower to residential structures and residential district boundaries.
 - Nature of the uses of adjacent and nearby properties.
 - Surrounding tree coverage and foliage.
 - Design of the tower.
 - Language of the lease agreement dealing with co-location.
 - Availability of suitable existing towers and other structures.



Ordinance Review: For Consideration

- Section 1-1017 of the Zoning Ordinance outlines the standards for reviewing a conditional use application that the Planning Commission and Board of Supervisors must consider before granting a conditional use permit, such as:
 - Will it endanger the public health, safety, and general welfare?
 - Will it harm the use and enjoyment of the surrounding properties?
 - Does it have adequate utilities, access, etc.?
 - Does the ingress and egress minimally impact traffic congestion?
 - Does it contradict the goals and objectives of the Comprehensive Plan?
 - That the use being requested isn't already represented sufficiently.



Ordinance Review: For Consideration

- The Board may also impose conditions or limitations on any approval; these can include conditions regarding:
 - The proposed hours of operation.
 - The orderly growth of the neighborhood and community, and the fiscal impact on the County.
 - The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties.
 - The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
 - Alignment with the County's Comprehensive Plan.
 - The environmental impact.
 - The preservation of cultural and historic resources or landmarks.



Agency Review

- The application was forwarded to the following departments for review:
 - The Isle of Wight County Museum:** The site should be investigated with a cultural resources survey.
 - Virginia Department of Transportation:** A private/construction entrance permit is required for use of the existing entrance. Any utility installations within the public right-of-way will need to be owned and maintained by a public utility company. A culvert will be required within the existing ditch lines to maintain roadside drainage. Any work done within a State-maintained right-of-way or easement will require a Land Use Permit.
 - Engineering, Fire Rescue, or Public Utilities:** No concerns or comments.



Staff Analysis

Strengths:

- The application provides needed services for underserved and unserved residents in the rural areas of the County.
- The project area is only a small portion of the existing 125-acre site.
- The nearest home address is around 900 feet away from the proposed site.
- The tower is located 495 feet from the road in a wood area which will help lessen the visual obtrusiveness of the tower.
- The use is permitted in the current zoning and future land use.



Weaknesses:

- There is a potential for archeological resources on the site.

Staff Recommendation

- The Agricultural/Forestry District Advisory Committee recommended withdrawal of the 10,000 square foot site from the Courthouse Agricultural and Forestry District on March 4th.
- Staff recommends approval of the conditional use permit with the following condition: The applicant must submit a Phase I cultural resources survey before submission of a site plan.



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

Jonathan Yates, 105 Broad Street, Charleston, South Carolina, thanked the Chairman and introduced himself and Mr. Ryan Foltz of Arcola Tower. He stated that the process had been lengthy but positive and expressed appreciation to County staff, including Ms. Amy Ring, Mr. Cordell, and others for their assistance. He noted that staff had been responsive throughout the process despite numerous questions. He also acknowledged Mr. George Martin and Ms. Pat Martin, who were present, and provided background on the property, stating it had been owned and farmed by the Martin family since the late 1940s. He explained that the property continued to be used for agricultural purposes and described its suitability for the proposed project. Mr. Yates stated that Verizon Wireless identified a need to improve coverage in rural areas of Isle of Wight County and that the subject property met those needs. He described the proposed facility as a monopole tower approximately 197 feet in height and explained that the design is similar to commercial signage structures but constructed with heavier materials. He stated that the facility had been reviewed and approved by the Federal Aviation Administration, which issued determinations of no hazard to air navigation and no lighting requirement due to its location.

relative to nearby airfields. Mr. Yates stated that the Virginia State Historic Preservation Office reviewed the project and determined it would have no adverse effect on historic resources. He further explained that multiple Native American tribes and organizations reviewed the project due to potential historical or cultural connections to the area, all of which were considered as part of the approval process. He stated that construction would take approximately sixty days, with the tower erected in a single day, once the foundation is completed. He noted that the facility would generate minimal traffic, limited to periodic maintenance visits. He stated that the tower would not produce noise, odor, lighting, vibration, fumes, or glare and emphasized that the primary benefits include improved wireless service, broadband access, and enhanced 911 emergency communication capabilities. He also noted that the site is adjacent to existing Dominion Energy infrastructure, aligning with the concept of co-locating utilities. He concluded by offering to answer questions.

Chairman Bowser opened the floor for public comment and invited anyone present to speak for or against the application. After observing no speakers, he closed the public hearing and called for discussion from the Commissioners.

Commissioner Carroll asked about the proposed ingress and egress for the site and raised concerns based on a previous project, noting that access infrastructure can impact agricultural land beyond the immediate tower footprint. He stated that while he supported the application, he believed the full extent of site access and infrastructure should be included in the application rather than only the 10,000-square-foot tower area.

Mr. Yates presented an exhibit showing the location of the ingress and egress to the commissioners.

Commissioner Boykin moved to recommend approval of the conditional use permit for a wireless communications tower with staff recommendations to the Board of Supervisors.

The motion was seconded by Commissioner Rawls.

The motion passed with Commissioner Bowser, Commissioner Carroll, Commissioner Ford, Commissioner Boykin, Commissioner Gibbs, Commissioner Smith, Commissioner Shotwell, Commissioner Rawls, Commissioner Johnson, Commissioner Distefano voting in favor of the motion and none voting against the motion (10-0).

The application will go to the April 16, 2026, Board of Supervisors meeting.

- B. Application REZN-24-12 of S,T&T Ventures, LLC, applicant, for a zoning map amendment for approximately 17.5 acres of tax map number 32-01-009 located on Bennis Church Blvd. to change the zoning district from Rural Agriculture Conservation to Conditional-General Commercial in order to permit the development of six commercial parcels**

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

REZN-24-12 Bridgers Quarter (C-GC) Conditional Zoning Request

AMY M. RING, AICP
PLANNING COMMISSION REGULAR MEETING
MARCH 24, 2026



Site Location



Application Summary

Tax Map Numbers: 32-01-009 (Portion)
Location: Approximately 1,000 feet south of the intersection of Bennis Church Blvd (Rte. 10) and Turner Drive (Rte. 644)
Current Zoning: Rural Agricultural Conservation (RAC)
Election District: D3
Request: A zoning map change (rezoning) from the RAC zoning district to the Conditional General Commercial (C-GC) zoning district to permit the development of six commercial parcels



Zoning District Map



Future Recommended Land Use Map



Background

- Approximately 17.5 acres
- Located approximately 1,000 feet south from the intersection of Bennis Church Blvd (Rte. 10) and Turner Drive (Rte. 644)
- Portion of the larger former Yeoman Farm - split into two parts by Route 10
- Currently vacant and historically has been in agricultural use
- Generally flat topography with sandy, permeable soils



View to West from Route 10



View to South from Turner Road



Project Details

- Request for a Zoning Map Change to Conditional General Commercial (C-GC) to permit the development of six commercial outparcels
- Concept plan shows six commercial parcels with approximately 174,761 square feet of commercial space served by an entrance on Route 10 and a second entrance on Turner Drive
- The preliminary mix of tenants could include a self storage facility, a medical office building, retail and fast-food restaurants – however no proposed restrictions on permitted GC uses
- Applicant proposes to develop a climate controlled, self storage building as Phase I of the project with remainder included in Phase II to be developed over time as market conditions allow
- Proffered Conditions include the following:
 1. Conformance with concept plan and proffered design criteria,
 2. Stub out to both SHS and Oaks Veterinary Clinic property to provide future signal access,
 3. Cash contribution of \$200,000 towards Turner Drive improvement project,
 4. Construction of a longer northbound turn lane on Route 10 into the project site, and
 5. Phase I Archeological with further studies as needed.

Concept Plan



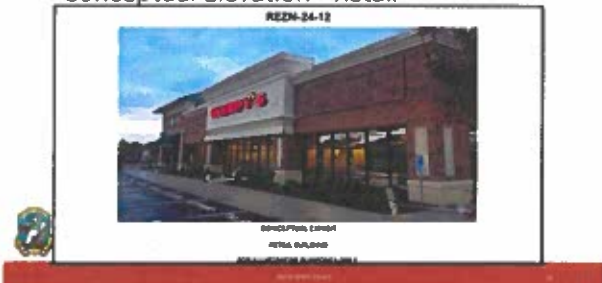
Conceptual Elevation – Medical Office



Conceptual Elevation – Self Storage



Conceptual Elevation – Retail



Transportation Analysis

- 1,225 new daily vehicle trips projected with approximately 474 of those new trips occurring in the morning peak hour and 358 occurring in the afternoon/evening peak hour
- In order to accommodate the increase in traffic, the developer has proffered the following road improvements:
 1. Lengthen the westbound left turn lane into the proposed Project from Northbound US 158/RT10 (Benny Church Boulevard) to or to first CO
 2. Construct westbound right turn lane into the main entrance from southbound Benny Church Boulevard before first CO
 3. Within 30 months of the issuance of construction drawing approval, Land Disturbance Permit, VDOT Land Use Permit and Easement Agreement, construct Road A providing subgrade access at intersection to the adjacent parcel will be complete and submit to VDOT for acceptance into the State Primary or Secondary road system
 4. Within 30 months of the issuance of construction drawing approval, Land Disturbance Permit, VDOT Land Use Permit and Easement Agreement, construct Road B to Turner Drive and submit to VDOT for acceptance into the State Primary or Secondary road system
- As each individual commercial parcel is developed, a TIA shall be prepared to determine the impacts of the commercial use and to recommend improvements to mitigate those impacts. The improvements shall be incorporated into each commercial site plan and shall be constructed prior to each CO
- Developer shall contribute to the County \$200,000 (to payable and conditioned upon advertisement Submittal/Request for Advance for Project U000-046-15)

Schools, Parks and Recreation and Utility Analysis

- No projected impacts to school capacity and parks and recreation facilities, because no additional residents are proposed
- The proposed development would provide access to the future traffic light on Route 10 which could help alleviate traffic congestion on Turner Drive by future school expansions
- Although the proposed development does not generate any additional residential demand on these services, concept plan shows an extension of the multipurpose trail along the Route 10
- The site will be served by public water and sewer with review of utility lines and necessary appurtenant structures occurring at site plan submittal, if rezoning is approved



Public Safety & Fire Rescue Analysis

- Sheriff's Office has sufficient capacity to handle the increased service demand generated by the development, however, continued growth in the area would continue to increase calls for service, and future service needs due to growth should be further assessed
- Based on the average number of calls for nonresidential development per vehicle trip, the Fire Rescue Department could anticipate an increase of 329 calls per year, or approximately one additional call per day. Current staffing levels are adequate to address the additional calls.



Environmental & Historical Resources Analysis

- Phase I environmental assessment which found no evidence of contamination, wetland areas, or threatened or endangered species.
- Overall soil type is sandy, and care should be taken in preventing groundwater migration of potential contaminants due to the high permeability of this soil type
- Phase IA Cultural Resources Assessment found no standing structures, no documented historic residence within the project area, and no surface evidence of archaeological resources in the project area. County Historic Resources staff had no further concerns.



Fiscal Impact Analysis

- Fiscal Impact Analysis shows that the project would generate approximately \$230,000 in new tax revenue annually once fully built out and create a total of 91 full time and part time jobs.
- Commissioner of the Revenue reviewed the report and had no concerns with the real estate tax projection assumptions



Comprehensive Plan Analysis

- Future recommended land use designation for the project site is Business and Employment (BE)
- BE land use consists of office space, commercial uses, both stand alone and in shopping centers, and some light industrial uses
- BE is best located on major transportation routes and at major intersections with access to public water and sewer infrastructure
- Expected development in BE might include medical offices, office parks, supporting retail services, community shopping centers, light manufacturing, and research and development facilities which are compatible with surrounding development
- Proposed project is in general conformance with the future recommended land use designation



Ordinance Analysis

- GC zoning district is intended to provide the full range of commercial activities and establishments which are not primarily related to residential development and which require accessibility from higher order roadways
- Proffered conditions do not offer any restrictions to otherwise permitted or conditional uses in the GC district.
- Proposed square feet of commercial space is within the maximum floor area ratio of 0.5 square feet of space per net developable foot
- Concept plan appears to be able to meet the minimum requirements of the zoning district, to include minimum lot area, setbacks, and maximum height.
- Property also lies in the Newport Development Service Overlay (NDSO) and Chesapeake Bay Preservation Area Overlay Districts which will require enhanced design criteria



Staff Findings

ST&T LLC

1. Proposed project is generally consistent with the future recommended land use designation of Business and Employment
2. There is sufficient utility, public safety and emergency medical service capacity to serve the additional service demands generated by the project.
3. The proffered conditions include road improvements to address traffic impacts generated by the development
4. The concept plan is generally consistent with additional requirements
5. The project site does not include any environmentally sensitive areas
6. The project includes nonresidential commercial development which will generate employment opportunities and additional tax revenues
7. The project provides additional transportation access for adjacent property owners and extends the County's multi-purpose trail system

2024/05/03/2024

1. The project includes additional self-storage, which based on other similar recently approved projects in the County and the Town of San Diego could be considered a substantial and multifaceted of the use type in the area, however, the applicant has submitted a market analysis in support of the ability of the market to support this facility.



Staff Recommendation

Based on the findings from the analysis, staff recommends approval of the application with the proffered conditions.



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

Adam Turner, 15208 New Towne Haven, representative from ST&T Ventures, LLC, applicant, thanked the Chairman and Ms. Amy Ring for her report. He stated that the project represented a strong collaboration between public and private sectors and expressed appreciation for staff's assistance. He explained that the proposal involved rezoning approximately 17.5 acres from Rural Agricultural Conservation to General Commercial consistent with the Comprehensive Plan. He addressed concerns regarding the inclusion of a self-storage facility, noting that prior market studies

and updated analyses indicated a continued demand for such use despite recent approvals of similar facilities. He stated that the site is centrally located to serve nearby and future residential developments and that local facility managers have reported strong lease-up rates, supporting the identified demand. Mr. Turner highlighted transportation improvements associated with the project, including increased eastbound capacity and reduced congestion near the school during peak hours. He stated that the project would generate tax revenue, provide infrastructure such as roads and walking trails, create employment opportunities, and offer goods and services to support surrounding residential growth. He requested the Commission's approval and offered to answer questions.

Chairman Bowser called for any citizen comments on this application. There being no public comments, Commissioner Bowser closed the public hearing and opened the floor for discussion among the commissioners.

Chairman Bowser inquired about the traffic analysis figures, specifically the difference between total daily trips and peak hour trips.

Mr. Turner explained that the total trip numbers represent overall projected usage within the internal road network and do not reflect entirely new traffic entering the corridor but rather redistribution of traffic within the project.

Ms. Ring clarified that the peak hour figures represent traffic during the busiest times of the day, and that the total daily trips reflect overall activity through the site.

Commissioner Johnson asked whether updated traffic analysis should reflect changes in nearby development, including the removal of a previously proposed Wawa and the approval of a Sheetz.

Ms. Ring stated that the master traffic impact analysis accounted for future commercial development in the area, including multiple sites, and was intended to provide a comprehensive evaluation of overall impacts.

Commissioner Johnson asked about the status of the planned roundabout and its coordination with the project.

Ms. Ring stated that the roundabout is currently in the design phase and anticipated to progress further, with coordination expected between the project and the roundabout construction.

Commissioner Boykin asked whether turn lanes and roadway improvements would be constructed with the initial phase of development.

Mr. Turner explained that the project would be developed in phases, beginning with the self-storage component due to its low traffic generation. He stated that initial access would utilize existing infrastructure with limited modifications and that full transportation improvements would be completed in coordination with broader corridor improvements, including the roundabout.

Commissioner Boykin inquired about the timeline for full buildout and related improvements.

Mr. Turner explained that timing would depend on coordination with state and local agencies, including Virginia Department of Transportation requirements, and would align with completion

of the roundabout and overall road network connectivity.

Commissioner Boykin asked when the \$200,000 proffer contribution would be provided.

Mr. Turner stated that the contribution would occur at the time the County's transportation project is advertised for construction, when funding is required to move forward.

Commissioner Boykin asked about provisions for a pump station.

Mr. Turner explained that the goal is to coordinate with adjacent developments to install a gravity sewer system, minimizing the need for pump stations. He stated that if that approach is not feasible, an alternative solution would be developed.

Ms. Ring clarified that the applicant would be responsible for providing and funding any required utility infrastructure, and that the County would not bear that responsibility.

Commissioner Boykin asked how peak traffic hours are determined.

Ms. Ring explained that peak hours are established through coordination between VDOT and traffic engineers, typically based on observed traffic patterns and study parameters.

Mr. Turner added that multiple scoping meetings and real-time traffic counts, including school-related traffic, were used to establish accurate peak hour data for the study.

Commissioner Boykin expressed concern that the defined peak hours may not fully capture actual traffic conditions and suggested broader time ranges.

Mr. Turner acknowledged that peak hour determinations are based on agreed-upon standards between engineers and agencies.

Commissioner Carroll asked whether the property extends to Turner Drive and what guarantees access across adjacent property.

Mr. Turner stated that the property does not directly extend to Turner Drive but confirmed that an easement has been secured through the adjacent property owner, and that construction of the access road is included in the project's proffered commitments.

Commissioner Distefano asked about coordination with the school for potential access connections.

Ms. Ring stated that discussions have occurred with school staff regarding a potential connection, though no commitment has been made. She noted that the opportunity for access would be preserved for future consideration.

Commissioner Boykin expressed support for the commercial project but concern about the placement of the self-storage facility, suggesting it be located further to the rear of the property.

Mr. Turner stated that the current placement represents the most feasible layout based on engineering and site constraints but committed to working with staff on architectural design to

ensure compatibility.

Chairman Bowser commented on the prevalence and demand for storage facilities in the area.

Commissioner Ford noted that previously anticipated development along the corridor is now occurring.

Commissioner Distefano asked whether the applicant has fulfilled all obligations related to providing access to the school site.

Ms. Ring stated that the applicant is required to provide a stub-out for future access and that further action would depend on the school's decision to utilize the connection.

Mr. Turner confirmed that the commitment to provide access has been included in the proffered conditions.

Commissioner Gibbs moved to recommend approval to the Board of Supervisors with the proffered conditions.

The motion was seconded by Commissioner Distefano.

The motion passed with Commissioner Bowser, Commissioner Carroll, Commissioner Ford, Commissioner Boykin, Commissioner Gibbs, Commissioner Smith, Commissioner Shotwell, Commissioner Rawls, Commissioner Johnson, Commissioner Distefano voting in favor of the motion and none voting against the motion (10-0).

The application will go to the April 16, 2026, Board of Supervisors meeting.

- C. Application REZN-25-3 of Etheridge Manor Corporation and Northampton Associates, LLC, owners, for a zoning map amendment for approximately 150 acres located on tax map numbers 33-01-14, 15, 46, and 46B to change the zoning district from Rural Agriculture Conservation to Conditional-Planned Development-Residential in order to permit the development of 141 single family detached units and 176 multifamily units**

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

REZN-25-3 Gwaltney Farms (C-PD-R) Conditional Zoning Request

AMY M. RING, AICP
PLANNING COMMISSION REGULAR MEETING
MARCH 24, 2026



Application Summary

Tax Map Numbers: 33-01-14, 15, 46, and 46B
Location: Approx. 850 feet northeast of the intersection of
Ben's Church Blvd (Rte. 10) and Tan Road (Rte. 620)

Current Zoning: Rural Agricultural Conservation (RAC)
Election District: D3
Request:

A zoning map change (rezoning) from the RAC zoning district to the Conditional-Planned Development -Residential (C-PD-R) zoning district for 141 single-family homes and 176 multifamily rental apartments



Site Location



Zoning Map



Future Land Use Map



Background

- Site is approximately 150 acres total on former "Gwaltney Farm"
- Currently vacant except for several farm buildings
- Historically in agricultural use
- Site slopes downward from the east adjacent to Route 10 towards Brewers Creek with a high elevation of 58 above MSL to 22 feet and below
- Soil types range from well drained in the field areas to poorly drained in the wetland areas and lower elevations

View to East from Route 10



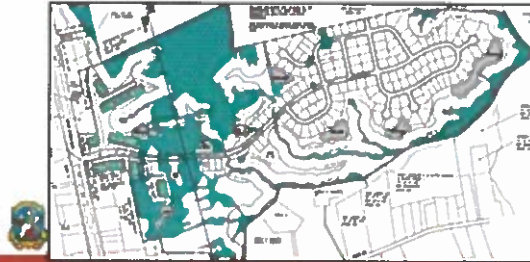
View to North from Tan Road



Project Details

- Request for a Zoning Map Change to Conditional-Planned Development-Residential (C-PD-R) to permit the development of 141 single-family homes and 176 multi-family rental apartments
- Proffered Conditions include the following:
 - Traffic improvements include an extension of the existing left turn lane at Brewers Neck Blvd and Bennis Grant Blvd, two site entrances at the existing full-access intersection with Turner Landing Way and a new right-in/right-out entrance to the south, and turn lanes serving the development.
 - Cash proffers to expand school capacity to serve the project students generated by the development.
 - Design criteria for both the multifamily and the single family residential uses
 - Inclusion of RPAs, Flood Hazard Areas, and wetlands in permanent protected open space
 - Recreational amenities to include a dog park, multi-purpose recreational field, and walking trail
 - Phase II Archeological Study with future phases as needed prior to preliminary plat submission

Concept Plan



Multifamily



Single Family Model Example 1



Single Family Model Example 2



Transportation Analysis

- Projected to generate 2,587 new vehicle trips per date and exacerbate left lane spillover at the intersection of Brewers Neck and Bennis Grant Blvd
- In order to mitigate these impacts and serve the development, proffer to construct the following improvements:
 - Extend the Brewers Neck westbound left turn lane onto Bennis Grant Boulevard to approximately 700' of storage (no taper and utilizing all the available space) and adding green time to the westbound left turn movement
 - Construct proposed right-in/right-out access south of Turner Landing Way with northbound right turn lane (200' storage, 200' taper)
 - Construct a northern entrance with a western fourth leg to the existing intersection with a northbound right turn lane
 - Construct a roadway parallel to Bennis Church Boulevard connecting the two access locations to provide direct access to the multifamily housing

School Analysis

- Expected to generate a total of 96 students to be served by schools in the northern area of the County
 - Grades K-3 = 29 Students
 - Grades 4-6 = 20 Students
 - Grades 7-8 = 15 Students
 - Grades 9-12 = 31 Students
- Only northern area school currently over capacity is Smithfield High School, which recently added a \$30M project to CIP to add 30 additional classrooms
- Project would generate the need for 31 additional seats at the high school
- Based on an average of 24 seats per classroom, each new seat will cost the County approximately \$41,667 (\$10 million divided by 240 seats)
- To mitigate their impact on school capacity, the applicant proffers \$4,000 for 136 single-family homes and each of the 176 multifamily units

Parks and Recreation & Utility Analysis

- Anticipated 737 new residents
- Will continue to decrease the existing level of service for parks and recreation without the expansion of existing services and facilities
- To help address this impact, applicant proposes to include a walking trail, permanently preserved common open space areas, a community park site with parking, a 'Dog Park', and a graded multipurpose field
- Site will be served by public water and sewer. Review of utility lines and necessary appurtenant structures will occur at site plan submittal, if the rezoning request is approved

Public Safety & Fire Rescue Analysis

- Sheriff's Office has no objection to the application as submitted, but does have concerns that additional development will increase service demands for the following:
 - number of larcenies during construction,
 - additional patrols for the community,
 - calls for service domestics and other family needs,
 - enforcement of traffic violations and crashes, and
 - additional service of civil process and related activities that would fall upon the Sheriff's Office
- Based on the average number of calls for residential development per vehicle trip, the Fire Rescue Department could anticipate an increase of 318 calls per year, or approximately one additional call per day.
- Stated that current staffing levels were adequate to address the additional calls



Public Safety & Fire Rescue Analysis

Environmental & Historical Resources Analysis

- Wetland delineation performed and confirmed by the USACOE
- Resource Protection Area (RPA) delineation confirmed by the County and DEQ
- Wetland and RPA areas are proposed for preservation in common open space areas, with some impacts proposed for roads and parking areas
- Applicant will have to prove that these impacts are the minimum necessary and that they are permitted under the CBPA regulations
- Phase I Environmental Assessment did find the presence of derelict structures, junk and inoperable vehicles that will be required to be removed prior to a preliminary plat
- Initial Phase IA Cultural Assessment revealed no findings, however the consultant recommends a Phase I study based on project's moderate to high probability of affecting unidentified cultural resources
- Applicant did include a Phase I study and future phases as needed in the proffered conditions



Environmental & Historical Resources Analysis

Fiscal Impact Analysis

- Proffered minimum home size of 1,600 square feet of heated living space with a 400 SF garage
- Largest model contains approximately 2,800 square feet of heated living space with a 480 SF garage
- Average County assessment of \$375,000 with a market value average is \$462,500
- Projects single family portion to provide \$13,665,663 in real estate tax revenue over 20 years
- Estimate cost burden is \$6,878,900
- Project's estimated factor of revenue vs. cost is 2:1



Fiscal Impact Analysis

Comprehensive Plan Analysis

- Urban Residential (UR), Suburban Residential (SR), and Environment Conservation (EC) on the County's future recommended land use map
- Small portion of the project area designated as Business and Employment (BE), however, has only the main entrance road with no proposed uses
- UR - recommended uses include single family or multi-family housing types on smaller lots, attached single family homes such as townhouses, or multi-plex and apartment style housing options. Best located on major transportation routes and at major intersections adjacent to and supporting Mixed Use (MU) and Business and Employment (BE)
- SR - typically around a quarter acre in size with sidewalks with amenities. Consists of single family homes, environmental preservation areas and community amenities. SR land use is best located in close proximity to major transportation routes and major intersections.
- Project is generally consistent with the future recommended land use plan



Comprehensive Plan Analysis

Ordinance Analysis

- PD-R - Planned development residential districts are designed to encourage innovative and creative design of residential development; facilitate use of the most advantageous construction techniques; maximize the conservation and efficient use of open space and natural features; and provide a variety of affordable types of housing. Limited to locations within the development service district where public benefits, in the form of highway improvements, utilities, affordable housing, parks, and other needed community facilities are provided
- NDSO and CBPA Overlay Districts - enhanced design criteria
- If approved, next step is the preparation and submission of a Phase I architectural and archeological study followed by a boundary line vacation plat and preliminary plat which would demonstrate compliance with both the zoning ordinance and proffered conditions



Ordinance Analysis

Staff Findings

Strengths:

- 1 The project overall is consistent with the County's future recommended land use plan.
- 2 The project proposes proffered conditions which will reduce the strain on existing public parks and recreation facilities, schools, and roads.
- 3 There is sufficient capacity for Fire Rescue and Sheriff's Office operations to accommodate the additional calls for service

Weaknesses:

- 1 The TIA shows the project will negatively impact traffic, however, the applicant has proffered road improvements to mitigate these impacts, but the proposed proffer language dated March 19, 2026, needs to be clarified
- 2 The project will cause negative school facility impacts, however, the applicant has proffered a cash contribution to assist with increasing capacity for schools, but the proposed proffer language dated March 19, 2026, needs to be clarified



Staff Findings

Staff Recommendation

Based on the weaknesses of the application noted in the findings, staff recommends denial of the application at this time.



Staff Recommendation

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

Brian Layne, 7021 Harbour View Blvd, land surveyor with Parish Lane Design Group, stated that the project originated during the County's Comprehensive Plan update and described a lengthy, five-year process involving collaboration with staff, attendance at public meetings, and multiple revisions. He expressed appreciation for staff, including Ms. Amy Ring, and noted ongoing coordination with VDOT and community stakeholders. He stated that the application reflects a mixed-use project aligned with County goals and highlighted fiscal benefits, including a projected positive revenue-to-cost ratio and the use of local contractors. He clarified that the proposed multifamily component allows for both condominium and market-rate housing options. He also

described environmental and archaeological studies conducted for the site and explained design considerations related to topography, stormwater management, utilities, and access. He noted that traffic concerns had been addressed through coordination with VDOT, including proposed improvements to an existing failing intersection, and offered to answer questions before yielding time to the applicant's representative.

Scott Overton, representative for the applicant, 50 Riverhead Drive, Suffolk, stated that he represents a fourth-generation local family development business, with a fifth-generation member also present. He described the company's long history of residential and commercial development in the region, including projects near Obici Hospital and the Planter's Station development. He outlined the scope of prior developments, including residential units and commercial amenities, and stated that the applicant has owned the subject property for over twenty years. He emphasized that the proposal is consistent with the Comprehensive Plan and expressed appreciation for the opportunity to present the project.

Chairman Bowser invited any citizens to speak for or against the application.

Richard Warren, 15351 Benn's Church Boulevard, stated that he owns adjacent properties and expressed concern that the proposed entrance may encroach upon his legally owned property. He referenced prior permits and property records and requested additional review to verify property boundaries and right-of-way considerations. He also shared safety concerns related to prior traffic incidents on his property and urged the Commission to ensure the proposal is thoroughly reviewed.

Chairman Bowser thanked the speaker, closed the public hearing after no additional comments, and opened the floor for Commission discussion.

Commissioner Distefano recommended allowing the applicant an opportunity for rebuttal.

Chairman Bowser approved the request for rebuttal.

Mandy Rogers stated that five minutes would be allotted for rebuttal.

Brian Layne responded that the property concern raised was new information and stated his willingness to review the issue with the speaker and verify deed records.

Commissioner Boykin asked about school capacity and whether staff was able to determine the accuracy of previous student generation projections from previous projects.

Ms. Ring explained that based on previous research from Ms. Boykin's request several month ago, staff found there were only a few professionally prepared student generation studies available, but that those projects had not finished building yet. She added she would see if that information had been updated yet and send it to everyone.

Ms. Boykins then asked if any of the schools to serve the development would be over the 95% capacity threshold as a result? Also, does staff look at ownership information for property as part of the application process?

Ms. Ring said that only the high school would be over the 95% capacity threshold, but none of the other schools would be over this limit. Staff does look at County real estate records to confirm

ownership information as part of the application review process.

Commissioner Johnson inquired about deed verification procedures and the accuracy of fiscal impact data, noting that the study relied on 2018 figures and may not reflect current costs. He expressed concern regarding increasing school and infrastructure costs, including capital and operational expenses, and asked about additional impacts such as law enforcement facility needs as noted in the Comprehensive Plan.

Ms. Ring stated that staff verifies deeds against County records and explained that the capital impact model analysis is limited to capital impacts only for the purposes of accepting cash proffers. She acknowledged that operational costs are not included but agreed to follow up on additional data requests.

Commissioner Johnson raised concerns regarding traffic data, including potential underestimation of current volumes and cumulative impacts from multiple developments. He requested additional information on comprehensive corridor-level traffic analysis.

Ms. Ring explained that traffic impact analyses include approved developments and background growth assumptions established during scoping meetings with VDOT and engineers.

Brian Layne confirmed that the traffic study incorporates existing and future conditions, including approved developments, and explained the methodology used to project traffic distribution and impacts.

Charles Smith, traffic engineer for the project, 902 East Jefferson Street, Charlottesville, explained that traffic analysis utilized the most current available data at the time of study, including 2023 peak hour counts, and clarified differences between average daily traffic data and peak hour analysis.

Commissioner Johnson requested access to detailed traffic study appendices and reiterated concerns regarding discrepancies in reported traffic volumes.

Chairman Bowser indicated that additional review of the traffic data may be necessary.

Commissioner Boykin requested that the application be tabled to allow for updated traffic analysis, fiscal data, school projections, and legal review of property concerns.

Chairman Bowser agreed that the deed issue should be resolved.

Ms. Ring stated that updated information could be requested, including fiscal and traffic data, and noted the availability of detailed traffic study documentation.

Mandy Rogers advised that tabling must be to a date certain and within a required timeframe.

Commissioner Carroll stated that the deed dispute appeared to be a civil matter between private parties and not within the authority of the Commission.

Ms. Ring reiterated that staff verifies deed documentation as part of the application process.

Ms. Rogers recommended tabling the application for 60 days and identified April 28 as an

appropriate date.

Ms. Ring confirmed that the timeframe would allow for updated information to be provided, including school data and revised analyses.

Commissioner Ford made a motion to table the application until additional information is received and clarified.

Commissioner Boykin outlined requested updates, including revised fiscal impact analysis, traffic data, and school projections.

Ms. Ring confirmed that updated data and documentation would be provided and noted that recently adopted student generation rates were used in the current analysis.

Chairman Bowser called the Commission back to consideration of the motion.

Commissioner Boykin moved to recommend this application to be tabled until the April 28, 2026, Planning Commission Meeting and requested to obtain revised fiscal impact analysis, traffic study and school projections.

The motion was seconded by Commissioner Ford.

The motion Passed with Commissioner Bowser, Commissioner Carroll, Commissioner Ford, Commissioner Boykin, Commissioner Gibbs, Commissioner Smith, Commissioner Shotwell, Commissioner Rawls, Commissioner Johnson, Commissioner Distefano voting in favor of the motion and none voting against the motion (10-0).

Chairman Bowser asked for the two letters received to be entered into the minutes. The letters are included in the minutes as follows:

Dear Supervisor Acree:

I am writing to you today because I value your consistent commitment to maintaining the rural character and fiscal health of Isle of Wight County.

As we face the reality of 13 planned housing developments currently in the pipeline, I am deeply concerned about the proposed rezoning near Tan Road and the area across from Benn's Grant.

While I understand the pressure for growth, I urge you to consider the following points regarding accountability and safety:

- **Infrastructure & Safety:** The development across from Benn's Grant, specifically the Gwaltney Farms project, is projected to add over 2,500 daily vehicle trips to our roads. Given the existing congestion on Benns Church Blvd and the narrow footprint of Tan Road, this poses a legitimate safety risk for emergency services and current residents that hasn't been fully mitigated.
- **Fiscal Accountability:** With the School Board requesting a significant \$7.1 million budget increase, we must ask if the tax revenue from these 300+ new homes truly offsets

the long-term cost of the hundreds of new students they will bring. I am concerned that current residents will ultimately shoulder the "growth deficit" through increased service costs.

- Adherence to the Comp Plan: Pushing for high-density rezoning in this specific corridor feels like a departure from the original intent of the Board to concentrate growth strictly within manageable Service Districts.

As a note, the developer has offered zero proffers, which means the additional cost to fund school needs, road maintenance, additional police, fire/rescue and 911 dispatchers over the next 10 yrs will fall on IOW residents via increased taxes.

Bringing in more and more residential developments with no significant commercial development will not bring in sustainable revenue to cover these cost.

Lastly, it's my understanding that Native American artifacts were found during the phase 1 survey. This automatically requires a phase 2 survey and it requires that the Nansemond Indian Nation and the VADHR be notified. I know that has not been done.

I trust your leadership to ensure that "clarity" isn't just a buzzword, but a requirement before we commit to infrastructure we cannot yet support.

I ask that you push for a delay or denial of this rezoning until a comprehensive safety and fiscal impact study—accounting for all 13 active projects—is completed.

Thank you for your time and for standing up for the residents of District 4.

In addition to my personal concerns, I request that the Board of Supervisors and Planning Commission formally address the following technical conflicts prior to any vote on REZN-25-8:

1. The 33.5% traffic surge identified in the January 2024 Traffic Impact Analysis for the Benns Church corridor.
2. The findings of the November 2025 TischlerBise Student Yield Study, which warns that 66% of our schools will reach critical capacity levels (85%+) due to these exact types of rezonings.
3. The lack of a verified cost-sharing agreement that offsets the \$7.6 million roundabout and other necessary safety improvements on the Benns Church/Turner Drive corridor. Infrastructure Growth Deficit Summary

Reference: REZN-25-8 (Gwaltney Farms) & Benns Church Corridor Impact

Category	Required Infrastructure / Cost	Current Funding Status	Tax Rate Implications
Education Budget	\$7.1 Million Increase requested by School Board.	UNFUNDED GAP	Requires a 10-cent tax hike (+\$450/yr for avg home).
School Proffers	\$0.00 Offered for REZN-25-8 (317 units).	DEFICIT	Current taxpayers subsidize \$20,000+ per-student cost.

Road Safety	\$7.6 Million (Turner Dr Roundabout).	UNFUNDED in CIP	Adds 2,587 dally trips without a safety solution.
Heritage	Native American Artifacts Found (Warraskoyack/Nansemond).	NO PHASE II STUDY	Irreplaceable loss of county history if graded now.

To the Clerk:

Please include this letter in the official public record for the upcoming Planning Commission and Board of Supervisors hearings regarding rezoning application REZN-25-8.

Sincerely,
Kimby (Kim) Powell
21418 Tan Rd.
Smithfield, VA23430

March 20, 2026

Isle of Wight County Planning
Commission Isle of Wight County Board
of Supervisors Isle of Wight County
Planning department Good Day,

My reason for not showing up personally to the meeting to rezone the "Gwaltney Farm" are that my wife is having major heart surgery on this day. My wife, Shirley Land and I, Donald Land reside at 15387 Benns Church Blvd., Smithfield, VA. This property is also known as Jack and Thelma house. We purchased the said property in 1984 and in many ways has been a blessing. The brick house sets at the entrance to the Gwaltney farm (Purdie Farm), adjacent to Hwy 10 a divided Highway.

I would like to say that we are not against rezoning of the farm but to the density factor proposed and the establing design of the access road to said structures as portrayed by the Architects who have so vehemently pencil whipped the property boundaries in the express purpose to gain every feasible dollar they can in pursuit of profit. It has absolutely nothing to do with keeping the "County Feel" and the plan for Isle of Wight as was discussed in earlier planning meetings and adopted by those people supposedly looking out for our "best" interest. At meetings past it was decided the development of density was to take place on the west side of Highway 10 (Benns Grant) now and the east side was to be entertained by less development low density. Fellow community dwellers and ourselves agreed that in the interest of keeping Isle of Wight rural appeal was paramount especially the Highway 10 corridor which by the way is designated as a Hurricane evacuation route.

As for the access road behind our house, drawn by for mentioned Architects, there been no forethought of how it will affect our property. The house has a full basement which is affected by ground water levels around it. Whenever the ground is saturated due to heavy rains and more rain comes. Mother Nature tries in earnest to relieve the floods and takes time. "Myrtle Creek" is a

major relief valve as its culvert pipe that runs from west to east underneath Highway 10 and empties across our property through the farm into the wetland woods. Whenever I see moving water in the creek the water table has risen to where our basement foundation will leak. Hydrology is a fascinating science. So here lies a problem. The proposed road behind our house will create a holding pond by not allowing the natural (NO ROAD) drainage to occur and perhaps I may never see a dry basement for longer periods of time. Having lived here for 42 years, I have prepared for huge rain events, sometimes my sump pumps run for months. Had the persons in charge of rezoning or the developers knocked on our door to ask for our thoughts they would have been informed.

Right now our life is still filled with the joy of watching all of Mother Nature in the backyard. The crops growing in the fields, deer, turkey, birds, brown bats, bear, fox, opossum, raccoon, coyotes, trees, swamp and not much human activity. Now days the traffic is getting noisier, the trash has gotten worse, sirens are much more prevalent. Our view of the sun set is a different story. Asphalt shingles instead of field of crops (Benns Grant). Light pollution and environment impact of the entire infrastructure that goes along with such development is overwhelming to including the impact on the county. Is this really what Isle of Wight about, a bedroom community to the outside world and more burden, taxes, crime and etc?

Isle of Wight County Resident
Donald Land
15387 Benns Church
Blvd. Smithfield. VA
23430
757-377-1035

Mr. Brian Layne stated that he understood the need for information regarding schools and traffic and requested that Ms. Ring provide school-related data. He further directed coordination with Ms. Ring to obtain the most current traffic information and inquired about the role of the County Attorney.

Ms. Ring stated that the County Attorney would need to review the latest set of proffers.

Mr. Layne acknowledged the response and indicated he understood the next steps.

Commissioner Smith stated that he had a question regarding traffic impacts. He expressed concern about how traffic calculations account for both active and inactive approved projects within the corridor and questioned whether long-held properties were included in those projections.

Commissioner Smith further stated that if all approved projects became active, he wanted to understand how cumulative impacts would be calculated and what factors were included in those determinations.

Ms. Ring stated that for the upcoming April 28 meeting, she could arrange for the transportation manager to provide an overview of how Traffic Impact Analyses (TIAs) are conducted.

Ms. Ring explained that TIAs may either account for specific approved developments and their proffered improvements or use background growth rates to estimate increases in traffic over time. She stated that both methods consider planned transportation improvements and evolving roadway conditions.

Ms. Ring noted that certain roadway segments, including portions of Benns Church Boulevard, are not currently experiencing significant traffic growth according to VDOT studies, while the Smithfield area is growing more rapidly.

Commissioner Ford asked whether coordination occurs with Jamie Oliver regarding traffic data and expressed concern about understanding the methodology behind traffic metrics, including peak hour calculations. He stated that better understanding these metrics would assist the Commission in interpreting reports.

Commissioner Johnson stated that TIAs typically focus on intersections near a development and may not fully account for broader regional impacts. He expressed concern that traffic along Carrollton Boulevard and regional commuter patterns, including influences from surrounding localities, may not be adequately captured.

Ms. Ring explained that project-specific TIAs generally evaluate impacts within a defined radius, typically around one mile, though additional areas can be included if deemed necessary. She stated that some intersections beyond the standard radius had been evaluated due to their relevance.

Mr. Overton stated that a significant portion of traffic consists of pass-through trips, including travel to nearby jurisdictions such as Suffolk.

Commissioner Johnson reiterated that regional development influences local traffic conditions.

Commissioner Carroll stated that while broader impacts are important, each project must be evaluated based on its individual merits, including factors such as public safety and schools, in addition to traffic.

Commissioner Gibbs agreed and noted that not all developments occur simultaneously and stated that the applicant's long-term ownership of the property contributed to the discussion and provided valuable context for the Commission's considerations.

Commissioner Ford agreed that these issues had been longstanding.

Ms. Ring stated that Mr. Charles Smith could provide additional explanation regarding peak hour analysis.

Mr. Smith explained that traffic studies rely on collected data, including turning movement counts conducted over extended periods. He stated that analyses focus on identifying actual peak hours and peak 15-minute intervals, which are used in standard traffic engineering calculations.

Mr. Smith further explained that trip generation rates are based on extensive datasets and are applied to the identified peak periods to evaluate intersection performance. He stated that stakeholders typically focus on morning and evening peak hours, with actual data determining the precise timing.

Ms. Rogers stated that the Board has 100 days to consider the application and noted that the Commission could extend the review period to the June 23 meeting, if additional time was needed.

Chairman Bowser asked whether additional time beyond the current schedule would be necessary and referenced the upcoming April 28 meeting.

Mr. Brian Layne asked for clarification on the available timeframe.

Chairman Bowser confirmed the current schedule and questioned whether sufficient information, particularly from the school system, would be available by that date.

Ms. Ring indicated that obtaining school-related information by that time may be unlikely.

Ms. Rogers reiterated that the Commission could extend consideration through June 23, if needed.

Chairman Bowser asked Ms. Ring for her recommendation regarding timing.

Ms. Ring stated that she would defer to the applicant regarding the preferred timeline.

Mr. Layne suggested extending the timeframe by approximately sixty days.

Ms. Rogers confirmed that a sixty-day extension would move consideration to the May 26 meeting and explained that a motion to reconsider would be required before adopting a new motion.

Chairman Bowser asked whether his prior motion needed to be rescinded.

Ms. Mandy Rogers clarified that a motion to reconsider was required.

Commissioner Boykin made a motion to reconsider the previous motion.

Commissioner Ford seconded the motion.

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

Commissioner Boykin moved to recommend this application to be tabled until the May 26, 2026, Planning Commission meeting and request to obtain revised fiscal impact analysis, traffic study, school projections are received and the revised proffers to be approved by the County Attorney.

The motion was seconded by Commissioner Carroll.

The motion passed with Commissioner Bowser, Commissioner Carroll, Commissioner Ford, Commissioner Boykin, Commissioner Gibbs, Commissioner Smith, Commissioner Shotwell, Commissioner Rawls, Commissioner Johnson, Commissioner Distefano voting in favor of the motion and none voting against the motion (10-0).

8. Old Business

- A. Proposed Battery Energy Storage System (BESS) Zoning Ordinance Requirements**
An Ordinance to Amend and Reenact Appendix B. - Zoning, Article V. – Supplementary Use Regulations, Section 5-5003.M. Utility services, major of the Isle of Wight County Zoning Ordinance for the purposes of adding regulations for Battery Energy Storage Systems

Amy Ring, Community Development Director, presented the latest draft of the Battery Energy Storage System (BESS) ordinance that was included in the agenda package. She reminded the Commission that discussion had been continued from the previous meeting to allow additional time for review and incorporation of comments.

Ms. Ring stated that she received comments from Commissioner Johnson requesting both a pre-construction and post-construction noise study which were incorporated into the draft ordinance.

Ms. Ring explained that revisions were made to allow the Zoning Administrator to approve minor modifications to the conceptual plan related to noise mitigation, and that this provision was moved into a separate section for clarity.

Ms. Ring stated that the setback between the fence and equipment was reduced to 50 feet, while the setback between the security fence and adjacent property lines and public roads was increased to 300 feet, maintaining a total setback of 350 feet. She noted that this change reflected prior Commission concerns about reducing facility footprint while maintaining adequate buffering from surrounding properties.

Ms. Ring opened the floor for questions and noted prior discussion regarding the fifty-decibel noise limit at adjacent property lines, acknowledging that other localities allow higher levels but that the proposed standard reflects local experience and a more conservative approach.

Commissioner Johnson stated that while he was not an expert in acoustics, fifty decibels is relatively low, but a more restrictive standard may be appropriate. He emphasized the importance of post-construction noise studies, noting that pre-construction studies are predictive while post-construction studies reflect actual conditions.

Commissioner Johnson stated that research into other jurisdictions, including Loudoun County and Frederick County, indicated that similar pre- and post-construction requirements are used.

Ms. Ring confirmed that the ordinance requires mitigation measures if post-construction noise levels exceed the established limits, and that such measures must be certified by a professional engineer and implemented within six months following approval.

Commissioner Smith asked whether an additional noise study would be conducted after mitigation measures are implemented to ensure effectiveness.

Ms. Ring responded that compliance with the fifty-decibel limit is required and that additional testing could be conducted if complaints are received.

Commissioner Johnson noted that the ordinance language requires verification of compliance through post-mitigation noise measurements.

Chairman Bowser confirmed that verification would occur following implementation of mitigation measures.

Commissioner Boykin asked Commissioner Carroll about his experience with noise mitigation measures at an existing facility.

Commissioner Carroll stated that noise levels remained largely unchanged and expressed the opinion that sound pitch may be as significant as decibel level, noting that pitch is more difficult to measure. He also commented that previously quiet areas can experience noticeable changes in noise conditions following development.

Commissioner Boykin expressed concern about increases in ambient noise levels for nearby residents and referenced public comments submitted by Mr. Tucker.

Chairman Bowser confirmed receipt of Mr. Tucker's recommendations.

Commissioner Boykin expressed support for Mr. Tucker's recommendations and indicated interest in incorporating them into the ordinance.

Ms. Ring stated that she had requested a meeting with the County Attorney to review Mr. Tucker's recommendations, noting that some raised legal concerns.

Commissioner Boykin requested clarification regarding those legal concerns.

Ms. Ring explained that certain provisions conflicted with existing state code and established authority structures, and that duplicating or redefining those authorities within the ordinance could create inconsistencies.

Commissioner Boykin inquired about proposed fines included in the recommendations.

Ms. Ring stated that she did not have concerns with fines but reiterated that authority-related provisions required careful review.

Commissioner Boykin expressed concern about enforcement, referencing prior issues with compliance at a solar facility and emphasizing the importance of accountability measures.

Chairman Bowser asked if there were additional questions or comments.

Commissioner Carroll stated that it was important to move the ordinance forward and encouraged timely approval by the Board of Supervisors.

Commissioner Distefano agreed and stated that while additional recommendations should be reviewed, it was important to proceed given anticipated actions at the state level. He noted that the ordinance could be amended in the future, if necessary.

Commissioner Boykin stated that the Board of Supervisors could also make adjustments upon review.

Commissioner Johnson stated that the ordinance could be revisited in the future and suggested that noise requirements for solar facilities could also be improved as part of a broader update.

Commissioner Carroll moved to recommend approval of the proposed Battery Energy Storage System Zoning Ordinance requirements to the Board of Supervisors as presented.

The motion was seconded by Commissioner Distefano.

The motion Passed with Commissioner Bowser, Commissioner Carroll, Commissioner Ford, Commissioner Boykin, Commissioner Gibbs, Commissioner Smith, Commissioner Shotwell, Commissioner Rawls, Commissioner Johnson, Commissioner Distefano voting in favor of the motion and none voting against the motion (10-0).

The application will go to the April 16, 2026, Board of Supervisors meeting.

- B. Application EXC-24-3 of Jeffrey D. and Christina L. Baker, property owners, for an after-the-fact exception under the Chesapeake Bay Preservation Area (CBPA) Ordinance for an unauthorized retaining wall, patio, and a shed in the fifty-foot landward Resource Protection Area (RPA) buffer at 312 Lakeview Lane on tax map number 43A-08-059**

Shaunee Beussink, Environmental Planner, gave the following presentation.

Exc-24-3 Baker CBPA Exception Request

SHAUNEE BEUSSINK, ENVIRONMENTAL PLANNER
MARCH 24, 2026



Details

Applicants: Jeffrey D. & Christina Baker

Location: 312 Lakeview Ln

Tax Map #: 43A-08-059

Request: An after-the-fact exception under the Chesapeake Bay Preservation Area (CBPA) Ordinance for an unauthorized retaining wall, patio, and a shed in the fifty-foot landward Resource Protection Area (RPA) buffer



1968:Lot created

2017- 2018: Home was constructed

2018: Current owners purchased

2021-2022: Pier constructed

2022:Application rejected for retaining wall, patio, and expanding driveway

2024: Violation found structures were observed; 100-foot long retaining wall, a 315 sqft patio and a 210 sqft shed totaling 625 sqft of new disturbance

2025: At the March PC meeting item was tabled for applicant to work with the County to address additional erosion and see if the County could determine structure stability of retaining wall.

1. Approve the proposed two-story house plan with a construction footprint, including the attached garage, of 3,570 square feet and living space of 3,047 square feet.

2 Allow no additional encroachment for accessory structures, decks, or impervious surfaces

3. Encroachment into the landward 50 feet of the Resource Protection Area Buffer is not to exceed 48 feet.

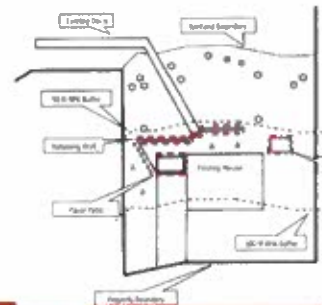
4. Require the usual Best Management Practice maintenance agreement for the pervious pavers and for the landscaping plan.



Baker Exception (EXC-24-3) Location Map



Site Plan



2024 Pictures





Proposed Landscaping



Five criteria for granting an Exception: The Planning Commission shall not recommend in favor of the applicant unless it finds:

1. That the strict application of the ordinance would produce an undue hardship and will not confer upon the applicant any special privileges denied by this ordinance to other property owners in the CBPA areas;
 - Surrounding properties have similar slopes which are vegetated with no need for a retaining wall.
 - Previous 2009 exception had conditions that prohibit any new encroachment
 - Staff denied the proposed project in 2022 and notified the applicants of the need for an exception.
 - Request does not constitute a hardship and would grant a special privilege to the applicants if the items were to remain.

2. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
 - Staff informed the property owner in 2022 about the previous exception limitations
 - Staff issued a rejection letter for the proposed project which stated the need for an exception.
 - Applicant failed to contact the County and apply for the necessary exception and permits, and built the retaining wall, patio, and a shed without approvals, permits, or the needed exception.
 - This is a self-created circumstance.

3. The exception request is the minimum necessary to afford relief;
 - Shed and patio are accessory structures and do not prevent the ability to use the property for its intended residential use.
 - No past requests for lots in the surrounding area for erosion control projects, and retaining walls
 - Hardened shoreline measures are not recommended in low wave action environments. Other erosion control measures were offered in the 2022 site visit
 - Retaining wall, shed, and patio exceed the minimum necessary to afford relief

4. The exception request will be in harmony with the purpose and intent of this ordinance, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality;
 - The placement of the retaining wall, patio, and shed do not meet the purpose or intent of the ordinance, which is to safeguard water quality through protection of existing buffers and establishment of buffers where they do not exist. All the above items are within the 50 foot landward buffer.

5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

If this exception is approved, staff recommends the following conditions:

- the applicant be required to install the mitigation landscaping as proposed in the WQIA within the RPA,
- the shed and patio be removed; and
- no further exceptions be granted

Staff Conclusions

Strengths:

- The landscaping mitigation proposed in the WQIA meets the requirements of the Riparian Buffers Guidance Manual.
- The placement of the retaining wall, patio, and shed do not meet the purpose or intent of the ordinance, which is to safeguard water quality through protection of existing buffers and establishment of buffers where they do not exist. All the above items are within the 50 foot landward buffer.

Weakness:

- The applicants' request does not meet the five criteria for granting exceptions
- All encroachments were added without prior permits and installed after receiving a previous denial.
- The encroachments violate the conditions imposed in the 2009 exception approval.
- Accessory structures are not permitted in the RPA buffer.
- The wall and fill are not needed for stabilization.
- If the main septic drainfield fails, reaching the reserve septic in the future may be harder.
- Other half of the property is not protected.

Staff Recommendation

Based on the above findings, staff recommends denial of the exception request.

If this exception is approved, staff recommends the following conditions:

1. The applicant be required to install the mitigation landscaping as proposed in the WQIA within the RPA
 2. The shed and patio be removed
 3. If the shed is to remain it needs to be moved off the reserve drainfield or another reserve drainfield location should be allocated
 4. No further exceptions be granted
- Board of Supervisors may also issue an order against the applicant for a one-time payment of civil charges for the violation in specific sums, not to exceed ten thousand dollars (\$10,000.00), for each violation based on their failure or refusal to obey any board of supervisors' or the zoning administrator's final notice, order, rule, regulation, or variance or permit condition authorized under this ordinance (Section 5003 C).

Chairman Bowser stated that the matter had been previously tabled and invited the applicant to come forward and speak if present.

Jeffrey Baker, applicant, 312 Lakeview Lane, thanked the Chairman and stated he would keep his remarks within the allotted time. Mr. Baker noted that he and his wife, Christina Baker, were the property owners. Mr. Baker explained that they attended a meeting the previous year and

understood the Commission's guidance to include two items: an assessment of the structural integrity of the retaining wall to ensure compliance with Virginia Uniform Building Code standards, and an evaluation of ongoing erosion issues with recommendations for mitigation. Mr. Baker stated that it took approximately one year to return to the Commission. Mr. Baker stated that a wetlands water quality impact assessment had been completed by Stokes Environmental, a firm recommended by the County, and noted that the study showed no increase in nitrogen and an improvement in phosphorus filtration. He stated that they proposed doubling the amount of canopy trees, understory trees, and shrubs within the Resource Protection Area (RPA), exceeding County recommendations and referenced a notice of violation dated February 16, 2024, and stated that their plan would improve nutrient filtration. Mr. Baker stated that they had acted in good faith and maintained extensive communication with the County, totaling 43 pages of correspondence. He described efforts to coordinate inspections with County staff, including communication with Mr. Mark Drumheller and exposing structural components of the wall to demonstrate compliance. Mr. Baker stated that erosion could only be slowed, not fully resolved, and noted significant soil loss since 2018. He stated that he followed County direction to obtain contractor plans and estimates for a wall extension and submitted those plans. Mr. Baker explained that he was later advised engineered plans may be required, though he believed they were not necessary for walls under 36 inches per code. Mr. Baker noted that Ms. Ring became involved and confirmed that the wall extension would not require engineered plans under 36 inches and that subsequent site visits occurred and that he ultimately agreed not to pursue the extension due to the prolonged process. Mr. Baker stated that he would proceed with ground cover and landscaping measures and requested that the improvements already made remain in place.

Chairman Bowser thanked Mr. Baker and requested clarification from staff regarding the resolution of the matter.

Ms. Beussink stated that there had been confusion regarding the requirement for engineered plans and explained that engineered plans were requested for the original wall exceeding 36 inches, not the proposed extension. Ms. Beussink stated that the applicant chose not to proceed with the extension and would maintain the existing wall and noted that no additional erosion mitigation measures beyond the original plan had been implemented.

Chairman Bowser asked whether the wall extension was necessary.

Ms. Beussink stated that an extension could help slow erosion but would not eliminate it and noted that the proposed extension height would not require engineered plans.

Amy Ring stated that the Commission had previously recommended addressing both the existing wall and any extension. Ms. Ring explained that there had been confusion regarding wall height and plan requirements and stated that anything under three feet does not require engineered plans, while anything over that height does. Ms. Ring noted that staff revisited the site to confirm measurements and conditions with the Building Official. Ms. Ring stated that Mr. Baker elected not to proceed with additional work due to upcoming travel and confirmed that the existing wall was measured, inspected, and approved.

Commissioner Carroll stated that the wall appeared to meet code requirements and had been inspected by the County and expressed support for approving the exception.

Commissioner Distefano stated he was prepared to make a motion to recommend approval of the exception to the Board of Supervisors. Commissioner Distefano included conditions requiring the proposed mitigation landscaping to meet water quality requirements, identification of an alternate shed location outside the waterward side of the RPA if needed, and that no further exceptions be

granted without returning to the Commission.

Commissioner Johnson asked whether there were any requirements related to the patio.

Commissioner Distefano stated that the patio was not included in the motion.

Commissioner Boykin asked whether the motion required relocation of the shed.

Commissioner Distefano clarified that the motion only required identification of an alternate location if relocation became necessary, not immediate relocation.

Commissioner Distefano moved to recommend approval of the exception to the Board of Supervisors to include conditions requiring the proposed mitigation landscaping to meet water quality requirements, identification of an alternate shed location outside the waterward side of the RPA if needed, and that no further exceptions be granted without returning to the Commission.

The motion was seconded by Commissioner Gibbs.

The motion passed with Commissioner Bowser, Commissioner Carroll, Commissioner Ford, Commissioner Boykin, Commissioner Gibbs, Commissioner Smith, Commissioner Shotwell, Commissioner Rawls, Commissioner Johnson, Commissioner Distefano voting in favor of the motion and none voting against the motion (10-0).

9. New Business

A. County Attorney's Report

Mandy Rogers confirmed there were no items for the County Attorney Report.

B. Planning Director's Report

Amy Ring confirmed there were no items for the Planning Directors Report.

10. Closed Meeting

Amy Ring confirmed there were no items for closed session.

11. Adjournment

There being no further information to discuss, Chairman Bowser adjourned the meeting at 8:51PM.

Adopted this 28th day of April 2026.



Bobby Boswer, Chairman
Isle of Wight County Planning Commission

Attest: 

Amanda Landrus, Secretary

