

**THE TOWN OF IRVINGTON**

**JOINT TOWN COUNCIL & PLANNING COMMMISSION PUBLIC HEARING**

**IRVINGTON BAPTIST CHURCH, IRVINGTON, VA**

**TUESDAY, September 6, 2022; 5:30PM**

**Preliminary Agenda**

1. **Call to order** – Mayor Harris
2. **Roll Call of Planning Commission**

T. Chapman, present.

J. Taylor, present.

L. Capps, present.

A. Pollard, present.

D. Clarke, present.

R. Fuller, present.

P. Robinson, absent.

1. **Roll Call of Town Council**

D. Patteson, present.

W. Nunnally, present.

J. Penniman, present.

G. del Rio, present.

J. Harris, present.

B. Schaschek, absent.

1. **Approval of agenda**

**Motion (W. Nunnally) to approve Agenda.**

**J. Penniman, second.**

**Motion passes. 4-0.**

1. **Tides Inn CUP**

**-Presentation by Tides Inn Representatives**

**M. Smith (Tides Inn):** 2 months into the process. Significant concessions have been made on their plans. Moved entire footprint of property 10’ to address the buffer issue between the Elliott property and our property. Noise issues have been addressed with more landscaping (trees). Additional noise remediation is being looked into. Bamboo issue is going to be taken care of (it will be a battle). Entrance road has been addressed; the location has been designated by VDOT to be the safest. Parking and lighting has been addressed.

**-Public Comment on CUP**

**S. Spencer:** Not opposed to the renovations and growth that the Tides Inn has planned. Want to keep the relationship with the Tide’s Inn that it has enjoyed for many decades. Many amenities are available to the Tide’s Inn guests in the Town of Irvington. All concessions and compromises are appreciated. Using residential roads for construction traffic is not acceptable (Lancaster Road). West Irvington neighborhood entrance is an issue as well. This is a safety concern for the roads involved in Irvington. There are other options available without compromising the safety and serenity of our town during this construction period.

**C. Elliott (adjoining property owners to Tide’s Inn):** Comments on the email from September 2, 2022, from M. Smith. Proposed and enhanced drawings can be persuasive. Buffer is still not acceptable. Removal of bamboo is Tide’s Inn issue. Buffer/fence/plantings is still not acceptable. Tide’s Inn plans seem to change with every conversation. Errors and mistakes happen and have happened already such as improper drilling on our property and how will be able to trust that the Tide’s Inn will do what is in the best interest of my family. We do not agree to the placement of the fence. Placement of storage containers and maintenance building is not clear. What other items do we not know about? What is not being told is concerning. Long history of things gone wrong. Appreciate the removal of the bamboo but do not appreciate the fence hugging the Hall property line. The family’s original concerns that were presented in the July 25, 2022, letter still remain as strong as ever which are: 1) How the removal and eradication of bamboo will be handled, 2) Noise, 3) Fence/landscaping, 4) Parking lot/storm water, service entrance/exit. Who will be in charge to make sure The Tide’s Inn stays in compliance?

**C. Bradley:** Recognize the value of the Tide’s Inn to the community. There hasn’t been sufficient time to digest the revised plan by the residents. I do not wish to stop the improvements the Tide’s Inn is making but just want to make sure that it is done in such a way that in 10 years the changes are not regretted due to the impact it will have on Irvington.

**S. Thaxter (abutting property owners to Tide’s Inn):** Thanks for allowing the residents to have comments. There are some deeper concerns such as environmental concerns, lighting, noise and safety matters. Letter addresses minimizing the impact on residents. Three fundamental concerns which include safety, noise and lighting. Requesting new HVAC system, not just moving the location. Acoustic sound panels need to be installed as well as appropriate vegetation. The noise from the current HVAC system is very annoying. Trash compactor should be placed inside the maintenance building to control the noise spillover to the neighbors. Use of Lancaster Road by construction traffic should be subject to conditions such as hours, speed. Use of this road for construction traffic disturbs the peaceful enjoyment and is a safety hazard. Noise of construction trucks unloading equipment and speed of the construction vehicles was a problem the last time. There is no need for a third entrance off Lancaster Road after construction is completed. A physical barrier should be installed for the parking lot/maintenance area. A specific plan of how things will be done should be supplied concerning these issues. This is a tremendous opportunity for the Town. Appropriate measures need to be taken concerning the concerns of the Town residents.

**B. Spencer:** Addressing the sound barriers, we are missing specs and maybe a website that we can go to see the plans. Renderings are not specific concerning buffering/screening for the areas that there are concerns for. Did my own measuring, could see 340’ in either direction. Has VDOT talked to the Town they are responsible for the road. Parking is another push beyond what we were expecting.

**R. Camillo (resident across from the entrance to Tide’s Inn):** Asking to delay the decision on the CUP for the Tide’s Inn. There are too many issues still at hand that need to be addressed. Only one entrance to Tide’s Inn is needed. Safety is of utmost concern.

**B. Spencer:** VDOT limits access, and more access causes more problems.

**K. Butler:** Second entrance allows employees access in/out and separates them from the guest entrance. Trying to give a better workspace for our employees so that we can retain employees. Trying to improve conditions for the employees. Building has been ongoing since 1947. We cannot become dated; improvements are needed to keep the business alive and thriving. Noise level from the HVAC systems will not be increasing from the current level.

**J. Trollip:** We appreciate everyone’s input; it is a highly emotional subject. All comments are very reasonable. We work together with the Town, it is important. We don’t want residents to be unhappy with the Tide’s Inn. We believe in the sanctity of Irvington and want to keep it that way. All money that has been put into the Tide’s in the last 3 years has been to make improvements and help with the longevity of the Tide’s Inn. We want to be proud of the improvements we make, we don’t want it to be unsightly for anyone. The business has to be made viable to continue. Compromising is part of what we do and need to do. Changes to parking, entrance, etc. needs to be made to be more efficient and more aesthetically pleasing to everyone concerned. Separating deliveries/staff entrance from guest entrance is more feasible. Parking is an issue now. Intent to put a spa on the north side of the property. Our goal is to be a good neighbor. All improvements are needed for the survival of the Tide’s Inn, and we are not intentionally doing anything to harm residents/neighbors of the Tide’s Inn.

**W. Savage:** A lot of time has been spent developing the plans/renderings. The best development for all concerned has been designed by professionals. Significant landscaping is being done throughout the development. There is a budget and have to be reasonable with development. Conversations with VDOT has been had, however, the CUP has to be obtained first. The idea for the King Carter Road entrance is to help separate the staff and deliveries from the guests. Speed is currently a problem, and the hump is controlling that now but if we can make them make a turn it will help with the problem of speed. We can’t control speed; all we can do is design something to the best of our abilities. This will take away about half of the traffic during the day from the main entrance. Having to make that turn will make the larger vehicles slow down. We have talked to VDOT, and they agree with the locations. King Carter is considered a minor collector. There are a lot of factors in this. All of the plans are not final yet. VDOT will talk to the Town as soon as a final site plan is submitted, which will be after the CUP process. Drilling mistake was unfortunate, we remedied this ASAP and other options can be put in place during construction such as temporary construction fence. I will be onsite once per week to assure everything is going as planned. We will do everything in our power to assure no one will be affected outside of the Tide’s Inn land. The noise issue is being addressed and will be better than the current situation. Some things just can’t happen, we can just be as compliant as we can while also improving the property.

**M. Smith:** Two months has been an adequate time for us to address concerns. I just see this as an ongoing issue. We have been very forthcoming and engaging with the public. We are doing the best to accommodate our neighbors, but I do ask that this not drag on. I don’t think another month will bring forth any other concerns than what we have already addressed. Decisions that make sense are important.

**Male:** Question concerning the entrance being on the north side if VDOT says yes, would Tide’s Inn say yes.

**M. Smith:** The preferable entrance is where it is now. It is the most feasible entrance for the service/delivery entrance. Would not be feasible for tractor-trailer traffic, delivery trucks, etc.

1. **Short Term Rental Ordinance – Presentation**

* **Public Comment on Ordinance**

**A. McRoberts:** STR Committee has worked very long and hard on this. Town Council adopted registry/business license ordinance. The ordinance before you tonight has several purposes. Tight regulations are needed. STR Committee doesn’t want to kick them out, just to be compliant so it doesn’t change the neighborhoods and safety of the Town. Some further regulations were put in place by Council which restrict the number of STR’s (cap of 35). There are exemptions from this such as Tide’s Inn and Hope & Glory. Occupancy regulations are in place such as maximum of 10. Restriction of 20 overall per property. Safety and insurance requirements are listed. List of prohibitive things that can and cannot be done. Must operate as a STR. No other commercial uses are allowed. No nuisances. No inconsistent noise or activities. Everyone that has registered properly by Jan. 1, 2023, is grandfathered. Have to have been operating for 3 months, registered and taxes paid.

**D. Fowle:** Can real estate broker oversee several properties or is it one business license per property they manage. There are several real estate companies managing STR’s here.

**S. Thaxter:** The property demand affects everyone. Have to be consciously aware of is it will dampen the market.

**J.** **Dilday:** Asking questions concerning smoke detectors, fire extinguishers. I have been compliant with the property I manage. The Town is getting 4% off the rentals.

**S. Van Saun:** There are different types of STR’s in the Town. There are some people that did purchase the property to only rent out a couple of times per year and are not a full time STR. Consideration needs to be had for STR’s that are not full time.

**M. Getoff:** I am a part-time STR. I am in favor of reasonable regulations. The tone of the STR ordinance is anti-STR. My renters are not a nuisance. People I rent to spend money in this Town. It is an economic boost for the Town. A lot of people want to stay in a private home versus hotel. Some of the prohibitive activities qualify as a misdemeanor such as no disruptive parties and no inconsistent noise. These are vague. I would recommend more specific language or remove it entirely since there is a noise ordinance in place. I paid a premium price because I bought it as a STR and the grandfathering is a business infringement. Trespassing wording needs to be looked at. Trespassing is already illegal. It should not be in the ordinance. Any change of circumstance could cause me to lose my grandfathering. This should be better explained. A misdemeanor follows you for the rest of your life. Some of this is silly, and I do respect the intent.

**M. Schmid:** I am all for regulations. I am not in favor of the cap. What are we afraid of? The Town is making money off these STR’s. We have building codes for some of the things in the ordinance so is it needed? The people that rent STR’s are just wanting to experience the beauty of Irvington.

**G. Kuper:** Yes, an economic boost is being brought to the town, but it is at the expense of our community. I bought a residence; I did not buy a business. Midnight occurs here around 9:00 and my suggestion would be to close things down around 10:00.

**J. Allen:** I bought a house in White Stone because of Irvington. Different areas have different regulations such as Williamsburg, Henrico, Harrisonburg, and even California. Some areas have stricter ordinances that what is being presented here. There are a lot of issues and problems other Towns/Counties have encountered and I applaud Irvington for what they are trying to accomplish.

**L. Taylor (for a resident):** Concerns about fire pits and charcoal grills being used by transient guests. The number of STR’s owned by the same owner is of concern.

**D.** **Patteson:** Fire code is very strict concerning charcoal grills and fire pits and we may want to add in.

* **Adjournment**

**Motion (T. Chapman) to adjourn.**

**Second: J. Penniman**

**Motion passes 4-0.**