



**TOWN OF IRVINGTON, VIRGINIA
PLANNING COMMISSION SPECIAL CALLED MEETING
IRVINGTON BAPTIST CHURCH
TUESDAY JANUARY 12, 2021; 6:30 PM**

NOTICE: the Irvington Planning Commission will hold a Special Called Meeting on Tuesday January 12, 2021, 5:30 pm; Irvington Baptist Church.

AGENDA

A. Call to order - J. Harris, Chair

B. Roll Call and Determination of a Quorum - J. Harris, Chair

C. Approve Minutes

1. December 8, 2020 Joint Public Hearing
2. December 8, 2020 Special Called Meeting
3. December 10, 2020 Joint Public Hearing
4. December 10, 2020 Special Called Meeting
5. January 7, 2021 Joint Public Hearing
6. January 7, 2021 Special Called Meeting

D. Report from Chair - J. Harris

E. Report from Zoning Administrator - L. Brown

F. Old Business

1. **2nd Reading Resolution 2020-07.PC**; Conditional Use Permit for replace and extend existing pier, R-1, Tax Map 34F 13_Alga
 - Comments/vote
2. **2nd Reading of Resolution 2020-08 PC**; Conditional Use Permit for new pool outside the RPA, R-1, Tax Map 27 22A (Smith)
 - Comments/vote
3. **2nd Reading of Resolution 2020-09 PC**; Conditional Use Permit for new pool inside the RPA, redevelopment, no further encroachment and no increase in impervious cover, R-1, Tax Map 34 21D (Webb)
 - Comments/vote
4. **2nd Reading Resolution 2020-10.PC**; Proposed Rezoning Application 2020RZ1_Town of Irvington to rezone parcel Tax Map #33-378 from R-1 to B-1 or B-2; at 235 Steamboat Road
 - Comments/vote
5. **2nd Reading Resolution 2020-11.PC**; Recommendation Regarding Conditional Use Permit Application – Pilates Studio in B-1 or B-2, Tax Map 33-378
 - Comments/vote
6. **2nd Reading Resolution 2020-12.PC**; Recommendation Regarding Ordinance 2020-011; Repeal and Re-enact Town Code Adding permitted use in B-1 or B-2 Zone
 - Comments/vote

7. **2nd Reading Ordinance 2020-11**; Repeal, Repeal and Re-enact Town Code Adding permitted use in B-1 or B-2 Zone
 - Comments/vote
8. **2nd Reading of Resolution 2020-13PC**; Conditional Use Permit to build boardwalk/wrap around dock with 4 separate connections/platforms over the water and floating Candock (New Tides LLC)
 - Comments/vote
9. Exemption requests for 3 access points for a Passive Recreational Trail in the RPA, Tax Map 33 236
 - First access starts behind Fish Hawk -- comments/vote
 - Second access is upland connection to the Cove -- comments/vote
 - Third access is upland connection to Bluff -- comments/vote

G. **New Business**

H. **Adjourn**

TOWN OF IRVINGTON, VIRGINIA
CONNEMARA CORPORATION
18700 MARY BALL ROAD, WHITE STONE, VA 22578
TOWN COUNCIL SPECIAL CALLED MEETING
& PLANNING COMMISSION SPECIAL CALLED MEETING
to be held as a Joint Public Hearing
TUESDAY, DECEMBER 08, 2020 5:30 PM

A. Call to Order - Mayor Bugg 5:30 pm

B. Roll Call - Town Council:

Bugg - Present
Westbrook - Present
Schaschek - Present
Brown - Present
Patteson - Present
Marchetti - Present
Nunnally - Present
Total - Present - 7 Absent - 0

Planning Commission:

Harris - Present
Chapman - Present
Kimmeth - Present
Capps - Present
Robinson - Present
Braly - Present
Forrester - Present
Total - Present - 7 Absent - 0

C. Public Hearing

1. Resolution 2020 - Alga; Conditional Use Permit for replace and extend existing pier, R-1 Tax Map 34F 13
No Public Comment.

2. Resolution 2020 - Smith R-1, Tax Map 27 22A [THIS RESOLUTION TABLED]

3. Resolution 2020 - Webb; Conditional Use Permit for new pool, inside the RPA, redevelopment, no further encroachment and no increase in impervious cover R-1, Tax Map 34 21D
Public Comment - Wayne Savage from Bay Engineering gave a presentation on this CUP.

Mr Ian Shane [inaudible on name and address] - spoke in objection about CUP in general, particularly about a swimming pool that could be in the RPA.

Commissioner Robinson inquired about the pool being built in the existing pool and patio area. Mr Savage from Bay Engineering gave information about the pool and patio area [existing] pertaining to the redevelopment. He also offered information to the citizen comments.

Vice Mayor Westbrook inquired about grandfathering restraints, etc. to which Mr. Savage responded that this particular site does meet Chesapeake Bay Act requirements, etc.

No further public comment - Mayor Bugg adjourned the meeting at 5:42 pm.

Respectfully Submitted - Charles Steven Kimmeth, Planning Commission Secretary.

The Town of Irvington Planning Commission
Special Called Meeting December 8, 2020, Immediately Following 5:30 JPH
Connemara Corporation
18700 Mary Ball Road, White Stone, VA 22578

1. Call to Order - Julie Harris, Chair 5:43 PM
2. Roll Call and Determination of a Quorum - Julie Harris, Chair
 - Harris - Present
 - Chapman - Present
 - Kimmeth - Present
 - Capps - Present
 - Robinson - Present
 - Braly - Present
 - Forrester - Present
 - Total - Present - 7 Absent - 0
 - Determination of a Quorum by Chairwoman Harris
3. Approve Minutes of the November 10, 2020 Special Called Meeting
 - Motion to Approve - Chapman
 - Second - Robinson
 - Vote - Harris - Yes
 - Chapman - Yes
 - Kimmeth - Yes
 - Capps - Yes
 - Robinson - Yes
 - Braly - Yes
 - Forrester - Yes
 - Total - Yes - 7 No - 0 Motion Approved
4. Report from Chair - Julie Harris
 - No Report for this meeting.
5. Report from Zoning Administrator - Lara Brown
 - The Zoning Administrator's Report is attached and incorporated within.
6. Old Business - There was no old business.
7. New Business
 1. First Reading of Resolution 2020-07.PC, Conditional Use Permit for replace and extend existing pier, R-1, Tax Map 34F 13. First Reading by Town Clerk - Sharon Phillips.
 - A. Discussion - Commissioner Chapman wanted to make a motion that a CUP was not needed for this application since it was within

the navigation line per section 154.215 of the town code. The Town Attorney noted that there were some inconsistencies in the town code in this regard and Commissioner Brian Forrester suggested we table any motion until a future meeting. Tom Chapman agreed to research the matter further and report at a future meeting. Phillip Robinson had questions about the Army Corp of Engineers navigational line, etc. to which the zoning administrator - Lara Brown responded that the Corp no longer uses the navigational line and handles each permit on a case by case basis using new software to determine if a hazard exists.

2. THIS RESOLUTION TABLED - Resolution 2020-08.PC, Conditional Use Permit for new pool, outside the RPA R-1, Tax Map 27 22A

3. First Reading of Resolution 2020-09.PC, Conditional Use Permit for new pool inside the RPA, redevelopment, no further encroachment & no increase in impervious cover R-1, Tax Map 34 21D. First Reading by Town Clerk, Sharon Phillips.

Discussion - Capps inquired as to letters sent out to adjacent property owners, etc. Zoning Administrator Lara Brown replied that 17 were mailed and 3 were received back with no objections. Harris had questioned earlier about land disturbance and silt fencing to which Wayne Savage / Contractor responded that silt fencing would be used and gave other general information about land disturbance, etc.

4. Joint Public Hearing, December 10, 2020 at 5:30, Connemara Corporation. This will be a JPH to hear comment pertaining to the sale of 235 Steamboat Rd.

8. Adjourn

Motion to Adjourn - Robinson

Second - Capps

Vote - Harris - Yes

Chapman - Yes

Kimmeth - Yes

Capps - Yes

Robinson - Yes

Braly - Yes

Forrester - Yes

Total - Yes - 7 No - 0 Motion Approved Meeting Adjourned at 6:09 pm

Respectfully Submitted - Charles Steven Kimmeth, Secretary

TOWN OF IRVINGTON, VIRGINIA
CONNEMARA CORPORATION
18700 MARY BALL ROAD, WHITE STONE, VIRGINIA 22578
TOWN COUNCIL SPECIAL CALLED MEETING
to be held as a Joint Public Hearing
THURSDAY, DECEMBER 10, 2020 5:30 PM

Minutes of The Joint Public Hearing

A. Call to Order - Mayor Bugg 5:30 PM

B. Roll Call - Town Council

Bugg - Present

Westbrook - Present

Nunnally - Present

Marchetti - Present

Schaschek - Present

Patteson - Present

Brown - Present

Total - Present - 7 Absent - 0

Planning Commission -

Harris - Absent

Chapman - Present

Kimmeth - Present

Capps - Present

Robinson - Present

Braly - Present

Forrester - Present

Total - Present - 6 Absent - 1

C. Public Hearing - Mayor Bugg gave an overview of the town hall building including condition, etc., then asked for public comments.

Public Comments -

George Kuper [address not stated] - submitted e-mail letter to the town office previously, spoke against overall change from R-1 to B-1 or B-2.

Ian Shane 63 Hayden Hall Lane - spoke in general about Steamboat Road being a dead end street with no appropriate turn around, parking issues, more traffic, etc.

Mary Cay Bradley 991 King Carter Drive - spoke in favor of the change but acknowledged possible traffic issues, etc.

Zoning Administrator - Lara Brown received and read aloud approximately 25 emails pertaining to the issue.

With no other persons to speak, Mayor Bugg declared the meeting adjourned at 6:00 pm.

TOWN OF IRVINGTON, VIRGINIA
PLANNING COMMISSION SPECIAL CALLED MEETING
THURSDAY, DECEMBER 10, 2020
IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING
CONNEMARA CORPORATION
18700 MARY BALL ROAD, WHITE STONE, VIRGINIA 22578

Minutes of the December 10, 2020 meeting

1. Call to Order - Tom Chapman, Vice Chair 6:00 pm

2. Roll Call and Determination of a Quorum - T. Chapman - Vice Chair
Harris - Absent
Chapman - Present
Kimmeth - Present
Capps - Present
Braly - Present
Robinson - Present
Forrester - Present
Total - Present - 6 Absent - 1 - Determination made that there was a quorum.

3. New Business

Planning Commission member Brian Forrester read a Recusal Statement. The Recusal Statement is attached and incorporated within.

- A. First Reading Resolution 2020-10.PC; Proposed Rezoning Application 2020RZ1_ Town of Irvington to rezone parcel Tax Map #33-378 from R-1 to B-1 or B-2; at 235 Steamboat Road - Read by Town Clerk, Sharon Phillips.

Zoning Administrator, Lara Brown gave an overview of the sale and transaction of the property. 15 registered letters were mailed to adjacent and area property owners with 3 returned. Commissioner Braly inquired as to whether there was any comment from the property owners on either side of the old town office. The Zoning Administrator replied that none was received.

- B. First Reading Resolution 2020-12.PC; Recommendation Regarding Ordinance 2020-11; Repeal and Re-enact Town Code adding permitted use in B-1 or B-2 Zone - Read by Town Clerk, Sharon Phillips.

Commissioner Robinson had questions about other uses, etc. for the property not specifically listed. The Town Attorney replied that a new CUP would be required for any use not currently specified. Discussion continued with Vice

Chairman Chapman suggesting that any change or recommendations to the wording of the resolution be made prior to the January 2021 meeting.

- C. First Reading Ordinance 2020-11 Repeal, and Re-enact Town Code Adding permitted uses in B-1 or B-2 Zone. Read by Town Clerk, Sharon Phillips.
No comment or discussion.

- D. First Reading Resolution 2020-11.PC; Recommendation Regarding Conditional Use Permit Application - Pilates Studio In B-1 or B-2, Tax Map 33-378
No comment or discussion.

4. Adjourn

Motion to Adjourn - Kimmeth

2nd - Capps

Vote - Chapman - Yes

Kimmeth - Yes

Capps - Yes

Robinson - Yes

Braly - Yes

Forrester - Abstain

Total - Yes - 5 No - 0 Meeting adjourned at 6:25 pm.

Respectfully submitted - Charles Steven Kimmeth, Secretary



RESOLUTION 2020-07.PC

Recommendation Regarding Conditional Use Permit Application – Dock , R-1, Tax Map 34F 13

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application 2020.CUP7_Alga to replace and extend an existing pier at residence in R-1 zoning district; Tax map # 34F 13, 75 James Point Road (“Application”); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 8, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on December 8, 2020 and January 12, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Planning Commission hereby recommends **[CHOOSE --approval or against approval]** of the Application to Town Council.

Reasons given, if any: _____.

I, Steve Kimmeth, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2020-07.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on January 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2020-08.PC

Recommendation Regarding Conditional Use Permit Application – Pool , R-1, Tax Map 27-222A

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application 2020.CUP8_Smith to replace and extend an existing pier at residence in R-1 zoning district; Tax map # 27-222A, 173 Virginia Rd, Irvington, VA 22480 (“Application”); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on December 17 and 23, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on January 7, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on January 7 and 12, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Planning Commission hereby recommends **[CHOOSE --approval or against approval]** of the Application to Town Council.

Reasons given, if any: _____.

I, Steve Kimmeth, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2020-08.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on January 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2020-09.PC

Recommendation Regarding Conditional Use Permit Application – Pool, R-1, Tax Map 34-21D

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application 2020.CUP9_Webb to build a new pool at a residence inside the RPA, redevelopment, no further encroachment and no increase in impervious cover in R-1 zoning district; Tax map # 34-21D, 391 The Lane (“Application”); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 8, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on December 8, 2020 and January 12, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Planning Commission hereby recommends **[CHOOSE --approval or against approval]** of the Application to Town Council.

Reasons given, if any: _____.

I, Steve Kimmeth, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2020-09.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on January 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

_____,
Steve Kimmeth, Secretary



RESOLUTION 2020-10.PC

Recommendation Regarding Rezoning Parcel from R-1 to B-1 or B-2, Tax Map 33-378

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Rezoning of a Parcel from R-1 to B-1 or B-2 via Rezoning Application 2020.RZ1_ Town of Irvington, located at Tax map # 33-378, 235 Steamboat Road ("Application"); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 10, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on December 10, 2020 and January 12, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Planning Commission hereby recommends **[CHOOSE --approval or against approval]** of the Application to Town Council.

Reasons given, if any: _____.

I, Steve Kimmeth, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2020-10.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on January 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2020-11.PC

Recommendation Regarding Conditional Use Permit Application – Pilates Studio in B-1 or B-2, Tax Map 33-378

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application 2020.CUP10_ Town of Irvington to locate a pilates studio in the B-1 or B-2 zoning district; Tax map # 33-378, 235 Steamboat Road (‘‘Application’’); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 10, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on December 10, 2020 and January 12, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Planning Commission hereby recommends **[CHOOSE --approval or against approval]** of the Application to Town Council.

Reasons given, if any: _____.

I, Steve Kimmeth, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2020-10.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on January 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



ORDINANCE 2020-11

REPEAL, RE-ENACT TOWN CODE 154.106 USE REGULATIONS IN B-2 ZONING DISTRICT

WHEREAS, the Irvington Town Council (“Council”) proposes to repeal and re-enact Town Code §154.106 regarding B-2 zoning district use regulations; and

WHEREAS this Ordinance 2020-11 will create a new subsection (K) in Town Code §154.106, allowing pilates, yoga, music or art studio in the B-2 zoning district.

WHEREAS, a notice of public hearing on this Ordinance 2020-11 was advertised November 25, 2020 and December 3, 2020, pursuant to VA Code Ann. § 15.2-2506; and

WHEREAS, a public hearing on Ordinance 2020-11 was held on December 10, 2020 and the public also had the opportunity to speak about the ordinance at meetings held on December 10, 2020 and January 14, 2021; and

WHEREAS, this Ordinance 2020-11 was read twice before approval, at the December 10, 2020 and January 14, 2021 Council meetings.

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA, AS FOLLOWS:

1. Council hereby repeals Town Code §154.106, Use Regulations.
2. Council hereby re-enacts Town Code §154.106 Use Regulations as follows:

“§ 154.106. USE REGULATIONS.

In Limited District B-2, structures to be erected, not to exceed 1,500 sq ft of floor area, first and second floor total, can be used for one or more of the following uses with a conditional use permit:

- (A) Town offices and other similar public uses;
- (B) Bed and breakfast establishments;
- (C) Office buildings;

- (D) Professional offices;
- (E) Antique shops and galleries;
- (F) Catering;
- (G) Bakeries;
- (H) Florist shops;
- (I) Barbershops and beauty shops;
- (J) Hobby and craft shops;
- (K) Pilates, yoga, music and art studios.”

3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this Ordinance 2020-011 in the Minutes of its January 14 2021 meeting.

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that Ordinance 2020-11 was adopted at the January 14, 2020 meeting at which a quorum was present and voting. The Vote was:

IN FAVOR

OPPOSED

Jackie Brown
R. Wayne Nunnally
Anthony Marchetti
Dudley M. Patteson
Bonnie Schaschek
Frances Westbrook

Albert D. Bugg, III, Mayor

ATTEST:

Sharon Phillips, Town Clerk

ORDINANCE 2020-11
REPEAL, RE-ENACT TOWN CODE 154.086
USE REGULATIONS IN B-1 ZONING DISTRICT

WHEREAS, the Irvington Town Council (“Council”) proposes to repeal and re-enact Town Code §154.086 regarding B-1 zoning district use regulations; and

WHEREAS this Ordinance 2020-11 will create a new subsection B (21) in Town Code §154.086, allowing pilates, yoga, music or art studio in the B-1 zoning district.

WHEREAS, a notice of public hearing on this Ordinance 2020-11 was advertised November 25, 2020 and December 3, 2020, pursuant to VA Code Ann.§ 15.2-2506; and

WHEREAS, a public hearing on Ordinance 2020-11 was held on December 10, 2020 and the public also had the opportunity to speak about the ordinance at meetings held on December 10, 2020 and January 14, 2021; and

WHEREAS, this Ordinance 2020-11 was read twice before approval, at the December 10, 2020 and January 14, 2021 Council meetings.

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA, AS FOLLOWS:

1. Council hereby repeals Town Code §154.086, Use Regulations.
2. Council hereby re-enacts Town Code §154.086 Use Regulations as follows:

“§ 154.086. USE REGULATIONS.

“(A) All uses allowed in R-1 and R-2 Districts are permitted.

“(B) Subject to (C) below, all of the following uses are allowed with an approved conditional use permit:

- (1) Retail food stores that sell gasoline;
- (2) Bakeries;
- (3) Dry cleaners;
- (4) Laundries;
- (5) Wearing apparel stores;
- (6) Drug stores;
- (7) Post offices, county offices, town offices, and other similar public uses;

- (8) Barber and beauty shops;
- (9) Theaters and assembly halls;
- (10) Hotels, motels, inns, rooming and boarding houses, tourist homes;
- (11) Hotel condominium units, as long as the specific additional following conditions are met:
 - i. The parcel of property on which the hotel condominium units are to be built must have a minimum acreage of 20 acres;
 - ii. The hotel business comprised, in part, of condominium hotel units shall be subject to an overall Floor Area Ratio (FAR) of .3, with reference to the entire real estate parcel upon which the condominium units are constructed. In measuring compliance with that FAR the floor area of all hotel buildings, including but not limited to the condominium hotel units, shall be aggregated,
 - iii. Home Owner Associations(s) shall include all hotel condominium units, whether attached or detached, and shall be established prior to occupancy of the property and maintained throughout the life of its permitted use,
 - iv. All applicable federal, state, county and local statutes, ordinances and regulations must be strictly complied with,
 - v. A central sewage/waste water system approved by the VDEQ and/or Virginia Department of Health, shall be established by the owner/operator prior to occupancy of the property and maintained throughout the life of its permitted use by the owner/operator,
 - vi. All utility transmission lines shall be underground, and
 - vii. A certificate of Occupancy (CO) shall be obtained from Lancaster County prior to the commencement of the intended use of specific buildings subject to a CO requirement. A copy of each CO shall be furnished to the Town's Zoning Administrator;
- (12) Office buildings, newspaper office, bank;
- (13) Church;
- (14) Library;
- (15) Marina, boat and yacht sales and service agencies;
- (16) Service stations (with major repair under cover);
- (17) Clubs and lodges;
- (18) Plumbing and electrical supply (with storage under cover);

(19) Furniture stores; and

(20) Restaurants whether serving or not serving alcoholic beverages. Off-street parking as required by this chapter.

(21) Pilates, yoga, music and art studios.

“(C) The following uses are not allowed, thus, a conditional use permit will not be approved.

- (1) Formula restaurants defined as: food service businesses required by contractual or other business arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior décor, signage, or exterior design or which adopts a name, appearance or food preparation format which causes it to be substantially identical to another restaurant regardless of ownership or location.
- (2) Formula retail businesses defined as: a single source high traffic retailer, operated directly by or under contract with a manufacturer or distributor of merchandise or services for sale within, and required to adopt standardized layout, décor, uniforms, or similar standardized features.
- (3) Manufacturer outlets defined as: retail businesses whose main purpose is the quick turnover of after-market, overstock, defective, or past season merchandise. This includes stores offering merchandise of a single or multiple manufacturers that is offered at discount pricing.
- (4) The foregoing definitions apply to §154.086 only; in the event of a conflict between the foregoing definitions and those elsewhere in this chapter 154, these definitions control §154.086.

“(D) The public purposes for prohibiting the uses stated in (C) include but are not limited to: (i) public demand, (ii) maintaining the unique community character and function of Irvington, including its unique look and feel, (iii) maintaining links of the unique town center to its waterfront and agriculture, (iv) preserving and protecting the historic designation of Irvington on the National Register of Historic Places, and (v) maintaining the human scale of the district. The prohibitions are reasonable and necessary to achieve the public purposes stated above because they prohibit uses that directly conflict with the concepts of uniqueness, human scale and historic status which are important to the public.”

3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this Ordinance 2020-011 in the Minutes of its January 14 2021 meeting.

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that Ordinance 2020-11 was adopted at the January 14, 2020 meeting at which a quorum was present and voting. The Vote was:

IN FAVOR

OPPOSED

Jackie Brown
R. Wayne Nunnally
Anthony Marchetti
Dudley M. Patteson
Bonnie Schaschek
Frances Westbrook

Albert D. Bugg, III, Mayor

ATTEST:

Sharon Phillips, Town Clerk



RESOLUTION 2020-12.PC

Recommendation Regarding Ordinance 2020-011; Repeal and Re-enact Town Code

Adding permitted use in B-1 or B-2 Zone

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Ordinance 2020-011 which would repeal and re-enact Town Code to add a permitted use in the B-1 or B-2 Zoning District; and

WHEREAS, a joint public hearing on the Ordinance was advertised in the Rappahannock Record on November 25, 2020 and December 3, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on December 10, 2020 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on December 10, 2020 and January 12, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Planning Commission hereby recommends **[CHOOSE --approval or against approval]** of Ordinance 2020-011 to Town Council.

Reasons given, if any: _____.

I, Steve Kimmeth, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2020-12.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on January 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2020-13.PC

Consideration of Applications for an Exemption and a CUP for Living Shoreline Project in B-1

WHEREAS, the Planning Commission was asked to make a recommendation to Town Council on proposed applications by New Tides LLC (“Applicant”) for (i) CUP 2020.CUP.11_Tides Inn for new proposed boardwalk, new proposed docks/piers, and CANDOCK, as well as (ii) its application for an exemption for passive recreation trails, both of the foregoing related to its Living Shoreline Project (“Applications”); and

WHEREAS, the property in question is located at 480 King Carter Drive, Irvington, VA 22480, Tax Map 33-236, Zoning B-1; and

WHEREAS, a joint public hearing on these Applications was advertised in the Rappahannock Record on December 17 and 23, 2020; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on January 7, 2021 to hear public views on the Applications; and

WHEREAS, the Planning Commission considered the Application at its meetings held on January 7 and 12, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Planning Commission hereby [grants/denies] the application for exemption.

Reasons given, if any: _____.

BE IT FURTHER RESOLVED, the Irvington Planning Commission recommends to Town Council **[CHOOSE --approval or against approval]** of CUP Application 2020.CUP.11_Tides Inn.

Reasons given, if any: _____.

I, Steve Kimmeth, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2020-13.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on January 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary