



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY JANUARY 14, 2021; 6:30PM**

NOTICE: the Irvington Town Council will hold a Regular Monthly Meeting on Thursday January 14, 2021 6:30 pm; Irvington Baptist Church.

AGENDA

- A. CALL TO ORDER** – Mayor Bugg
- B. ROLL CALL** – Mayor Bugg
- C. APPROVE AGENDA**
- D. PUBLIC COMMENT**
- E. STEAMBOAT ERA MUSEUM** – Cay Bradley, President
- F. MAYOR’S REPORT**
- G. REPORT FROM THE TOWN ATTORNEY**
- H. REPORT FROM THE ZONING ADMINISTRATOR**
- I. OLD BUSINESS**
 - 1. Motion to appoint interim treasurer
 - 2. 2nd Reading of Resolution 2020-14 TC; Conditional Use Permit Application – Replace and Extend Existing Pier, R-1, Tax Map 34F 13_Alga
 - 3. 2nd Reading of Resolution 2020-15 TC; Conditional Use Permit Application – build Pool Outside RPA, R-1 Tax map 27-222A_Smith
 - 4. 2nd Reading Resolution 2020-16 TC; Conditional Use Permit Application – Build Pool Inside RPA, R-1; Tax Map 34-21D_Webb
 - 5. 2nd Reading Ordinance 2020-11, Repeal, Re-enact Town Code 154.106 Use Regulations in B-2 Zoning District
 - 6. 2nd Reading Resolution 2020-17 TC; Rezoning Application – rezone Parcel from R-1 to B-1 or B-2, Tax Map 33-378_235 Steamboat Road
 - 7. 2nd Reading Resolution 2020-18 TC; Conditional Use Permit Application – Pilates Studio in B-1 or B-2, R-1, Tax Map 33-378_235 Steamboat Road
 - 8. 2nd Reading Resolution 2020-19 TC; Conditional Use Permit Application – Proposed boardwalk, docks, candock, in B-1, Tax map 33-236_Tides Inn
 - 9. Discussion of use of tennis courts to teach tennis - Frédéric Cabocel - *tabled*
 - Motion to authorize the use of the Town tennis courts
 - Motion to authorize town attorney to draft contract and mayor to execute contract
- J. NEW BUSINESS**
 - 1. Motion to authorize Mayor Bugg to execute deed and related closing documents to effectuate closing of 235 Steamboat Road
 - 2. NNPDC Mitigation Hazard
 - 3. CUP & Rezoning Schedule
 - 4. Discussion regarding committees – Councilman Nunnally
- K. ANNOUNCEMENTS**

L. CLOSED SESSION

1. Pursuant to §2.2-3711A7 of the Code of Virginia for consultation with legal counsel for actual or probable litigation.

M. RETURN TO OPEN SESSION

N. ADJOURN



RESOLUTION 2020-14 TC

Conditional Use Permit Application – Replace and Extend Existing Pier, R-1, Tax Map 34F 13

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application TOI# CUP – 2020.CUP7_Alga to replace and extend existing pier at a residence in R-1 zoning district, Tax map # 34F 13, at 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 on December 8, 2020 and January 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on December 10, 2020 and January 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____ . (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-14 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2020-15 TC

Conditional Use Permit Application – Build Pool Outside RPA, R-1, Tax Map 27-222A

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application TOI# CUP – 2020.CUP8_Smith to build a new pool at a residence outside the RPA in R-1 zoning district, Tax map # 27-222A, at 173 Virginia Road (“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 on January 7, and 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on January 7 and 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____ . (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-15 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2020-16 TC

Conditional Use Permit Application – Build Pool Inside RPA, R-1, Tax Map 34-21D

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application TOI# CUP – 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, at 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 on December 8, 2020 and January 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on December 10, 2020 and January 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____ . (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-16 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



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 2020-17 TC

Rezoning Application – Rezone Parcel from R-1 to B-1 or B-2, Tax Map 33-378

WHEREAS, the Irvington Town Council reviewed a Proposed Rezoning Application 2020.RZ1_Town of Irvington to rezone parcel Tax Map # 33-378 from R-1 to B-1 or B-2 , at 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 on December 10, 2020 and January 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on December 10, 2020 and January 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____ . (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-17 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2020-18 TC

Conditional Use Permit Application – Pilates studio in B-1 or B-2, R-1, Tax Map 33-378

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application CUP – 2020.CUP10_ Town of Irvington to locate a pilates studio in B-1 or B-2 zoning district, Tax Map # 33-378, at 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 on December 10, 2020 and January 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on December 10, 2020 and January 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____ . (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-18 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor



RESOLUTION 2020-19 TC

Conditional Use Permit Application – Proposed boardwalk, docks, candock, in B-1, Tax Map 33-236

WHEREAS, the Irvington Town Council reviewed a Proposed Conditional Use Permit (“CUP”) Application CUP – 2020.CUP11_ Tides Inn to locate a proposed boardwalk, docks, and candock in B-1 district, Tax Map # 33-236, at 480 King Carter Drive, 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 on January 7 and 12, 2021; and

WHEREAS, Town Council considered the Application at its meetings held on January 7 and 14, 2021.

NOW THEREFORE, BE IT RESOLVED that the Irvington Town Council hereby approves the Application subject to the following conditions: _____ . (Either state the conditions or indicate there are no conditions.)

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that the above is a true copy of Resolution 2020-19 TC adopted at a meeting of the Irvington Town Council held on January 14, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

Absent

TOWN OF IRVINGTON

Albert D. Bugg, III, Mayor

PROPOSED SCHEDULE FOR SIX CUPS AND REZONING – January 14, 2021 Council Meeting

Location: Tax Map 33-252B ; Zoning M-1; Address: ____ King Carter Drive

Property Owner: Bruce Sanders

Purpose: Construct new pier with boat lift for private use.

Completed application date: December 23, 2020

[Terminates prior CUPS: November 11, 1999, CUP #99-22, CUP # 2000-16]

Location: Tax Map 33-252A; Zoning M-1/R-1; Address: ____ King Carter Drive

Property Owner: Bruce Sanders

Purpose: Construct new pier with boat lift for private use.

Completed application date: December 23, 2020

[Terminates prior CUPS: November 11, 1999, CUP #99-22, CUP # 2000-16]

Location: Tax Map 33-252; Zoning: M-1/R-1; Address: _____ King Carter Drive

Property Owner: Bruce Sanders

Purpose: Construct new pier with boat lift for private use.

Completed application date: December 23, 2020.

[Terminates prior CUPS: November 11, 1999, CUP #99-22, CUP # 2000-16]

Location: Tax Map 33-253A; Zoning: M-1/R-1; Address _____ King Carter Drive

Property Owner: Bruce Sanders

Purpose: Construct new pier with boat lift for private use.

Completed application date: December 23, 2020.

[Terminates prior CUPS: November 11, 1999, CUP #99-22, CUP # 2000-16]

Location: Tax Map 33-361; Zoning: R-1; Address: 416 Steamboat Road

Property Owner: Robert & Elynor Stephens

Purpose: Construct new pool in the RPA, using redevelopment, in R-1, for private use.

Completed application: November 25, 2020

Location: Tax Map 33-422; Zoning R-1; 4203 Irvington Road

Property Owner: ICN Enterprises, LLC

Purpose: **Rezone property** from R-1 to B-1 to allow use as town office.

Completed application: December 23, 2020

Location: Tax Map 33-422; Zoning: R-1; 4203 Irvington Road

Property Owner: ICN Enterprises, LLC

Purpose: Subject to the rezoning of the parcel to B-1, authorize use as town office

Completed application: November 23, 2020

PROPOSED CUPS and REZONING SCHEDULE - Ends March 11, 2021 (Approx 8 weeks from setting schedule) **Joint public hearing**

Feb 2 All written notices shall have been provided to property owners w/in 300 ft
Code §154.017(I)

Feb 4 Ad Rapp Record Town Code §154.017 citing VA Code §15.2-2204

Feb 11 Ad Rapp Record Town Code §154.017 citing VA Code §15.2-2204

Feb 11 Certification and Listing shall have been received by Town VA Code §15.2-2206

Feb 16* 5:30 pm Joint Pub Hearing of CUPs and Rezone VA Code §15.2-2204

Immed follow PC Spec Mtg – 1st reading of Resolution recommending CUPs, rezone

Feb 18* 6:30 pm TC Spec Mtg – 1st reading of Resolution for decision on CUPs, rezone

March 9 6:30 pm PC Spec Mtg – 2nd reading of Resolution recommending CUPs, rezone

Mar 11 6:30 pm TC Reg Mtg – 2nd reading of Resolution for decision on CUPs, rezone

*Rescheduled at request of Mayor