



**The Town of Irvington Planning Commission
Special Called Meeting February 16, 2021, Immediately Following 5:30 JPH
Irvington Baptist Church
53 King Carter Drive, Irvington, VA 22480**

- 1. Call to order** - Julie Harris, Chair
- 2. Roll Call and Determination of Quorum**- Julie Harris, Chair
- 3. Approve Minutes**
 1. January 7, 2021 Joint Public Hearing
 2. January 7, 2021 Special Called Meeting
 3. January 12, 2021 Special Called Meeting
- 4. Report from Chair** – Julie Harris
- 5. Report from Zoning Administrator** – Lara Brown
- 6. Old Business**
- 7. New Business**
 1. First reading of Resolution 2021-01PC; Proposed Rezoning Application 2020.RZ2_ICN Enterprises to rezone parcel Tax Map #33 422 from R-1 to B-1 or B-2; at 4203 Irvington Road
 2. First Reading of Resolution 2021-02PC; Conditional Use Permit Application#2020.CUP12_ICN Enterprises - Town Office in B-1 or B-2; Tax Map #33 422 at 4203 Irvington Road
 3. First Reading of Resolution 2021-03PC; Conditional Use Permit Application # 2020.CUP17_Stephens for new pool inside the RPA, redevelopment, no further encroachment and no increase in impervious cover, R-1; Tax Map #33 361 at 416 Steamboat Road
 4. First Reading of Resolution 2021-04PC; Conditional Use Permit Application #2020.CUP13_SandersRobinson for new pier with a boat lift for private use; Tax Map #33 252B; M-1 at Carters Creek Road/King Carter Drive
 5. First Reading of Resolution 2021-05PC; Conditional Use Permit Application #2020.CUP14_SandersRobinson for new pier with a boat lift for private use; Tax Map #33 252A; M-1/R-1 at Carters Creek Road/King Carter Drive
 6. First Reading of Resolution 2021-06PC; Conditional Use Permit Application #2020.CUP15_SandersRobinson for new pier with a boat lift for private use; Tax Map#33 252; M-1/R-1 at 902 King Carter Drive
 7. First Reading of Resolution 2021-07PC; Conditional Use Permit Application #2020.CUP16_SandersRobinson for new pier with a boat lift for private use; Tax Map 33 253A; M-1/R-1 at King Carter Drive
- 8. Next meeting**, Tuesday, March 9, 2021 at 6:30 at Irvington Baptist Church.
- 9. Adjourn**

TOWN OF IRVINGTON, VIRGINIA
JOINT PUBLIC HEARING
IRVINGTON BAPTIST CHURCH
THURSDAY JANUARY 7, 2021 5:30PM

Minutes from the Joint Public Hearing

A. Call to Order - Mayor Bugg 5:32 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 - Present

Chapman - Present

Kimmeth - Present

Capps - Present

Robinson - Absent

Braley - Present

Forrester - Present

Total - Present - 6 Absent - 1

C. Public Hearing - Mayor Bugg opened the public hearing for 2 CUP applications.

1. CUP Application 2020.CUP.8_Smith Application for a conditional use permit for tax map 27 222A; 173 Virginia Road; swimming pool not in the RPA.

There was no public comment on this application.

2. CUP Application 2020.CUP.11_Tides Inn And Exemption Application for a conditional use permit and exemption for tax map 33-236; B-1; 480 King Carter Drive; proposed boardwalk, new proposed docks / piers and candock; passive recreation trails.

2 residents spoke in reference to this application.

Mr. Holmes Ginn from Lancaster Road spoke of concerns over the proximity of his property to the Tides Inn with the new boardwalk and the view patrons would have Of the rear portion of his property.

Tom Armstrong [address unknown] spoke of concerns over navigation, swimmers, or need for buoys on Carters Creek.

Wayne Savedge from Bay Design Group [non-resident] gave an overview of the project and also addressed some of the citizen concerns.

Zoning Administrator - Lara Brown also spoke and provided information on the project and application.

With no further public comment, Mayor Bugg adjourned the meeting at 5:50pm.

Respectfully submitted - Charles Steven Kimmeth, PC Secretary.

The Town of Irvington Planning Commission
Special Called Meeting January 7, 2021, Immediately Following 5:30 JPH
Irvington Baptist Church
Minutes from January 7, 2021 Meeting

A. Call to Order - Julie Harris, Chair

The meeting was called to order at 5:51pm

Chairwoman Harris asked for a motion to approve a revised agenda:

Motion - Chapman

2nd - Forrester

Vote:

Harris - Yes

Chapman - Yes

Kimmeth - Yes

Capps - Yes

Robinson - Absent

Braly - Yes

Forrester - Yes

Total - Yes - 6 No - 0 Motion Approved to use revised agenda.

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

Harris - Present

Chapman - Present

Kimmeth - Present

Capps - Present

Robinson - Absent

Braly - Present

Forrester - Present

Total - Present - 6 Absent - 1 Determination of a Quorum by Chairwoman Harris

C. Report from Chair - Julie Harris

No report at this meeting

D. Report from Zoning Administration - Lara Brown

Mrs. Brown stated she would give remarks and information after the reading of each CUP application.

E. Old Business

There was no old business.

F. New Business

1. First Reading of Resolution 2020-08 PC, Conditional Use Permit for new pool outside the RPA, R-1, Tax Map 27 22A 173 Virginia Rd. Smith.

This Resolution was read by Sharon Phillips, Town Clerk.

- A. Discussion - The Zoning Administrator - Lara Brown, gave information and an overview of the application.

There was no comment or discussion.

2. First Reading of Resolution 2020-13PC, New Tides LLC, Conditional Use Permit to build boardwalk / wrap around dock with four separate connections / platforms over the water and floating candock. This Resolution was read by Sharon Phillips, Town Clerk.

- A. Discussion - The Zoning Administrator - Lara Brown, gave general information and an overview of the CUP application.

Wayne Savage from Bay Design supplied additional information.
Further discussion.

- B. Exemption for 3 access points for Passive Recreation Trail in the RPA, Tax Map 33 236

- 1. Access that starts behind Fish Hawk

- A. Discussion

Zoning Administrator - Lara Brown gave information and the town exemption code for the exemption areas.
General discussion

- 2. Access upland connection to the Cove

- A. Discussion

Zoning Administrator - Lara Brown gave an overview of this area.
General discussion.

- 3. Access upland connection to Bluff

- A. Discussion

Zoning Administrator - Lara Brown gave information and an overview of this area which included the Ginn property on Lancaster Road next to the Tides Inn. Wayne Savage with Bay Engineering also spoke about ADA requirements VMRC permitting, etc. - Brian Muszynski, VP of Development with the Enchantment Group [Tides Inn], also spoke to this area. General discussion continued.

Next meeting of the Planning Commission will be Tuesday, January 12 2021 at 6:30 at Irvington Baptist Church.

G. Adjourn

Motion to Adjourn - Chapman

2nd - Capps

Vote - Harris - Yes

Chapman - Yes

Kimmeth - Yes

Capps - Yes

Robinson - Absent

Braly - Yes

Forrester - Yes

Total - Yes - 6 No - 0 Motion Passed.

Meeting adjourned at 6:35pm

Respectfully submitted, Charles Steven Kimmeth, Planning Commission Secretary.



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

Minutes From January 12, 2021 Meeting

- A. Call to order - Julie Harris, Chair 6:30 pm.
Julie Harris: This is a special called meeting of the Irvington Planning Commission on January 12, 2021, at Irvington Baptist Church at 6:30 pm.
- B. Roll Call and Determination of a Quorum – Julie Harris – Chair.
Julie Harris - Present
Phil Robinson - Present
Lee Capps - Present
Steve Kimmeth - Present
Brian Forrester - Present
Chris Braly - Present
Tom Chapman - Present

Total - Present - 7 Absent - 0

Julie Harris: It is determined that there is a quorum for this meeting.

Julie Harris: Is there a motion to approve the minutes from the December 8th, 2020 joint public hearing?

Chapman: So moved.

Julie Harris: Second.

Braly: Second.

Julie Harris: All those in favor.

Group: Aye.

Julie Harris: Opposed - 0. Is there a motion to approve the minutes from the Planning Commission Special Called Meeting from December 8, 2020.

Chapman: So moved.

Julie Harris: Second.

Capps: Second.

Julie Harris: All those in favor.

Group: Aye.

Julie Harris: Opposed – 0.

Julie Harris: Is there a motion to approve the minutes from the December 10, 2020 public hearing?

Chapman: So moved.

Julie Harris: Second.

Robinson: Second.

Julie Harris: All those in favor.

Group: Aye.

Julie Harris: I would like to abstain as I was absent. Is there a motion to approve the minutes from the Planning Commission special called meeting from December 10, 2020?

Chapman: So moved.

Julie Harris: Second.

Braly: Second.

Julie Harris: All those in favor.

Group: Aye.

Julie Harris: Opposed – 0. And again, I would like to abstain as I was absent. Mr. Kimmeth is there a request regarding the minutes for the January 7, 2021 joint public hearing.

Steve Kimmeth: Yes, I would ask that those be tabled. Because of the turnaround I don't have those ready yet.

Julie Harris: Is there a second to table these minutes.

Chapman: Second.

Julie Harris: All those in favor.

Group: Aye.

Julie Harris: Opposed – 0. Minutes will be tabled. Mr. Kimmeth is there a request regarding the minutes for the January 7, 2021, Planning Commission special called meeting.

Steve Kimmeth: Same situation, I don't have those.
[inaudible]

Capps: Second.

Julie Harris: All those in favor.

Group: Aye.

Julie Harris: Opposed – 0. Alright the minutes will be tabled.

Unidentified Male: Ms. Harris.

Julie Harris: Yes.

Chapman: I'd like to make a motion that we change up the agenda order and move item #8 and #9 and have them occur after item #3 of old business.

Julie Harris: Alright, is there a second.

Chapman: Second.

Julie Harris: All those in favor.

Group: Aye.

Julie Harris: Opposed – 0.

C. Report from the Chair – Julie Harris.

Julie Harris: Okay, next is the report from the Chair. I would like to report that on Friday, January 8th, I accompanied the zoning administrator for two onsite visits. The first was to the Tides Inn to view the three access points included in the exemption request. The coves and the bluff currently have erosion throughout the area. The second visit was to the Webb property, currently one side of this property has much erosion washing into the creek.

D. Report from the Zoning Administrator - Lara Brown.

Lara Brown: I handed out prior to the meeting my zoning report for the past month, my apologies for not getting it out via email, I had a lot of other reports that I thought were more important to get to you. We had one zoning permit last month. It was a sign permit for the Town of Irvington to put a new sign at the new location so that residents can locate the office easily. The sign has not been constructed yet. As you can see there are six CUPs that I'll be proposing a schedule to town council at this Thursday's meeting and one reserving application. There are two joint permit applications in the process so two of these may end up in CUPs of the following month just to give you an idea of how things are moving in the town. As the Chair mentioned earlier, she and I did two site visits this past Friday, one to Tides Inn to take a look and one at Mr. and Mrs. Webb's property. There was an anonymous complaint regarding a tent violation on Irvington Road, I did call about it and the resident has a building permit for the tent. Just for the record if you want to put one of those tents in your backyard for cookouts or parties and so forth a building permit is required by Lancaster County for any tent over 250 sq. ft. North Commons update, at the December 17 town council meeting a motion was passed to accept the contract from Bay Design Group for the surveying and engineering services needed to develop the North Commons using CARES funds. The mayor signed the agreement on 12/31, that should be 2020, not 2021, my apologies, it's a typo. For a preliminary meeting to discuss the timeline. The zoning administrator met with Bay Design Group on January 8 for a preliminary meeting to discuss a timeline which will go somewhere along this format. Approximately late February or early March Bay Design Group will begin the photographic and boundary surveying which is Item B1 on the contract. In addition to initiating the survey work, soil and septic profiles will also be done. It is anticipated by mid-March the zoning administrator and Bay Design Group will review the survey and designs of the drain field details before proceeding with additional work. At this time, I proposed to the mayor, this will be for Thursday night's

meeting and will appoint a committee to help work on the North Commons development. Any questions? Thank you.

D. Old Business.

Julie Harris: Under old business we have the second reading of resolution 2020-07.PC, Mrs. Brown would you read that.

Lara Brown: Resolution 2020-07.PC - Recommendation regarding conditional use permit application .R1 Tax Map 34F 13 Alga.

Julie Harris: Any comments from the commission? None. The commission will have a roll call vote by name, when I call your name, please say approve or disapprove as your vote for or against this resolution.

Tom Chapman – Approved.
Steve Kimmeth – Approved.
Lee Capps – Approved.
Phil Robinson – Approved.
Chris Braly – Approved.
Brian Forrester – Approved.
Julie Harris – Approved.

Julie Harris: The resolution is approved. The next is the second reading of resolution 2020-08.PC Smith. Mrs. Brown.

Mrs. Brown: Resolution 2020-08.PC – Recommendation regarding conditional use permit application for new pool R-1 tax map 27-22A. Smith.

Julie Harris: Any comments from the commission. None. The commission will have a roll call vote by name. Please say approve or disapprove as your vote for or against this resolution.

Tom Chapman – Approved.
Steve Kimmeth – Approved.
Lee Capps – Approved.
Phil Robinson – Approved.
Chris Braly – Approved.
Brian Forrester – Approved.
Julie Harris – Approved.

Julie Harris: The resolution is approved. Number 3. Second reading of resolution 2020-09.PC - Webb. Mrs. Brown.

Lara Brown: Resolution 2020-09.PC-- Recommendation regarding conditional use permit. Pool. R1, tax map 34-21D. Webb.

Julie Harris: Are there any comments from the commission.

Chapman: I have one. Is that pool still going outside the 50' limit on one end from the left.

Lara Brown: You mean in the 50' RPA.

Chapman: Yes.

Lara Brown: Correct. Yes it does.

Chapman: Is there any way they can revise it equal within that. [?]

Lara Brown: No and it does not encroach further any impervious cover, [? 10:17] and I talked about that.

Chapman: That's where the boardwalk. - inaudible [10:18].

Harris: Correct, they removing down below.

Harris: Also, the area as you are approaching the house, the green area there is a septic field.

Chapman: I got that.

Harris: Okay.

Chapman: Maybe a little smaller part.

Julie Harris: Any other comments.

Capps: Clarification, what is meant by no further encroachment and no increased impervious cover.

Lara Brown: These are, this is the existing area, down below towards the water there is this decking on there. The area they are proposing to remove is in this area down here. All of this which is pavers, all of that is being treated, inaudible 11:38]. Which has been set up for redevelopment we cannot encroach further into the, they are removing this, they can't go further than that. Does that answer your question?

Capps: Yes.

Julie Harris: Any additional comments or questions. The commission will now have a roll call vote by name. Please say approve or disapprove as your vote for or against this resolution.

Tom Chapman – Approved.
Steve Kimmeth – Approved.
Lee Capps – Approved.
Phil Robinson – Approved.
Chris Braly – Approved.
Brian Forrester – Approved.
Julie Harris – Approved.

Julie Harris: The resolution is approved. Now we will go to what is listed as #8 on the agenda. The second reading of resolution 2020-13.PC New Tides LLC. Mrs. Brown.

Lara Brown: Resolution 2020-13.PC – Consideration of application for an exemption of CUP for living shoreline project B1.

Julie Harris: Any comments or questions.

Braly: I have a couple of questions. I believe at the last meeting there was some discussion about swimming in the cove, I know a resident I guess had some concerns obviously. Were we able to get confirmation if that's going to be like an advertised activity or if.

Wayne Savage, Bay Engineering: Yes I spoke to the client and I have also spoke with Lara about it and yes, there is a programming document I guess that's available that I think you guys may have, that Lara may have forwarded to you guys. In that programming document there is no mention of any swimming. That was, the swimming was kind of a forefront thought prior to you know really figuring out what the programming was going to be for this. Since then we have had to obviously look at that a little bit in further detail. We don't anticipate any swimming happening. We do understand that people are able to do what they want and they may jump off and take a swim, but we are not advertising for it. You know additionally we feel like because of the amount of the jellyfish that are in the creek in the summer we hardly feel like many people will be wanting to swim anyway.

Lara Brown: I'd like to make one clarification. What you are considering right now is for the CUP allocation, not the exemption.

Julie Harris: Right.

Ms. Brown: Okay, understand.

Julie Harris: Alright the commission will have a roll call vote by name.

Braly: There was also, I'd like to mention can we get clarification on the dimension.

Lara Brown: On the setback. So the recommendation that I asked for tonight is if this CUP is approved, you recommend this to go forward for the town council for approval, the ordinance states a 35' setback. The client would like a couple of days to research that further. If town council approves the CUP, then the zoning permit would have to be applied for. As it stands now, it is our understanding that would require going before the EPA unless there is something that is worked out between the clients and the town, as far as...

Braly: Would you get that...

Lara Brown: Yes, it is 27....

Braly: 7.

Lara Brown: 7. Thank you. We have copies, I'm not sure we have enough, but you can pass this around, pass it down the table. This is the property line of Mr. Ginn.

Unidentified: Is this the curvature of...

Lara Brown: This is the dock, this is the boardwalk right here.

Chapman: Okay.

Lara Brown: That's a living shoreline.

Chapman: Okay.

Chapman: We're approving this for use.

Lara Brown: Correct.

Chapman: The zoning permit is where you'll deal with this particular issue.

Lara Brown: Correct.

Capps: We don't do this.

Lara Brown: What's that.

Capps: The town does issue building permits.

Lara Brown: No sir. We issue the zoning, after the CUP they apply for the zoning permit and after the zoning permit they get their building permit from the town.

Capps: So, what we are approving is...

Lara Brown: The use.

Capps: ...is the track, meets the bounds, are we essentially approving, we're approving the confines outside of our ordinance, but as far as we're concerned we're approving it, whether or not it can actually occur is subject to the building permit.

Lara Brown: The zoning.

Capps: And the zoning.

Lara Brown: Yes.

Capps: The zoning permit will be issued independent of the planning commission, correct?

Lara Brown: Correct.

Capps: Essentially, we are saying, it's okay and we are leaving it to the more technical and precise review of the building inspector and by the zoning committee.

Lara Brown: That's right.

Capps: Okay.

Julie Harris: Alright any additional comments.

Capps: Is the property line here.

Lara Brown: Which property line, the Tides Inn or the one adjacent.

Capps: Both.

Lara Brown: Tides Inn, is here, well Bay Design which is the engineer that did the design and if you ask, I'm sure they'll be happy to answer that and then the general manager, Mr. ? [inaudible 18:33].

Male: Mr. [inaudible].

Lara Brown: Yeah I don't see Mr. Ginn. [inaudible/talkover]. Got it.

Capps: Thank you.

Julie Harris: The commission will have a roll call vote by name, please say approve or disapprove as your vote for or against this resolution.

Tom Chapman – Approved.
Steve Kimmeth – Approved.
Lee Capps – Approved.
Phil Robinson – Approved.
Chris Braly – Approved.
Brian Forrester – Approved.
Julie Harris – Approved

Julie Harris: The resolution is approved. Next the commission will consider exemption requests for three access points for a passive recreational trail in the RPA. Ms. Brown do you have anything to read about that before.

Lara Brown: I just want to say that the exemption for this is recorded, you have it on the resolution. It is on the resolution that we just did. There are two spots for CUP and one for the exemption, on the bottom of resolution 2020-13.PC. This one is for the exception and this one is for the CUP. You don't have that.

Not audible - Male: No I do not.

Lara Brown: You can have that one.

Not audible - Male: Okay.

Lara Brown: So the next part of the Tides Inn project, the exemption for the passive recreation trails. They are proposing three access points from land attaching to the boardwalk. The first one access point #1 starts behind the Fish Hawk. It's a timber walkway for service use connecting to the boardwalk. Any questions about the material they are using?

Forrester: It's the same material as already there along the shoreline from fish hawk by the beach up to the....

Wayne Savage - Bay Engineering: It will actually be slightly different, but it is still wood. It's just a different type of wood. But it is a longer lasting wood.

Harris: It's treated.

Wayne Savage: Yes, it is treated. They are considering two different things. It's either Ipe or Kebony. I don't know how much you guys know about wood. Some of you may, I didn't know about them honestly until this project. Yes, they are very heavy duty, very hard, very long lasting. They are supposed to last a long time, which is what's there now by 20 to 30 years, minimum, so. Much more durable surface.

Lara Brown: The second access point #2 is the connection, the connection for the cove down to the boardwalk. It's the trail that connects to the area where we were just talking about no swimming or not. It's that area, that path. That path was designed for ADA accessibility, and I believe if you remember reading in the Passive Recreation handout that I gave you last time. ADA trails have the flexibility of having a hard surface as opposed to gravel or something else. Obviously, a wheelchair has to be able to roll smoothly along the surface so there is a timber boardwalk proposed for access point #2 as well. With railings at certain points that meet the ADA specs and requirements. Do you have any questions about access trail #2. None.

Lara Brown: Access point #3 is the upland connection to the bluff that is closest to the property that we are now calling the Ginn property on that side of the bluff. This was really interesting, this one basically provides access, where the tennis courts are at the Tides Inn, so basically it provides the trail, and a nature trail.

From approximately the tennis courts to the trail head, will be mulch and then of course when you start on the boardwalk that is the same as the other parts of the boardwalk, the timber. So in theory, this is something Wayne and I were discussing earlier today, in theory if you have an individual who has accessibility requirements they could potentially use the boardwalk from one point of the trail to the other.

Julie Harris: Any comments or questions. None. The commission will have a roll call vote by name to grant or deny each of these, when I call your name please vote grant or deny for the exemption and the first one is for the exemption for access that starts behind the Fish Hawk.

Tom Chapman – Grant.
Steve Kimmeth – Grant.
Lee Capps – Grant.
Phil Robinson – Grant.
Chris Braly – Grant.
Brian Forrester – Grant.

Julie Harris – Grant.

Julie Harris: The first exemption is granted. The second exemption is the access upland connection to the cove. Any comments or questions. None. The commission will vote by name to grant or deny the exemption upland to the cove.

Tom Chapman – Grant.
Steve Kimmeth – Grant.
Lee Capps – Grant.
Phil Robinson – Grant.
Chris Braly – Grant.
Brian Forrester – Grant.
Julie Harris – Grant.

Julie Harris: The second exemption is granted. The third is access upland connection to the bluff. Any comments or questions. The commission will vote by name to grant or deny the exemption upland up to the bluff.

Tom Chapman – Grant.
Steve Kimmeth – Grant.
Lee Capps – Grant.
Phil Robinson – Grant.
Chris Braly – Grant.
Brian Forrester – Grant.
Julie Harris – Grant.

Julie Harris: The third exemption is granted. Alright, next on the agenda we will go back to what was listed as #4. This is the second reading of resolution 2020-10PC. 235 Steamboat Road.

Brian Forrester: Before we get into that, I'd like to read a Recusal Statement, you've heard it before. I'll get close to the mic. I apologize for you having to listen to it again too. Okay, I Brian Forrester, a member of the Irvington Planning Commission hereby disclose on public record in accordance with Virginia §2.2-3115F my personal interest in a contract and several transactions. One personal interest in a contract with respect to 235 Steamboat Road, tax map 33-378, my company Steamboat LLC has entered into a contract to purchase this property owned by the Town of Irvington. I have not participated in any way for the town as it relates to the sale of this real estate, because I have not and will not be participating for the town in this matter, with the exception under Virginia §2.2-3110A1 applies that this contract is not prohibited. The exception applies allowing the sale of real property owned by the town to my company provided I do not participate in any way as an officer defined in Virginia §2.2-3101 in such real estate sale. And then personal interest in transaction pursuant to Virginia §2.2-3112 I will not be participating in these transaction, zoning application 2020.RZ1_Town of Irvington on ordinance 2020-011 application 2020-CUP10_Town of Irvington because they all relate to 235

Steamboat Road. I have a personal interest in these transactions and will not participate in discussion or the vote concerning them. Steve, I'll hand this over to you for the record.

Steve Kimmeth: Thank you sir.

Brian Forrester: Sure.

Julie Harris: Thank you very much. Mrs. Brown: Resolution 2020-10.AC recommendation regarding rezoning parcel from R1 to B1 or B2 tax map 33-378.

Julie Harris: Any comments or questions.

Braly: Yes, I would recommend approving the B2 level, not B1. These zoning areas either or, I think we should with the condition of B2 only.

Robinson: Reason?

Chris Braly: Well B1, B2 is a transition area between residential and business, B1 the zoning ordinances for B1 have a lot more extensive business type facilities where B2 is limited to buildings of such size as this one. I think the town wrote the resolution as it was to ensure that the timelines could be met, the terms of the contract could be met in case there were a good reason to make it B1 they wanted to try to offer, as I have been doing my research there is really no good reason for B1 in my opinion and I would I guess make a motion to put a condition on this resolution to have B2 only.

Chapman: I second that motion. I look at B1 and B2 and B1 allows a lot more uses which wouldn't be appropriate for this place, so this is clearly, if it is a business. I second that motion.

Julie Harris: Okay, any discussion.

Robinson: I'd like to hear from the zoning commissioner if she has an opinion on that.

Lara Brown: Mr. Braly is correct B2 was intended to be more of a buffer zone between residential and business and originally that is what the town council had proposed, but in order to, at the last minute there might have been a change or request from town council to or urge the planning commission to consider it as a B1, so rather than start the process all over again, advertising and noticing of the, so it was recommended to put B1 in there only for discussion should it come up. I do feel B2 is.

Chris Braly: I will say that under B2 the first use is town office and it probably should have been B2 a long time.

Julie Harris: Any other comments. Alright all those in favor of the motion to limit this area to B2, all those in favor say aye.

Group: Aye.

Julie Harris: Opposed – 0. Alright the commission will have a roll call vote by name, please say approve or disapprove as your vote for or against this resolution.

Tom Chapman – Approved.
Steve Kimmeth – Approved.
Lee Capps – Approved.
Phil Robinson – Approved.
Chris Braly – Approved.
Julie Harris – Approved.

Julie Harris: The resolution is approved. Alright, the next will be the second reading of resolution 2020-11.PC.

Lara Brown: Resolution 2020-11.PC. Recommendation regarding conditional use permit application Pilates Studio in B2 tax map 33-378.

Julie Harris: Alright, are there any comments or questions. None. Alright the commission will have a roll call by name, please say approve or disapprove as your vote for or against this resolution.

Tom Chapman – Approved.
Steve Kimmeth – Approved.
Lee Capps – Approved.
Phil Robinson – Approved.
Chris Braly – Approved.
Julie Harris – Approved.

Julie Harris: The resolution is approved. Next is the second reading of resolution 2020-12.PC.

Lara Brown: Resolution 2020-12.PC – Recommendation regarding ordinance 2020-011 – repeal and reenact town code adding permitted use in B2 zone.

Julie Harris: Alright any comments.

Robinson: So I had sent a note earlier about widening the, [?] from the Pilates studio and yoga studio to having a group exercise kind of thing, so if the people who are doing this want to have something other than specifically Pilates or yoga to me that means they have to come back and get a permit to do it.

Lara Brown: That is what that means.

Robinson: So, what I was suggesting was just call it a group or individual exercise studio. I don't know what the rest, or whatever the town commission thinks about that but I'd like to see it to where every little change they don't have to come back for something.

Lara Brown: So I think my advice is for the planning commission members to talk that through. Interpretation of a group exercise studio or group exercise class and adding that to your recommendation might open the door for group exercise activities that potentially could be louder and more disruptive than a Pilates or yoga studio. You know sometimes you could have jazzercise classes and other types of classes that involve you know loud cardio type music playing whereas Pilates and yoga traditionally have no music or it's probably soft music and something that is more in keeping with the B2 district. I believe the letter that Mr. Shane distributed today at the town office at about 3:30 and I made copies and put them here, one of his concerns was music being the permitted use. So as planning commission members you'll have to discuss what you feel will be the most appropriate use to put in this change.

Chapman: I think we have to look at those comments and, he's saying music and he has also comments on the hours as well as parking issues. Unless the studio can be parking in the lot down the street I think it belongs to the [? 36:01], there is no other parking. I think they can use it, the town uses it. I think taking music off is a good idea. I do think Phil's idea of simplifying the previous future uses but I think that Pilates and yoga kind of understand, or say hot yoga, I think that using Pilates and yoga will keep the noise down. The question is do we want to try and stipulate the operation hours and can ask if this is an issue at this point.

Lara Brown: The operational hours, if that's an issue. Do you know the operation hours.

Brian Forrester [Applicant]: ...Pilates, if you take that away, I think 9:00 to 5:00 might be a little restrictive as a lot of people like to work out in the morning and evening right after work but I think you know maybe 6:00 to 7:00 p.m. would be more than enough to have some sort of....

Robinson: If we did that, would that have to apply to all...

Lara Brown: If you want to put a condition that has to go onto the conditional use permit that you recommend to the town council if you have a restriction on parking or hours.

Robinson: We just already approved that correct?

Lara Brown: Right.

Chapman: You wouldn't put an hours restriction in zoning, you wouldn't do that.

Lara Brown: Now that, there is a CUP application is the opportunity to put conditions. When you approve the CUP to recommend to the town council you would say I recommend this CUP with this proposed use with these conditions.

Braly: That building is not big enough to cause any type of parking issue, and on street parking is allowed and I mean there is no one that parks on Chesapeake Drive, so I don't feel that I think, I think it is overstating a possible issue with parking. That building is large enough for two people, three people.

Julie Harris: You couldn't get very many exercise people in there.

Braly: No, and if the equipment that she uses and stuff like that, I would think that to help ease people's fears and not list the possible things to come, after the Pilates studio, music is a noise concern, but other than.

Chapman: If we do that, we have to go back and reopen our approval.

Lara Brown: If you wanted to add the hours restriction to the CUP application.

Chapman: We would have to go back. We can do that if you want to. Do we want to add an hours restriction?

Robinson: Music issue, if you [?] the music allowance or the 9:00 to 5:00.

Braly: I spoke with each member of town council today and the biggest concern that they had, the two concerns that they had with these four items together, one was they thought it should be only B2 and the other one was noise and so they wanted to see if we take it out of the ordinance. So they did not mention anything about the hours. I did not ask about any hours restrictions, but they did not mention it.

Harris: If it was quiet at 7:00 p.m. then.

Braly: Right, right, I don't think we should restrict that for this group that don't, if they bother the noise ordinance then that's the end of....

Chapman: I make a motion to remove the music from the loud music then.

Unidentified Male: Second.

Female: Your discussion is important to all three of these....

Braly: Removing the music is no....

Lara Brown: This one now is 2020-12.PC – we are recommending the recommendation regarding ordinance 2020-11, repeal and reenact town code adding the permit of use.

Unidentified Male: Agreed.

Julie Harris: Are we ready.

Male: The one we approved before?

Lara Brown: Right.

Julie Harris: The commission will have a roll call vote by name. Please say approve or disapprove as your vote for or against this resolution.

Tom Chapman – Approved.
Steve Kimmeth – Approved.
Lee Capps – Please be noted that Mr. Capps had to leave. He is absent.
Phil Robinson – Approved.
Chris Braly – Approved.
Julie Harris – Approved.

Julie Harris: Alright, the resolution is approved. Alright, now we will have a second reading of ordinance 2020-11.

Lara Brown: Ordinance 2020-11 – repeal reenact town code 154.106 use regulations and fee to zoning district. The language is Pilates, yoga and music and art studios, so we are striking.

Robinson: Do we have to make a motion?

Lara Brown: You do.

Julie Harris: She's going to read it how we worded it.

Lara Brown: It says Pilates, yoga and art studios. You make a motion.

Chapman: I make a motion to remove music. It says here Pilates and art studio.

Julie Harris: All those in favor.

Unidentified Male: You said, can you repeat that.

Chapman: I make a motion that the Yoga, Pilates and art studio.

Julie Harris: And Chris Braly you second to it. Alright are there any questions. None. Alright, all those in favor.

Group: Aye.

Julie Harris: Opposed – 0. Alright it will be Pilates, yoga and art studio. Alright, the commission will have a roll call vote by name. Please say approve or disapprove as your vote for this ordinance.

Chapman – Approved.
Steve Kimmeth – Approved.
Tom Lee Capps – Absent.
Phil Robinson – Approved.
Chris Braly – Approved.
Brian Forrester – Approved.
Julie Harris – Approved

Julie Harris: The ordinance is approved. I believe that has taken us through all of the second readings. That brings us to new business.

E. New Business

Julie Harris: There is no new business. Is there a motion to adjourn.

Chapman: I move to adjourn.

Julie Harris: Is there a second. Phil Robinson, I think you had a second. All those in favor.

Group: Aye.

Julie Harris: Opposed –0. The meeting is adjourned.

F. Meeting Adjourned.



RESOLUTION 2021-01.PC

Recommendation Regarding Rezoning Parcel from R-1 to B-1 or B-2, Tax Map 33-422

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.RZ2_ ICN Enterprises, located at Tax map # 33-422, 4203 Irvington Road (“Application”); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on February 4 and 11, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on February 16, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its special meetings held on February 16, 2021 and March 9, 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 2021-01.PC adopted at a meeting of the Planning Commission of Irvington, Virginia held on March 16, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2021-02.PC

Recommendation Regarding Conditional Use Permit Application – Town office in B-1 or B-2, Tax Map 33-422

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application 2020.CUP12_ICN Enterprises to locate a town office in the B-1 or B-2 zoning district; Tax map # 33-422, located at 4203 Irvington Road (“Application”); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on February 4 and 11, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on February 16, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on February 16 and March 9, 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 2021-02.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on March 9, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2021-03.PC

Recommendation Regarding Conditional Use Permit Application – Pool, R-1, Tax Map 33-361

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application 2020.CUP17_Stephens 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 # 33-361, located at 416 Steamboat Road (“Application”); and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on February 4 and 11, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on February 16, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on February 16 and March 9, 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 2021-03.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on March 9, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2021-04.PC

Recommendation Regarding Conditional Use Permit Application – Dock private , M-1, Tax Map 33-252B

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application CUP – 2020.13_SandersRobinson to build a new dock with boat lift for private use, in M-1 zoning district; Tax map # 33-252B, located at Carter’s Creek Road and King Carter Drive (“Application”); and

WHEREAS, the approval of this Application by Council will result in the termination of these prior CUPS for this property: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on February 4 and 11, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on February 16, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on February 16, 2021 and March 9, 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 2021-04.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on March 9, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2021-05.PC

Recommendation Regarding Conditional Use Permit Application – Dock private , M-1/R-1, Tax Map 33-252A

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application CUP – 2020.14_SandersRobinson to build a new dock with boat lift for private use, in M-1/R-1 zoning district; Tax map # 33-252A, located at Carter’s Creek Road and King Carter Drive (“Application”); and

WHEREAS, the approval of this Application by Council will result in the termination of these prior CUPS for this property: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on February 4 and 11, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on February 16, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on February 16, 2021 and March 9, 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 2021-04.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on March 9, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2021-06.PC

Recommendation Regarding Conditional Use Permit Application – Dock private , M-1/R-1, Tax Map 33-252

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application CUP – 2020.15_SandersRobinson to build a new dock with boat lift for private use, in M-1/R-1 zoning district; Tax map # 33-252, located at 902 King Carter Drive (“Application”); and

WHEREAS, the approval of this Application by Council will result in the termination of these prior CUPS for this property: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on February 4 and 11, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on February 16, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on February 16, 2021 and March 9, 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 2021-04.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on March 9, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary



RESOLUTION 2021-07.PC

Recommendation Regarding Conditional Use Permit Application – Dock private , M-1/R-1, Tax Map 33-253A

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application CUP – 2020.16_SandersRobinson to build a new dock with boat lift for private use, in M-1/R-1 zoning district; Tax map # 33-253A, located at ___ King Carter Drive (“Application”); and

WHEREAS, the approval of this Application by Council will result in the termination of these prior CUPS for this property: November 11, 1999, CUP #99-22, CUP # 2000-16; and

WHEREAS, a joint public hearing on the Application was advertised in the Rappahannock Record on February 4 and 11, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint public hearing on February 16, 2021 to hear public views on the Application; and

WHEREAS, the Planning Commission considered the Application at its meetings held on February 16, 2021 and March 9, 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 2021-04.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on March 9, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Steve Kimmeth, Secretary