



**The Town of Irvington Planning Commission
Regularly Called Meeting September 7th, 2021, 6:30PM
Irvington Town Office
4203 Irvington Road, Irvington, VA 22480**

- 1. Call to order** - Julie Harris, Chair
- 2. Roll Call and Determination of Quorum**- Julie Harris, Chair
- 3. Approve Minutes**
 1. July 13th, 2021 Special Called Meeting
- 4. Report from Chair** – Julie Harris
- 5. Report from Zoning Administrator** – Justin Nelson
- 6. Old Business:** Update on proposals of development for Town Survey—J Harris
- 7. New Business**
 1. First reading of Resolution for rezoning application #2021.RZ1 Pollard, 73 Seafood Lane, Irvington, VA 22480; tax map 33.379 to rezone from M-1 to B-1
 2. First Reading of Resolution for Conditional Use Permit application #2021.CUP_POLLARD 73 Seafood Lane, Irvington VA 22480; tax map 33.379 for an Inn in B-1
- 8. Next meeting:** Tuesday, October 12, 2021 at 6:30 at Irvington Baptist Church.
 1. This meeting will be a Special Called Meeting.
 2. This meeting will be a Joint Public Hearing with Town Council to hear Public Comment on the above 2 Resolutions.
 3. Due to the outbreak of the Delta variant of the Covid-19 virus, the November and December Planning Commission meetings (November 9, December 14) will be Special Called Meetings at 6:30 at Irvington Baptist Church to allow for greater social distancing.
- 9. Adjourn**

PROPOSED SCHEDULE FOR CUP AND REZONING – August 12, 2021 Council Meeting

Location: Tax Map 33-379; Zoning M-1; Address: 73 Seafood Lane

2021.CUP2_Pollard

2021.RZ 01_Pollard

Property Owner: Albert Pollard

Purpose: Authorize parcel for use as an Inn in B-1; rezone parcel from M-1 to B-1 (use complies with both M-1 and B-1 zoning).

Completed application date: July 23, 2021

PROPOSED CUP SCHEDULE - Ends October 14, 2021 (Approx 9 weeks from setting schedule)

Aug 12	6:30 pm	TC Reg Mtg - Adopt CUP Schedule	
Sept 7	6:30 pm	PC Reg Mtg – 1 st reading of Resolution recommending CUP, Rezone	
Sept 9	6:30 pm	TC Reg Mtg – 1st reading of Resolution for decision on CUP, Rezone	
Sept 27		All written notices shall have been provided to property owners w/in 300 ft**	
Sept 30	Ad Rapp Record		Town Code §154.017 citing VA Code §15.2-2204
Oct 7	Ad Rapp Record		Town Code §154.017 citing VA Code §15.2-2204
Oct 7		Certification and Listing shall have been received by Town	VA Code §15.2-2206
Oct 12	6:30 pm	Joint Pub Hearing CUP, Rezone	VA Code§15.2-2204
	Immed follow	PC Spec Mtg – 2 nd reading of Resolution recommending CUP, Rezone	
Oct 14	6:30 pm	TC Reg Mtg – 2 nd reading of Resolution for decision on CUP, Rezone	

** Town Code §154.017(I)

NO. 2021. RZ1

DATE: 7.23.2021

Application for Rezoning

TOWN OF IRVINGTON, VIRGINIA

TO THE PLANNING COMMISSION AND TOWN COUNCIL OF IRVINGTON, VIRGINIA:

I, (we), the undersigned, do hereby respectfully make application and petition the Governing Body to amend the Zoning Ordinance and to change the Zoning Map of 33-379 AKA 73 Seaford Lane as hereinafter requested, and in support of this application, the following facts are shown:

- The property sought to be rezoned is located at 73 Seaford Lane between _____ Street and _____ Street on the _____ side of the street and known as lot (s) number 33 379 it has a frontage of _____ feet and a depth of _____ feet.
- The property sought to be rezoned is owned by: Albert C Pollard Jr. as evidenced by deed from 210001968, instrument number _____ recorded in Lancaster County, Registry of Town of _____.
- It is desired and requested that the foregoing property be rezoned.

FROM M-1 TO B-1

4. The following are all of the individuals, firms, or corporations owning property adjacent within three hundred (300) feet of the property sought to be rezoned:

NAME	STREET ADDRESS
(a) <u>GREAT CIRCLE NAVIGATION</u>	<u>96 SEAFORD LANE</u>
(b) <u>BREITEN</u>	<u>P.O. 35 IRVINGTON VA 22480</u>
(c) <u>CAM SITES</u>	<u>270 WINDY LN KILMARNOCK 22482</u>
(d) <u>NELMS</u>	<u>7487 PINEHURST DR. QUINCY 22141</u>
(e) <u>MCCLOSKEY</u>	<u>530 WOODLAWN RD. BALTIMORE MD 21210</u>
(f) <u>CROCKETT</u>	<u>P.O. BOX 312 IRVINGTON</u>
(g) _____	_____
(h) _____	_____
(i) _____	_____

(Use reverse side if necessary and look up the names in the office of _____ in the _____ Courthouse, if they are not known.)

5. It is proposed that the property will be put to the following use:

See attached for by right use.

6. It is proposed that the following buildings will be constructed:

6 Cottages, 14'x28' + one pavillion over existing concrete Pad.

7. It is proposed that the following setbacks and off-street parking provisions will be made:

existing fence line for setbacks. ~~For~~ Town Code 154.020 for parking.

8. Attached is a copy of a Vicinity Map.

Signature of Applicant

Robert C. Pollard, Jr.

48 Steamboat Rd.

Irvington, VA 22480

Address of Applicant

TO THE TOWN COUNCIL OF _____

This petition for rezoning property with the jurisdiction of the _____ of _____ was received on _____, a public hearing was held on _____, and the Planning Commission wishes to make the following recommendations to the Governing Body:

Planning Commission

By _____

Secretary

ACTION OF THE TOWN COUNCIL:

On _____ the Governing Body took the following action on the attached petition for rezoning:



Application for Conditional Use Permit

Town of Irvington

P.O. Box 174, Irvington, VA 22480
804-438-6044 (Zoning & Land Use)
Application Fee \$200

Internal Use Only	
RECEIVED	7-23-2021
APP FEE PD	✓ \$200 OK 1374
APPLICATION #	2021. CUP 15. 1374
PC Public Hearing	_____
TC Public Hearing	_____

IMPORTANT NOTE: The application must be filled out completely. The application may not be signed by an agent or attorney but must be signed by the owner, agent of owner or owners before a Notary Public in the space provided on page 4.

Applicant Name (s): Albert C. Ballard Jr

Tax Map Parcel(s): 33.379

Address/Location: 73 Seafood Lane, Irvington

Deed Restrictions: Yes ___ No (If yes, attach copy of deed) **Current Zoning** M-1

Proposed Use: Mixed use: 1 Apartment, 6 tourist homes and assembly hall

Acreage of Parcel: 1.947 **Overlay District(s):** Chesapeake Bay ___ Yes ___ No

Is this an amendment to an existing conditional use permit? If so, provide CUP number: _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
A scale drawing (see p.3) is required to be attached to any CUP application. Is a scale drawing attached to this application?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is this an application for a private pier or dock? If so, please attach your VMRC and ACOE applications and permits.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Owner or Agent Contact: Albert C. Ballard Jr

Address: 418 Steamboat Rd

City: Irvington **State:** VA **Zip:** 22480

Phone Number: 804-761-0775 **Email address:** pollard.albert@gmail.com

Official Owner(s) of Record (If different than applicant): _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone Number: _____ **Email address:** _____

2021.221

Does the property owner also own or have any ownership interest in any abutting property? If yes, please list those tax map numbers:

33-379C

Section 154.017 of the Town of Irvington Zoning Ordinance provides guidelines for conditional use permit applications. Please address the following standards which will be reviewed by the staff in analysis of your request. If you need assistance filling out these items, staff is available.

Provide a written statement demonstrating that:

1. The establishment, maintenance or operation of the CUP will not adversely affect the public health, safety, morals and general welfare and is in compliance with the Chesapeake Bay Act;
2. The establishment of the CUP will not substantially diminish or impair property values within the neighborhood nor will it be detrimental to the environment and surrounding properties;
3. The purpose of the CUP is to provide for certain uses which may not be compatible with certain surrounding uses or which may be compatible with surrounding uses only if the use in question is established in conformance with certain limiting conditions;
4. That proper landscape designs detailing plantings, screening for sight and sound and proper buffers be provided, that only certain appropriate activities shall occur;
5. Adequate utilities, and off street parking are provided;
6. That soil erosion and sedimentation be avoided;
7. The height, area, yard and sign limitations shall be the same as for other uses in the district;
8. That businesses and other operations be carried out only at appropriate times;
9. The establishment of the CUP is not in conflict with the Comprehensive Plan;
10. The CUP shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified by the Governing Body.

(Governing Body may impose reasonable conditions to make use compatible, to protect environment, surrounding properties, persons, neighborhood values.)

Please attach your written statement with this document upon submission.

Describe your request in detail and include any relevant information such as the number of persons involved in the use, operating hours, or any unique features of the proposed use.

See attached narrative

If any improvements are being proposed, briefly state whether new structures are to be constructed, existing structures are to be used or modifications, expansion, reconstruction, or additions are to be made to existing structures. If available, provide dimensions of any structures that will be used for this CUP.

See attached narrative

Attachments Required – provide three copies of each

1. *A scale drawing showing the size and shape of the parcel of land on which the proposed use is located.* Scale drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land and the location of such building or use with respect to the property lines of said parcel of land to the right-of-way of any street or highway adjoining said parcel of land.
2. *Ownership information* – If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, the name of a corporation, partnership or association, or in the name of a trust, or in a fictitious name, an acceptable document must be submitted certifying that the person signing below has the authority to do so.

CUP for 73 Seafood Lane,

Irvington VA 22480

This Conditional Use Permit for 73 Seafood Lane, tax map 33-379 seeks "by right" uses for an industrial brownfield so that it can be transformed into a community asset as a mixed-use parcel. The mixed use will include: one, 1 bedroom apartment in the existing building, 6, 14'x28', 'tourist homes' as allowed in § 154.086 (B)(10), (hereinafter referred to "guest cottages") and an 'assembly hall' with as also allowed in § 154.086(B)(9), (hereinafter referred to a "social venue"). Parking requirements in §154.020 will be met or for both the apartment, tourist cottages and the social venue. Further, this application is contingent upon an approved septic system(s) for the listed uses. From the property, after 10PM, there will be no sound above 65 decibels as measured at the fence line.

Background: 73 Seafood Lane is an industrially zoned parcel has been a site for petroleum transfer from barges and, later, trucks for approximately 100 years. Well into the 1950s and 1960s, gas, diesel and heating oil were brought in by barge run to the site via a small pipeline. As barges were phased out, heavy trucks brought the petroleum in where it was stored and distributed in smaller trucks. From 2007 until recently, the site was owned by Quarles Petroleum and had been on the real estate market.

Because it is a site with legacy pollution and a recognized brownfield site with a file at the Virginia Department of Environmental Quality, the parcel sat on the market for approximately 14 years. Although the pollution is dormant in the soil and case file is closed in DEQ's regional office, extreme care must be taken in the development plan – particularly when digging below grade in certain areas. The parcel has a large amount of impervious surface.

Vision: Albert Pollard, Jr of Irvington has a vision for the site where it is a community green space, guest cottages and has a social venue for town residents and tourists. His plan is rooted in working closely with the Department of Environmental Quality (DEQ) and an environmental consultant trained in brownfield development generally and DEQ's Voluntary Remediation Program specifically. He wants to plant the site extensively in native vegetation, reduce impervious surface (gravel lot) and have the architectural features flow naturally from Steamboat Road to Seafood Lane. Randall Kipp is the consulting architect.

In development, there will be no structures or building closer to residential property lines than is shown by the existing fence. This is an approximate 35' setback on the North of the property and approximate 50' setback on the East side. In most instances, because of drain field placement and natural boundaries, these setbacks will be exceeded.

Implementation: The applicant is concerned about the sequence of implementation so he can both a) use the property in an allowable way and b) minimize the expensive soil testing and consultant time associated with environmental consultants.

Therefore, he proposes the following flow: A) Conditional Use Permits with best estimate of building placement ➡ B) Environmental Testing ➡ C) Drain field testing ➡ D) Irvington Soil Disturbance Permit as appropriate (§ 154.153) ➡ E) Plan implementation ➡ F) enroll in DEQ's Voluntary Remediation Program. The applicant intends to first build the cottages and their gardens. He intends for the "assembly hall" to be implemented sometime after 2024 – and probably later.



RESOLUTION 2021-15.PC

Recommendation Regarding Rezoning Parcel from M-1 to B-1 tax map 33.379

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Rezoning of a Parcel from M-1 to B-1 Rezoning Application 2021.____ Pollard, located at Tax map # 33.379, 73 Seafood Lane (“Application”); and

WHEREAS, notice was delivered to all adjoining property owners within 300’ and placed on Town website; and

WHEREAS, a joint public hearing was advertised in the Rappahannock Record on September 30, 2021 and October 7, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings held on September 7, 2021 and October 12, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint Public Hearing on October 12, 2021 to hear public views on the Application.

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, Phil Robinson, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2021-15.PC adopted at a meeting of the Planning Commission of Irvington, Virginia held on October 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION



RESOLUTION 2021-14.PC

Recommendation Regarding Conditional Use Permit Application – Inn in B-1 Tax Map 33.379

WHEREAS, the Irvington Planning Commission was asked to review and make a recommendation to Town Council on Proposed Conditional Use Permit (“CUP”) Application #2021.CUP_POLLARD to operate an Inn in B-1, tax map 33-379, located at 73 Seafood Lane; and

WHEREAS, Notice was delivered to all adjoining property owners within 300’ and placed on Town website; and

WHEREAS, a joint public hearing was advertised in the Rappahannock Record on September 30, 2021 and October 7, 2021; and

WHEREAS, the Planning Commission considered the Application at its meetings held on September 7, 2021 and October 12, 2021; and

WHEREAS, the Planning Commission and Town Council held a joint Public Hearing on October 12, 2021 to hear public views on the Application.

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, Phil Robinson, Secretary of the Planning Commission, do hereby certify that the above is a true copy of Resolution 2021-14.PC adopted at a special meeting of the Planning Commission of Irvington, Virginia held on October 12, 2021, at which a quorum was present and voting. The vote was:

In favor

Opposed

IRVINGTON PLANNING COMMISSION

Phil Robinson, Secretary