

A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
August 22, 2023

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

2. ROLL CALL/DETERMINATION OF A QUORUM

BRIAN CARROLL, CHAIRMAN

BOBBY BOWSER, VICE-CHAIRMAN

CYNTHIA TAYLOR

JAMES FORD

JENNIFER S. BOYKIN

GEORGE RAWLS

THOMAS J. DISTEFANO

RICK SIENKIEWICZ

RAYNARD GIBBS

MATTHEW SMITH

3. ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

A. July 25, 2023 Planning Commission Regular Meeting Minutes

B. August 3, 2023 Board of Supervisors Work Session Action List

C. August 17, 2023 Board of Supervisors Regular Meeting Action List

6. CITIZENS' COMMENTS

7. PUBLIC HEARINGS

A. CUP-05-23 Crossing Mini-Warehouse

Application (CUP-5-23) of Waverton Associates, Inc., applicant, and James River Crossings, Inc., property owner, for a conditional use permit for a mini-warehouse storage facility on property identified as tax map number 34-01-070 located on Lori Ann Way in the Crossings Planned Development

8. OLD BUSINESS

9. NEW BUSINESS

A. COUNTY ATTORNEY'S REPORT

B. PLANNING DIRECTOR'S REPORT

1. Proposed Short-Term Rental Ordinance Revisions
Proposed Short-Term Rental Ordinance Discussion

10. CLOSED MEETING

11. ADJOURNMENT

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
July 25, 2023 Planning Commission Regular Meeting Minutes	Minutes	8/16/2023

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-FIFTH DAY OF
JULY IN THE YEAR TWO THOUSAND AND TWENTY-THREE**

CALL TO ORDER

Brian Carroll, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on July 25, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Don Robertson delivered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Carroll invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Brian Carroll, Chairman
Bobby Bowser, Vice-Chairman
Cynthia Taylor
James Ford
Jennifer Boykin
George Rawls
Thomas Distefano
Rick Sienkiewicz
Matthew Smith

ABSENT

Raynard Gibbs

A quorum was determined.

ALSO IN ATTENDANCE

Mandy Rogers, Substitute Council to the Planning Commission
Don Robertson, Assistant County Administrator
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Trenton Blowe, Planner II
Caleb Kitchen, Planner I
Amanda Landrus, Secretary

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

Chairman Carroll asked if there were any requests to table or withdrawal agenda items. Amy Ring, Community Development Director, stated there were no requests.

APPROVAL OF AGENDA

Chairman Carroll called for a vote to approve the agenda. Commissioner Boykin made a motion to approve the agenda. Commissioner Bowser seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

APPROVAL OF CONSENT AGENDA

Chairman Carroll called for a vote to approve the consent agenda. Commissioner Bowser made a motion to approve the consent agenda. Commissioner Smith seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

There being no comments, Chairman Carroll closed citizens' comment.

PUBLIC HEARINGS

Chairman Carroll called for the public hearing on the following item:

Application CUP-9-23 of Debra Hall, applicant, and Carrollton Coves Shoppes, LLC, property owner, for a conditional use permit to establish a commercial kennel on property located at 15042 (Suites K and L) Carrollton Boulevard, identified as tax map number 34-07-000B.

Caleb Kitchen, Planner I, gave the following presentation:



DASHING DOGS COMMERCIAL KENNEL CONDITIONAL USE PERMIT REQUEST CUP-9-23

Planning Commission Regular Meeting– July 25, 2023

SITE DESCRIPTION



Location: 15042 (Suites K and L) Carrollton Boulevard

Tax Map ID#: 34-07-000B

Election District: District 4

Land Use Designation: Business and Employment (BE)

Current Zoning: General Commercial (GC)
Newport Development Service Overlay District (NDSO)

Purpose: Continue personal service uses such as grooming and daycare, and to establish boarding services for up to eighty (80) animals, which requires a CUP in the GC Zoning District.

BACKGROUND



- Current use is a commercial shopping center (Carrollton Cove)
- Applicant previously occupied a suite in 2013
 - Operated under conditions of 2008 CUP
- Applicant relocated to 14168 Carrollton Boulevard in 2018
 - Lease terminated due to Nike Park Rd. Extension Project
- Zoning permit issued in April 2023 for personal service use
 - Includes grooming and daycare

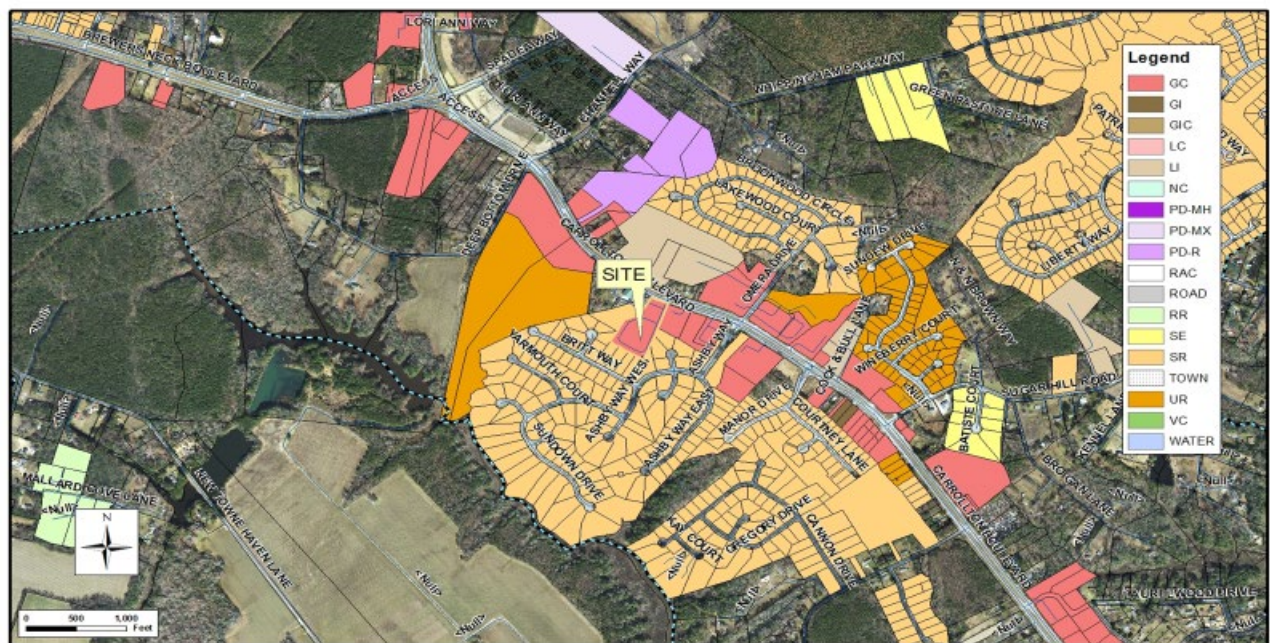
CUP-9-23 Conditional Use Permit - Location Map



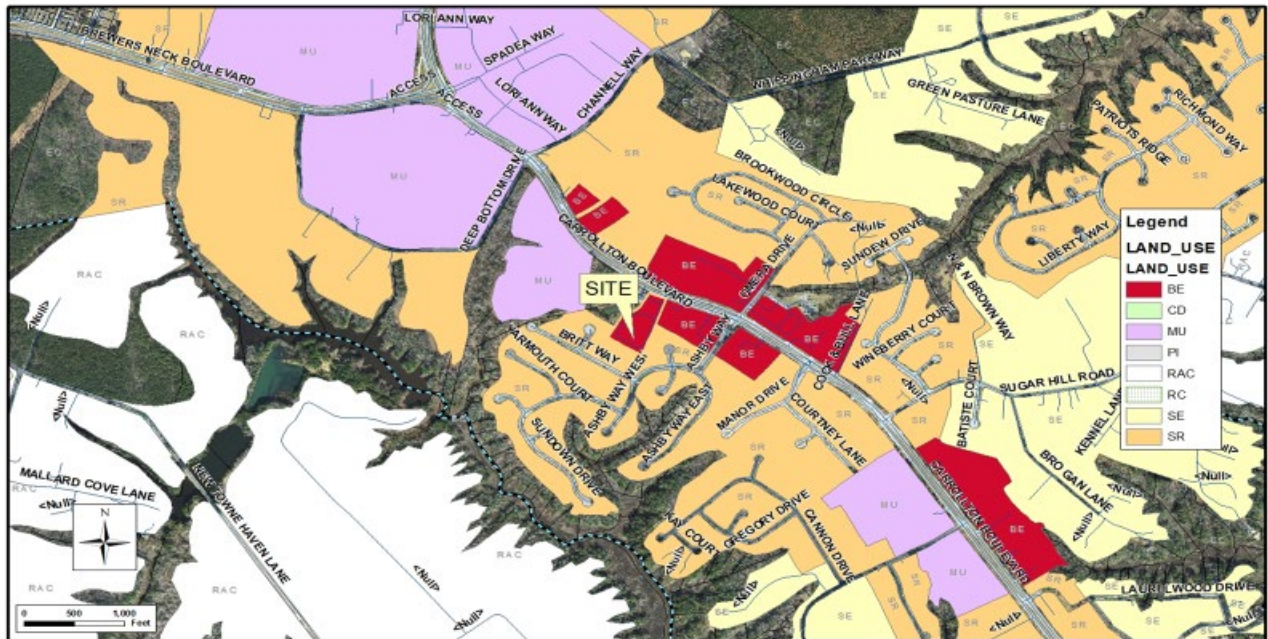
CUP-9-23 - Location Closeup Map



CUP-9-23 - Zoning Map



CUP-9-23 - Land Use Map



CUP-9-23 Concept Plan









The Planning Commission and Board of Supervisors shall consider the following criteria before granting a conditional use permit:

- 1) Will not be detrimental to or endanger public health, safety, and general welfare;
- 2) Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
- 3) Adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements will be provided;
- 4) Ingress and egress so designed as to minimize traffic congestion on the public streets;
- 5) Not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
- 6) Shall conform to all other applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and
- 7) Will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.



Board may impose additional conditions or limitations on CUPS. Such conditions may include, but are not limited to:

- 1) Number of persons living or working in the immediate area and the proposed hours of operation;
- 2) Traffic conditions, sidewalks, parking facilities, vehicle access, peak period of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
- 3) Orderly growth of the neighborhood and community and the fiscal impact on the County;
- 4) Effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
- 5) Facilities for police, fire protection, sewage, water, trash and garbage collection and disposal, and the ability of the County or persons to supply such services;
- 6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
- 7) The structures in the vicinity such as schools, houses or worship, theaters, hospitals, and similar places of public use;
- 8) The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
- 9) The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and
- 10) The preservation of cultural and historic resource landmarks.

AGENCY REVIEW



The application was forwarded to the following departments for their review:

Sheriff's Department:

- Concern with potential noise generated with the boarding of animals
- Impact of complaints of the neighboring businesses as well as the outside exercise area to the proximity of the homes in Ashby Estates.

Please note that, should this CUP be approved, it will be subject to review and approval from all associated agencies during site plan review.

STAFF ANALYSIS



Noise Concerns:

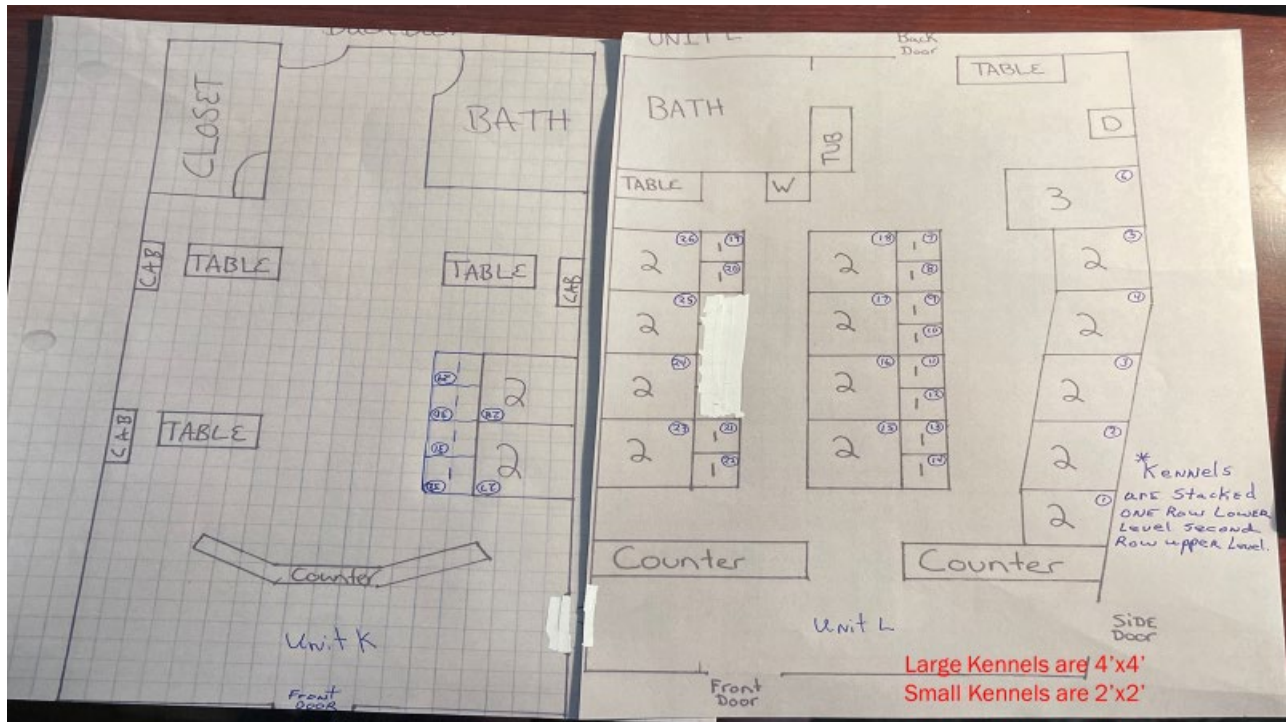
- Former James River Kennels business noise complaint in 2008
 - Former CUP prohibited outdoor activity
- Outdoor exercise area is approximately forty (40)-feet from adjacent residential property line.
- Noise Ordinance: Enforced by Sheriff's Department

STAFF ANALYSIS CONTINUED



Kennel Space:

- State Law: "Adequate Space" and "Adequate Shelter"
- Federal Law: Animal Welfare Act, for certain animals
 - Small Dog (7 inches in length): 1 square foot
 - Large Dog (52 inches in length): 23 square feet



Strengths:

- The use is consistent with the BE future recommended land use and GC Zoning District.
- The proposed use will have minimal impact on community facilities and resources.
- Approval will allow for an existing business in the County to grow their clientele.
- The fencing and outdoor run area are located adjacent to residential property lines, with a forty (40)-foot separation, which exceeds the ten (10)-foot setback minimum in the Supplementary Use Regulations for a commercial kennel.

Weaknesses:

- The number of animals boarded and the use of the outdoor exercise space may result in excessive noise for neighboring property owners in the Ashby Subdivision.
- The number of animals seems excessive for a retail center location and could create a disturbance for other merchants.

Staff Recommendations



Staff recommends approval of the CUP with the following conditions:

- 1) No more than five (5) animals are permitted in the outdoor exercise area at one time.
- 2) No more than sixty (60) animals may be boarded overnight, of which no more than fifty (50) may be dogs.
- 3) The commercial kennel use only applies to Suites K and L. The applicant must obtain approval from the Zoning Administrator prior to moving into any other space within the parcel.
- 4) Animal feces should be removed from the parking lot throughout the day and a bag dispenser shall be provided near the parking lot.

Chairman Carroll opened the public hearing and invited the applicant to speak.

Elliot Cohen, property owner, stated he was not aware of any previous complaints made for the previous kennel. Mr. Cohen also stated that phase two of the shopping center would include the new kennel, and he would like the conditional use permit to apply to the entire parcel and not just suites K and L. Mr. Cohen clarified the reason for the request for eighty animals was to have flexibility for overlap between drop off and pick up times. Mr. Cohen also requested to not be responsible for the entire parking lot waste. Mr. Cohen reiterated that the outside kennel area is forty feet from the property line.

Debra Hall, applicant, 14038 Bowling Green, Windsor, asked for favor and approval of her application.

Anthony Kearney, shop manager for the business, 102 Titus Court, Carrollton, stated he is on call 24/7 for any emergency, and his phone number is posted on the business door.

Chairman Carroll closed the public hearing and asked for comments from the commissioners.

Commissioner Bowser asked Ms. Hall if the dumpster in the back is not being used by her, what dumpster does she use.

Ms. Hall stated she uses the County refuse center, and the trash is taken daily, except for Wednesdays when the center is closed.

Commissioner Taylor asked her how many employees she has.

Ms. Hall stated she has ten to twelve employees with only five being full time.

Commissioner Taylor asked if boarding was currently being offered.

Ms. Hall stated that she was currently offering boarding.

Commissioner Boykin asked if there is an alarm system in the building in case of fire or emergency.

Ms. Hall stated there is an alarm on the door.

Commissioner Boykin asked how often the dogs are let out outside of business hours.

Ms. Hall stated 7 am, 12 pm, 4 pm and 8 pm on days closed, and 8 pm is the last time the dogs go out on business days.

Commissioner Rawls if eighty dogs were there, would someone stay overnight.

Ms. Hall stated yes if it was allowed.

Commissioner Boykin asked if there were eighty dogs, would it be allowed to have an employee stay overnight.

Amy Ring stated if they could meet the requirements, a commercial apartment could be allowed.

Commissioner Ford asked Ms. Hall if she was trying to expand her business.

Ms. Hall stated currently she just wants this application approved.

Commissioner Ford asked if there is a separate container for the waste at the refuse center.

Ms. Hall stated there is not a separate container, and the requirement is to have the dog waste double bagged.

Mr. Cohen stated his other kennel in Churchland has a Bay Disposal trash can that is emptied once a week or twice a week. He stated at this location, there is a large dumpster used for the restaurant and the other individual business uses a Bay Disposal residential trash can.

Commissioner Sienkiewicz asked if suites K and L will be vacated when the new phase two kennel is done.

Mr. Cohen confirmed she would relocate into the new building that would be more suitable for her business and the current location is just a temporary solution.

Mr. Cohen stated the two adjoining business do not have an issue with the kennel and submitted the following two letters.

July 21, 2023

To the tenants of Carrollton Cove Shops:

Please note the grooming daycare unit at the back end of the shopping center has applied for a conditional use permit for keeping dogs over night as a boarding kennel.

we would like to inform the county that the tenants have no problem with this application. Please sign date and include your unit address, on this note in order to present it to the Isle Of Wight planning commission and board of supervisors.

Thank you,

Elliot Cohen



To the tenants of Carrollton Cove Shops:

Please note the grooming daycare unit at the back end of the shopping center has applied for a conditional use permit for keeping dogs over night as a boarding kennel.

we would like to inform the county that the tenants have no problem with this application. Please sign date and include your unit address, on this note in order to present it to the Isle Of Wight planning commission and board of supervisors.

Thank you,

Elliot Cohen



Commissioner Boykin asked when the new building would be started.

Mr. Cohen stated he is waiting for the County to provide information regarding the stormwater pond before he takes ownership. Mr. Cohen also stated that due to the size change of the building, he would have to resubmit his plan to the county for approval.

Commissioner Boykin asked if there would be other tenants in the new building besides the kennel.

Mr. Cohen stated a daycare center is committed to the other side of the building.

Commissioner Boykin asked for verification that when the new building and kennel is built, she will vacate her current location.

Mr. Cohen stated if the business was growing, he would consider leasing the three suites for Ms. Hall. Mr. Cohen stated that he didn't want to confirm either way.

Ms. Hall requested to not have a dumpster outside her business due to the smell.

Mr. Cohen stated he spoke to Major Willard about his concern with the noise generated from the kennel. Mr. Cohen stated he shared the specific sound barrier controls that have been made. Mr. Cohen stated that addressed Major Willard's concerns.

Anthony Kearny stated he checked government regulations regarding animal waste, and the only requirement is to be double bagged. Mr. Kearny added that other business allows dogs, and there are doggie waste bags in front of the kennel that are for everyone to use.

Caleb Kitchen stated that his research shows it is a long-standing policy for domestic animal waste to be allowed in local refuse centers.

Commissioner Ford asked what the issue is with the BMP.

Amy Ring stated the BMP issue is separate from this conditional use request. Ms. Ring stated that the original approved site plan for the shopping center included the stormwater management pond required to handle his stormwater runoff. Ms. Ring stated a mistake was made when the pump station behind the fire department was dedicated to the county and included the stormwater management pond, which caused him to be out of compliance with his site plan. She added it will be a requirement for him to take back the pond to handle the stormwater management on his property, so that he may build the second building on his property.

Commissioner Boykin stated she did a site visit yesterday and has concerns with the amount of eighty dogs and kennels in the facility and leans toward the staff recommendation of sixty. Commissioner Boykin added that she would like to propose the condition of a member of the Isle of Wight County shelter do a site visit to verify adequate size of kennels.

Ms. Hall stated the small kennels are for the grooming dogs that get bathed and blow-dried not for boarding.

Meghan Parks, 106 Cattail Lane, Smithfield, groomer, stated the small kennels are for grooming alone, and the dogs that are being boarded do not go in those.

Commissioner Boykin asked Amy Ring for her opinion on having shelter staff doing a site visit.

Amy Ring stated she was fine with that suggestion as they are familiar with the requirements. Ms. Ring added that currently the shelter has fifty kennels and thirty-six animals.

Commissioner Rawls asked if they have any staff that stays overnight.

Amy Ring confirmed no staff stays overnight, but there is someone on call 24/7 should an issue arise.

Anthony Kearny stated that it is their goal to not have dogs in the kennels for long periods of time, and if they are social dogs, they are allowed to be out and socialize with each other in groups at a time.

Commissioner Ford asked if the new kennel would provide adequate green space.

Ms. Ring stated this current application would allow them to continue to use the outside space which is fenced-in and permitted. Ms. Ring added the reason to be suite specific for this conditional use permit is to give the public a reasonable expectation on where the kennel will be located. Ms. Ring added that there is not a requirement for green space for a kennel.

Commissioner Boykin made the motion to recommend approval to the Board of Supervisors with the recommended staff conditions and the additional condition to have shelter staff approve the kennels. Commissioner Distefano seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Smith and Chairman Carroll voting in favor of the motion, and no commissioner voting against the motion (9-0).

The motion passed, and the item will go to the August 17, 2023, Board of Supervisors meeting.

OLD BUSINESS

Amy Ring Confirmed there were no items to discuss in old business.

NEW BUSINESS

Chairman Carroll called for the presentation for the following new business item:

Application of Bur Investment LLC, applicant and owner, for an Exception to Section 6-2010.A.1,2 and 3 of the Newport Development Service Overlay (NDSO) District Regulations in the Zoning Ordinance for the Property Located on Commerce Lane with Tax Map Number 42-06-006 for an Exception to the NDSO Design Standards for Building Façades, Exterior Walls, Windows and Building Materials.

Trenton Blowe gave the following presentation:

BUR IWIP
Newport Development Service
Overlay District Exception Request
EXC-9-23

Planning Commission Regular Meeting
July 27, 2023

	Site Description
Tax Map ID#:	42-06-006
Current Zoning:	Conditional Limited Industrial (C-LI)
Election District:	D4
Request:	Exception to the NDSO Design Standards for Building Façades, Exterior Walls, Windows, and Building Materials: Sections 6-2010.A.1.a, 6-2010.A.2.a, and 6-2010.A.3.a

Background

- Site is a part of the original phase of the Isle of Wight Industrial Park which received zoning approval in 1988.
- A site plan was originally submitted in 2019 as a response to a notice of violation.
- The site plan review determined the need for a NDSO exception request.

Project Description

- The proposal is to build 4,500 square feet of retail space, 7,800 square feet of warehouse space, and 2,700 square feet of office space.
- The applicant is requesting an exception to standards involving building materials, required building design changes, and the requirement for windows to occupy 50% of the facade

EXC-9-23 - Location Map



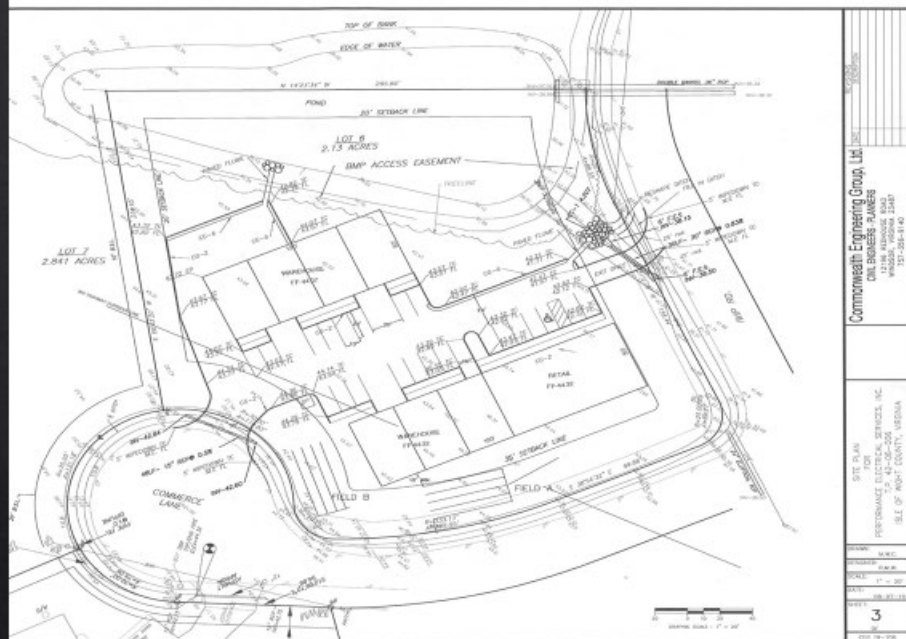
Elevations



Elevations



Building Orientation



View From IWIP
Road



View From
Commerce Lane



Exception Criteria

When granting an exception, the Board of Supervisors must consider the following criteria:

1. Such exception shall be no less beneficial to the residents or occupants of the development, as well as the neighboring property, that would be obtained under the applicable regulation;
2. That the exception is reasonable because of the high level of design and construction that will be incorporated into the development; and,
3. That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

STAFF ANALYSIS

Staff performed an analysis of the exception request and developed the following findings:

1. The proposed use and building are in accordance with neighboring properties inside the industrial park.
2. Beyond the metal siding, the building design includes such higher level design elements such as awnings over the entrances, a gabled, standing seam metal roof, and parking located in the interior of the site.

ANALYSIS

Strengths:

1. The building design will be similar to existing buildings within the industrial park.
2. The proposed use of the property would increase employment and revenues in the County

Weaknesses:

1. The building will not meet the NDSO requirements.

RECOMMENDATION

Based on the analysis, the staff recommends approval of the exception request

Chairman Carroll called for discussion from the Planning Commission.

Commissioner Boykin asked if the NDSO district goes all the way to the County line.

Trenton Blowe stated that prior to 2020, the NDSO line stopped at Muddy Cross Drive. Mr. Blowe added that IWIP was added to the development service district to drive development in that area.

Commissioner Boykin asked if that adds stricter design elements.

Trenton Blowe stated that prior to being added to the NDSO, some of these parcels were in the highway corridor overlay district, which also adds some design standards.

Commissioner Sienkiewicz asked about the front façades for the conditional use permit for the auction/storage yard.

Trenton Blowe stated that detail wasn't proposed at that time, but the applicant is aware of this requirement, and if they are unable to meet it, they will be required to apply for an exception.

Commissioner Rawls asked about Riverside Pest.

Trenton Blowe stated that their approval and site plan submission came prior to being accepted into the NDSO district.

Commissioner Taylor asked how many parcels are left to be developed.

Trenton Blowe stated he is unsure of an exact number but believes there are some.

Commissioner Boykin stated that their request fits in with that is already there.

Commissioner Bowser made the motion to recommend approval to the Board of Supervisors. Commissioner Boykin seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz, Smith, and Chairman Carroll voting in favor of the motion, and no commissioner voting against the motion (9-0).

The motion passed, and the item will go to the August 17, 2023, Board of Supervisors meeting.

COUNTY ATTORNEY'S REPORT

Mandy Rogers confirmed there were no items to discuss for the County Attorney's Report.

PLANNING DIRECTORS REPORT

Amy Ring gave the following presentation on the proposed short-term rental ordinance revisions:

Proposed Short Term Rental Zoning Ordinance Changes

Planning Commission Regular Meeting
July 25, 2023



Background

- October 26, 2021 - Planning Commission recommends approval of previously proposed short-term rental regulations to the Board of Supervisors
- November 18, 2021 – Board defers consideration of proposed Ordinance changes until utility solar energy facility changes revised
- June 1, 2023 – Board of Supervisors initiates reconsideration of the proposed short-term rental regulations and requests review of changes and recommendation from the Planning Commission



Description

- Section 5-1005.B of the Zoning Ordinance allows the rental of up to two rooms as an accessory use on residential properties as follows:

The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling.

- Short-term rentals not currently included as a use type and therefore prohibited.
- Short-term rental outside of the current ordinance regulations require a special use permit.



Summary of Changes

- Definition of short-term rental use type
- Establishes performance criteria
- Establishes a registry



Short Term Rental – Commercial Use Type

Short Term Rental.\ the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy. A short term rental operator shall be further defined as the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity



Permitted Use in Following Zoning Districts:

- RAC
- RR

Conditional Use in Following Zoning Districts:

- VC
- RR
- NC
- SE
- SR
- UR
- PD-R
- PD-MX
- PD-MH



Draft Ordinance Changes

Sec. 5-1005. - Accessory uses to residential principal uses.
The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory uses to residential principal uses:

A. Hobbies or recreational activities of a noncommercial nature.

~~B. The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling.~~

C. Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) days (whether consecutive or not) during any ninety-day period.



Ordinance Draft Comparison

New section for short term rentals in Sec. 5-5002. -
Supplementary use regulations for commercial use types.

*** See online staff report



Short Term Rental Registry

- Annual registration required - Operator to provide the name of the operator and the address of each property in the county offered for short-term rental.
- Operators must obtain a business license and register for transient occupancy and state sales tax.
- Annual Fee - for each registration for the purpose of defraying the costs of establishing and maintaining the registry.
- Registry exemptions - Registration is not required if the Operator or short-term is exempted from registration pursuant to Code of Virginia § 15.2-983(B)(2).
- Penalty Section - Failure to register a property within 30 days of being offered for rental will result in a penalty to be paid by the Operator in the amount of \$500.00 per violation. Each day a property is offered for rental that is not registered in accordance with this section is a separate violation. Repeated violations will result in loss of license.
- Non-contravention - clarifies that uses are still controlled by zoning and land use regulations and that the County does not enforce private contract terms, covenants and restrictions, etc.



Short Term Rental Registry - Exemption

- 2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments





Commissioner Taylor asked if an accessory structure could be used as a short term rental with an exception.

Ms. Ring stated it is open for suggestion and could be allowed by right or through a conditional use permit.

Commissioner Smith stated that if the requirements have already been met for an accessory apartment, he believes it should be allowed to be used as a short-term rental.

Commissioner Sienkiewicz asked if an apartment building could be used an apartment for a short-term rental.

Ms. Ring stated an apartment building could not rent out an apartment for a short-term rental. She added that it is a hotel use instead of a residential use type.

Commission Ford asked what the legal terms would be for the registry.

Ms. Ring stated the registry would be similar to applying for a zoning permit.

Commissioner Boykin asked about the difference between the limit of people gathering verse staying at the short-term rental.

Ms. Ring stated this was to prevent a short-term rental being used as an event venue which is another category in the zoning ordinance.

Commissioner Boykin asked what the recommendation is for the amount of persons, including children, that may gather at a short-term rental at any time.

Ms. Ring stated she thought no more than fifty or sixty people at a time.

Commissioner Bowser asked what the penalty would be if these requirements were not followed.

Ms. Ring stated it could be five-hundred dollars per day and kicked off the registry if it continues.

Commissioner Boykin asked if the authorized agent will be required to be listed on the registry.

Ms. Ring confirmed that the authorized agent or emergency contact will be required to be listed.

Commissioner Taylor asked if a lodging tax would be required.

Ms. Ring confirmed that yes, a lodging tax will be assessed.

Commissioner Boykin asked what the lodging tax is.

Ms. Ring stated she was unsure what the current tax was but would research that.

Don Robertson confirmed the lodging tax is five percent.

Commissioner Boykin asked what is recommended for the maximum number of dwelling units located within a building that would prevent it from being operated as a short-term rental.

Ms. Ring suggested it could be no more than three or four.

Commissioner Ford asked if there should be more discussion on this before sent to public hearing.

Commissioner Taylor confirmed she would like to see the blanks filled in.

Ms. Ring stated she would refine the proposed changes and bring it back to the Planning Commission before public hearing.

Ms. Ring stated the Board of Supervisors retreat is October 25, 2023, and would like to schedule the Planning Commission retreat for around that same time. Ms. Ring suggested the following dates: October 13th, October 27th, and November 3rd.

The Planning Commission agreed that November 3rd appeared to be the most suitable date.

CLOSED MEETING

Chairman Carroll confirmed there were no items to discuss in closed meeting.

ADJOURNMENT

There being no further information to discuss, Chairman Carroll adjourned the meeting at 7:29 PM.

Adopted this _____ day of _____, 2023.

Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: _____
Amanda Landrus, Secretary

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
August 3, 2023 Board of Supervisors Work Session Action List	Cover Memo	8/16/2023

*ACTION LIST
BOARD OF SUPERVISORS'
WORK SESSION
AUGUST 3, 2023*

1. APPROVAL OF AGENDA

Supervisor Jefferson moved to approve the agenda as presented. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

2. PUBLIC HEARINGS

A. *Resolution to Authorize Initiation of Condemnation Proceedings and Use of "Quick Take" Procedures for Acquisition of Property and Interests in Property for the Nike Park Road Extension Project, State Project Number: 0069-046-682, RW201, Federal Project Number: STP-58B3 (052), Isle of Wight County, UPC: 109314:* Supervisor Jefferson moved that the resolution be adopted. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

Assignment: Jones

B. *Non-Exclusive Utility Easement on County Owned Land at Heritage Park to Cellco Partnership d/b/a Verizon Wireless:* Supervisor Jefferson moved to authorize execution of the deed of easement and necessary closing documents. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

3. COUNTY ADMINISTRATOR'S REPORT

2023 VOPEX /Presentation of 2023 Virginia Operations Plan Exercise: Vice-Chairman Acree directed staff to continue moving forward.

4. UNFINISHED/OLD BUSINESS

- A. *Reconsideration of Carver Solar Energy Generation Facility Conditional Use Permit Request:* Supervisor Jefferson moved to rescind action of the Board's February 23, 2023 vote. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

Supervisor Grice moved that the Carver CUP for its solar project and its related siting agreement be on the agenda for the Board's August 17, 2023 meeting under Old Business for further action. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

Assignment: Robertson/Jones

- B. *Board of Zoning Appeals:* Supervisor Grice moved that Lawrence W. Yoakum, III be recommended to the Circuit Court Judge to fill the unexpired term of Andrew R. MacConnell on the Board of Zoning Appeals representing District 5. His term will expire in June of 2025. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

Assignment: Jones/Storm

- C. *Board of Zoning Appeals:* Supervisor Rosie moved that Shawn Carr be recommended to the Circuit Court Judge to serve an additional five-year term on the Board of Zoning Appeals representing District 5. Her term will expire in June of 2028. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

Assignment: Jones/Storm

- D. *Board of Equalization:* Supervisor Rosie moved that Andrew R. MacConnell be recommended to the Circuit Court Judge to serve a one-year term on the Board of Equalization representing District 5. His term will expire in July of 2024. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

Assignment: Jones/Storm

5. NEW BUSINESS

Resolution to Execute a Master Lease Purchase Agreement for the Purchase of New Vehicles: Supervisor Jefferson moved that the Resolution be adopted. The motion was adopted (4-0) with Supervisors Acree, Grice, Jefferson and Rosie voting in favor of the motion; no Supervisors voting against the motion; and, Chairman McCarty absent from the meeting.

6. BOARD REQUESTS

- A. Staff was requested to investigate the old building on property located on Scotts Factory Road.

Assignment: Codes Enforcement

- B. Vice-Chairman Acree expressed appreciation to staff for its help in identifying what can and cannot be done with a private wastewater treatment plant in the Carrollton area.

- C. County Administrator Keaton informed the Board that Michael Stallings has contacted him regarding the Smithfield Town Council's request to conduct an intergovernmental meeting with the County. County Administrator Keaton will send a follow up to the Board with a request that they look at their respective calendars.

Assignment: Keaton

- D. The Board discussed its desire for County Administrator Keaton to make contact with the Towns of Smithfield and Windsor regarding the Board's request to conduct a meeting to discuss mutual issues between the County and the Towns of Smithfield and Windsor. Staff is to be on the lookout for items for discussion. County Administrator Keaton is to contact the towns with the request of a quarterly briefing from each of those jurisdictions.

Assignment: Keaton

- E. At the request of Supervisor Jefferson, County Attorney Jones confirmed that the Board has no authority in the types of flags flown at citizens' homes.

*August 3, 2023 Work Session
Carey Mills Storm/Clerk*

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
August 17, 2023 Board of Supervisors Regular Meeting Action List	Cover Memo	8/18/2023

*ACTION LIST
BOARD OF SUPERVISORS'
REGULAR MEETING
AUGUST 17, 2023*

1. *Approval of Agenda*

On motion of Supervisor Jefferson, the agenda was unanimously (4-0) adopted as presented with Supervisors Acree, Jefferson, Grice and Rosie voting in favor of the motion; no Supervisor voting against the motion; and, Chairman McCarty absent for the vote.

2. *Closed Meeting*

Supervisor Rosie moved to enter a closed meeting pursuant to Section 2.2-3711(A) of the *Code of Virginia*, for the limited purpose of: (1) Consultation with legal counsel employed by the board regarding specific legal matters requiring the provision of legal advice by such counsel, namely eminent domain issues related to transportation projects, pursuant to subsection 8; a discussion regarding the appointment of specific appointees to County boards, committee or authorities as set forth in the agenda, pursuant to subsection 1; a discussion regarding the negotiation of the sale of County real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board, pursuant to subsection 3; and, (4) consultation with legal counsel regarding actual or probable litigation regarding Chesapeake Bay Preservation Area, Zoning Violations, and Drainage Outfalls, where such consultation would adversely affect the negotiating or litigation posture of this public body pursuant to subsection 7. The motion was adopted unanimously (4-0) with Supervisors Acree, Grice, Rosie and Jefferson voting in favor of the motion; no Supervisor voting against the motion; and, Chairman McCarty absent for the vote.

County Attorney Jones advised that Chairman McCarty had briefly attended the closed meeting; however, had to leave during it due to a medical issue.

Supervisor Grice moved that the Certification of Closed Meeting Resolution be adopted. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Rosie and Jefferson voting in favor of the motion and no Supervisor voting against the motion.

County Attorney Jones advised that pursuant to State Code and the Board's by-laws, a Board member can participate remotely in a meeting if a physical quorum is assembled and if the member has requested and notified the Board that he wishes to appear

remotely/electronically. He advised that Chairman McCarty had attempted to attend the meeting; however, had experienced a medical issue and will now need to participate remotely after stating the nature of his absence and the remote location from which he is participating.

Chairman McCarty advised that due to a medical issue he will be participating electronically from his home at 10 Thorley Street in Smithfield, Virginia.

Supervisor Grice moved that Chairman McCarty be authorized to participate electronically in the meeting. The motion was adopted (4-0) with Vice-Chairman Acree, Jefferson, Grice and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Chairman McCarty thereafter joined the meeting.

3. Citizens' Comments

A. Ann Griffin, 218 Jordan Drive, requested assistance from the Board in having the rental house located at 216 Jordan Drive repaired. The property is located within the Town of Smithfield; however, the Town does not handle building code issues and referred her to the County. She requested that she be notified by the County within the next two weeks about what can be done or she will consider taking further action.

B. Jack Foster of Franklin sought the Board's assistance with property he would like to divide.

County Attorney Jones offered to contact Mr. Foster regarding his request.

Assignment: Jones

C. Ashley Kierzek of Virginia Beach addressed the Board regarding school zone safety.

D. Jim Thornton of Smithfield distributed a written statement and copies of documentation about the School's operating budget shortfall for FY2022-23 in the amount of \$603,163 in response to false statements made by the current School Superintendent and School Board members.

E. Randle Arrington of Yellow Hammer Road expressed concern with increased traffic at the warehouse in Windsor. He further commented on the recently approved solar farm.

- F. Herb DeGroft commented on the School's operating budget shortfall of \$603,163.
- G. Shelly Perry of Rushmere commented on the School's operating budget shortfall.

4. Consent Agenda

On motion of Supervisor Jefferson, the following Consent Agenda was adopted unanimously (5-0) as presented with Supervisors McCarty, Acree, Jefferson, Grice and Rosie voting in favor of the motion and no Supervisor voting against the motion:

- A. *Resolution to Amend the FY 2023-2024 Operating Budget and Appropriate Funding for Sheriff Command Bus Improvements (\$11,100)*

Assignment: Humphries

- B. *Resolution to Amend the FY 2023-24 Operating Budget and Appropriate Grant Funds to the Schools' FY2023-24 Operating Budget (\$16,352)*

Assignment: Humphries

- C. *Commission for Adults with Disabilities Bylaws*

Assignment: Jones

- D. *Resolution to Amend Chapter 1: Personnel, Article XI, Sections 11.8 and 11.9 of the County Policy Manual*

Assignment: Clark

- E. *Minutes*

June 1, 2023 Work Session Minutes

Assignment: Storm

5. Regional and Inter-Governmental Reports

No reports were offered.

6. Appointments

Stormwater Advisory Committee: Supervisor Grice moved that Jeff Whitmire be appointed to serve on the Stormwater Advisory Committee representing the Smithfield District. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Jefferson, Grice and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

7. Special Presentations / Appearances

- A. An overview of the FY2022-23 budget book was provided by Stephanie Humphries, Director of Budget & Finance.
- B. A County Fair spring events update was provided by Danny Byrum. Jenilee Hallman introduced the Isle of Wight County Fair Queens.

8. County Attorney's Report

No report was offered.

9. Public Hearings

- A. *Application of Debra Hall, Applicant, and Carrollton Coves Shoppes, LLC, Property Owner, for a Conditional Use Permit to Establish a Commercial Kennel on Property Located at 15042(Suites K and L) Carrollton Boulevard:* Chairman McCarty moved that the application be approved with a change from 5 to 10 dogs and removing the inspection of the Sheriff's Animal Shelter staff during the site plan review process. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Jefferson, Grice and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Ring

- B. *Ordinance to Amend and Reenact Chapter 3 - Animals and Fowl, Chapter 7 - Fire Protection, Chapter 11 – Motor Vehicles and Traffic, and Chapter 15 - Taxation of the Isle of Wight County Code:* Chairman McCarty moved to adopt the Ordinance. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree,

Jefferson, Grice and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

10. County Administrator's Report

- A. *Board of Supervisors' Retreat:* The Board's Retreat is scheduled for all day on October 25, 2023 at the Hampton Roads Planning District Commission Building.

Staff was encouraged to be specific on what the County is asking for related to legislative priorities.

The Board is to receive a report at its retreat from the Chairpersons of the various boards/commissions/committees. Those that the Board has additional questions for are to be invited to a future work session.

Assignment: Keaton/Robertson

- B. *Area Pharmacy Operating Hours:* Staff will contact the various pharmacies with regard to their hours of operation for listing on the County's website.

Assignment: Robertson

- C. *Matters for the Board's information were highlighted.*

- D. County Administrator Keaton to inquire about the one-lane paving efforts on Smiths Neck Road.

Assignment: Oliver

11. Unfinished / Old Business

- A. *Application of Carver Solar I, LLC (CUP-6-22), Applicant, and Carter R. Clements, Joyce G. Clements, Travis W. Williams, Lewis Clarence Lee Trust (Clarence Lee Lewis, Trustee), Joshua Pretlow, Jr., Garrison Farm Solar LLC, Delman Lew Carr Trust (Delman Lew Carr, Trustee), Chester G. Carr Trust (Glenn and Susan S. Carr, Trustees), Helene Johnson Hobbs, Joest Properties, LLC, Scott L. Thomason, Carla A. Thomason, James K. Edwards, Marsha F. Edwards, Cobb Land Limited Partnership, Troy L. Robinson, and Margaret F. Robinson, Property Owners, for a Conditional Use*

Permit to Establish a Major Utility Service, Specifically a 71 MW Utility Scale Solar Energy Facility and Substation, on 637 Acres Located on Yellow Hammer Road (Rte. 645), Windsor Boulevard (Rte.460), Winston Drive (Rte. 639), Cut Thru Road (Rte. 638), Ecella Road (Rte. 639), Barrett Town Road (Rte. 641), Mill Creek Drive (Rte. 638), and Antioch Road (Rte. 657) in the Rural Agricultural Conservation, Conditional General Commercial, and Conditional Rural Residential Zoning Districts: Supervisor Grice moved to approve the CUP incorporating the revised conditions as presented. The motion was adopted (3-2) with Supervisors Jefferson, Grice and McCarty voting in favor of the motion and Supervisors Rosie & Acree voting in opposition to the motion.

Assignment: Ring

- B. *Carver Solar Energy Generation Facility Siting Agreement:* Supervisor Grice moved to approve the siting agreement as presented. The motion was adopted (3-2) with Supervisors Jefferson, Grice and McCarty voting in favor of the motion and Supervisors Rosie & Acree voting in opposition to the motion.

Assignment: Ring

- C. *Application (CBPA-2-23)of Michael and Katherine Gayle for a Chesapeake Bay Preservation Area (CBPA) Ordinance Exception for an After-the-Fact Approval of a Platform to Store Small Boats and Equipment with a Seating Area in the Fifty-Foot Seaward Section of the Resource Protection Area (RPA) Buffer at 1 Eagle Nest Lane:* Supervisor Grice moved to deny the application. The motion was adopted (4-1) with Supervisors Jefferson, Rosie, Grice and Acree voting in favor of the motion and Chairman McCarty voting against the motion.

Assignment: Ring

12. New Business

- A. *Application of Bur Investment LLC, applicant and owner, for an Exception to Section 6-2010.A.1,2 and 3 of the Newport Development Service Overlay (NDSO) District Regulations in the Zoning Ordinance for the Property Located on Commerce Lane with Tax Map Number 42-06-006 for an Exception to the NDSO Design Standards for Building Façades, Exterior Walls, Windows and Building Materials:* Vice-Chairman Acree moved to approve the application. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Ring

- B. *Application of Advance Construction Development, LLC, Applicant and Owner, for an Amendment to Conditional Zoning to Add Parcel 42-01-007D to the Previously Approved Conditional Rezoning Application:* Supervisor Jefferson moved to approve the application. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Ring

- C. *Resolution to Amend the FY 2022-2023 Budget and Appropriate Funds to Address the County Schools Operating Budget Shortfall for FY2022-23 (\$90,714):* Supervisor Grice moved that the Resolution be adopted. The motion was adopted unanimously with Supervisors McCarty, Acree, Grice, Jefferson, and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Humphries

*August 17, 2023 Regular Meeting
Carey Mills Storm/Clerk*

PLANNING REPORT

APPLICATION:

Application (CUP-5-23) of Waverton Associates, Inc., applicant, and James River Crossings, Inc., property owner, for a conditional use permit for a mini-warehouse storage facility on property identified as tax map number 34-01-070 located on Lori Ann Way in the Crossings Planned Development

ELECTION DISTRICT:

D2

LOCATION:

The subject property is located in the development known as the Crossings. The development is proposed along a private drive known as Lori Ann Way which connects to Spadea Way to the South of the parcel. Ferguson Automotive is located on a site to the North of the parcel. Carrollton Boulevard is located to the west of the parcel. To the East will be new Publix grocery store property as well as the South Harbor residential subdivision. It will be adjacent to the future Go Wash commercial car wash.

BACKGROUND:

The project site is currently vacant. The development that the parcel falls into was originally rezoned in 2000 to Conditional General Commercial (C-GC). The original approval for the development came in 2002. The Crossings development is approximately 62 acres and consists of a maximum of 202,100 square feet of commercial development on properties zoned Conditional – General Commercial (GC) and up to 240 multifamily residential dwelling units on properties zoned Conditional – Urban Residential (UR).

DESCRIPTION:

Waverton Development Inc. is seeking a Conditional Use Permit (CUP) for the development of a 75,000-square-foot climate-controlled self-storage facility (gross building area) and approximately 60,000 net rentable square feet. The facility will consist of a maximum of three (3) stories of “office-like” design. There will be no outdoor storage, all units will be interior only contained in individually enclosed stalls, and 100% climate controlled. Tenants will be able to access units 24 hours per day with an electronic keypad on a security door and a code specific to each

tenant. The proposed access to the site is along a private drive. There will be an on-site manager during peak hours from 9:00 AM until 5:30 PM, and a call center will be active from 9:00 AM to 9:00 PM.

If the CUP is granted, the applicant will be required to meet all supplementary use regulations for the mini-warehouse use type and follow the appropriate site plan review process to facilitate the site's development. The affected parcel is located in the Newport Development Service Overlay District.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use designation is Mixed Use (MU). This land use designation envisions one or multiple detached or attached single-family homes, multi-plex and apartment-style housing options, along with office or commercial uses. Expected development in MU includes a mix of detached and attached single-family residences, multiplexes, townhomes, and apartment-style residences, community amenities, and preserved natural features. Non-residential uses may include parks and trails, existing community facilities such as schools, churches, and libraries, and existing or planned office and commercial uses.

The proposed mini warehouse is consistent with the non-residential uses found in the MU land use designation.

ORDINANCE REVIEW:

The zoning district classification for this property is Conditional General Commercial. The General Commercial zoning district is intended to provide the full range of commercial activities and establishments which are not primarily related to residential developments and which require accessibility from higher-order roadways than the LC district. The applicant proposes to establish a self-storage facility, which is classified as a mini-warehouse use type in the Zoning Ordinance. The mini-warehouse use is permitted as conditional uses in the GC district and may be considered compatible with appropriate conditions to mitigate any potential negative impacts on the surrounding community.

Section 1-1017 of the Zoning Ordinance provides standards for the review of a conditional use application that the Planning Commission and Board of Supervisors shall consider before granting a conditional use permit. They are as

follows:

1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;
3. That adequate utilities, water, sewer or septic system, access roads, storm drainage, and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets; That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
5. That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and
6. That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.
7. In addition to the standards and other guidelines described in the Zoning Ordinance, the Board may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:
8. The number of persons living or working in the immediate area and the proposed hours of operation, as may applicable;
9. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;
10. The orderly growth of the neighborhood and community and the fiscal impact on the County;
11. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
12. Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the County or persons to supply such services;
13. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;

14. The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;
15. The purposes set forth in this ordinance, the County's Comprehensive Plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
16. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and
17. The preservation of cultural and historic resources of landmarks.

Should the CUP be approved, the applicant will be required to submit a preliminary site plan meeting all requirements of the zoning ordinance.

AGENCY REVIEW:

The application was forwarded to the following departments for their review:

- Economic Development - No concerns
- Environmental Planner - No concerns
- Emergency Services- No concerns
- Utility Services - No concerns.
- VDOT - There appear to be no impacts to the State maintained right of way with this application.

In the review of the criteria for consideration of a CUP, staff found that the proposal could result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use. There is a little more than 175,000 square feet of existing and approved self-storage space within three miles of the proposed facility. However, none of the existing or proposed facilities offer climate-controlled self-storage. The applicant has addressed the saturation of uses in the attachment labeled comment response in the staff report.

The current building proposal exceeds the 35 foot height limit found in the zoning ordinance. However, the GC zoning district allows for the height of the principal structure to be increased up to 50 feet provided, that each required setback is increased one (1) foot for each additional foot of principal structure height over thirty-five (35) feet.

STAFF CONCLUSIONS:

Strengths:

1. All stalls are interior to the building. From the exterior the building will appear as an office building.
2. The proposed use will have minimal impact on community facilities and resources.

Weaknesses:

1. The approval could result in saturation of similar uses in the general area, however, there currently exist no other climate-controlled self-storage in the general vicinity.
2. The 24-hour access to the site has the potential to affect neighboring residential development to the South.

STAFF RECOMMENDATION:

Staff recommends approval with the condition that all lighting associated with the use will be directed inward to the site.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	8/14/2023
Narrative	Backup Material	8/14/2023
Concept Plan	Backup Material	8/14/2023
Elevations	Backup Material	8/14/2023
Comment Response	Backup Material	8/14/2023
Location Map	Backup Material	8/14/2023
Location Closeup Map	Backup Material	8/14/2023
Zoning Map	Backup Material	8/14/2023
Land Use Map	Backup Material	8/14/2023
Resolution	Resolution	8/16/2023



APPLICATION FOR CONDITIONAL / SPECIAL USE PERMIT

This application should be used to petition for a permit for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. The following application requirements are consistent with the procedures set forth in Section 1-1017, *Conditional Uses*, and Section 1-1018, *Special Use Permits for Uses Not Provided For*, of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

☐ Conditional Use Permit (Are applicant proposed conditions attached?): _____ Yes _____ No

The proposed use or activity is listed as a conditional use in the _____ zoning district as per Section _____ in Article IV of the Isle of Wight County Zoning Ordinance.

☐ Special Use Permit (Are applicant proposed conditions attached?): _____ Yes _____ No

Proposed Use or Activity: _____

B. PROJECT DESCRIPTION:

Project Name: The Crossings Self Storage Facility

Property Address (if any): Lori Ann Way

Election District: Carrollton

Comprehensive Plan Designation: Mixed Use

The use permit will apply to 3.0 acres out of 13.88 total acres

Tax Parcel Identification # 34-01-070 Number of acres to be effected: 3.0

Tax Parcel Identification # _____ Number of acres to be effected: _____

Tax Parcel Identification # _____ Number of acres to be effected: _____

Proposed Utilities (check all that apply): Public Water X Private Well _____

Public Sewer X Private Septic _____

C. APPLICATION INFORMATION:

Applicant(s) Name(s): Waverton Associates, Inc. - John Wright

Address: 200 High Street, Suite 308

City, State, Zip Code: Portsmouth, VA 23704

Phone No.: 757-405-1400 Email: Johnawright@wavertonassociates.com Fax No.: 757-405-1552

Property Owner(s) Name(s): James River Crossings, Inc. - Jerry Bowman

Address: 616 Village Drive, Suite H

City, State, Zip Code: Virginia Beach, VA 23454

Phone No.: 757-425-8391 Email: jbowman@cvalaw.net Fax No.: 757-491-6814

 Applicant Signature

3.27.2023

Date

Owner Signature if different

3/28/2023
Date

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____

Tax Query: ☐ Current ☐ Delinquent Distribution Date: _____

Posted/Date to Post: _____

AGENCIES REFERRALS:

____ Department of Conservation & Recreation
____ Economic Development
____ Emergency Services
____ General Services
____ Environmental Planner
____ Health Department
____ Transportation Manager
____ Commission of Revenue
____ Other _____

____ Inspections
____ Sheriff's Office
____ Town of Smithfield
____ Town of Windsor
____ VDOT
____ Schools
____ Budget & Finance
____ County Attorney

Verified By: _____ Date: _____

**COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS**

Applicant James River Crossings Inc
Address 616 Village Drive
Virginia Beach Street VA Zip 234
City State

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
<u>CARRINGTON BLVD, COMPTON, VA</u>	<u>PARCELS A E H</u>
<u>CARRINGTON BLVD, COMPTON, VA</u>	<u>Residential parcel</u>

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address
<u>James River Crossings</u>	<u>Channel Way + Spade Way</u>

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes ☐ No ☒

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct, and true.

Applicant: James L. Berman Applicant: [Signature] Date: _____
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight CITY OF NORFOLK

Subscribed and sworn to before me Lisa Wickersham Schelp
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 27th day of March, 20 23.

Lisa Wickersham Schelp
Notary Public

My Commission Expires 7-31-2024



**COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS**

Applicant Waverton Associates, Inc.

Address 200 High Street, Suite 308

Portsmouth
City

Street
Virginia
State

23704
Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
N/A - The applicant has no real estate holdings in the County of Isle Of Wight	

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address
N/A - The applicant has no real estate holdings in the County of Isle Of Wight	

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes[] No[]

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct, and true.

Applicant: Waverton Associates Inc. John A. Wright
Printed or Typed Name

Applicant:

Signature

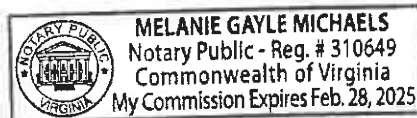
Date: 3.27.2023

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Melanie Gayle Michaels,
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 27th day of March, 2023.

Melanie Gayle Michaels
Notary Public

My Commission Expires February 28, 2025



SUBMITTAL CHECKLIST FOR CONDITIONAL / SPECIAL USE PERMIT APPLICATIONS

In conjunction with Section 1-1017, *Conditional Uses*, and Section 1-1018, *Special Uses Permits for Uses Not Provided For*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Conditional / Special Use Permit Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for a Conditional / Special Use shall be certified as complete unless the following information is provided. **The required number of copies may be reduced with permission of the Zoning Administrator.**

- ✓ **Application:** Ten (10) copies of the original, executed application, one (1) digital copy of all application documents, and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page 3 of the application.
- ✓ The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.
- ✓ Ten (10) copies of a statement of the reasons for seeking such permit and if applicable, a statement of conditions.
- ✓ Ten (10) copies of a narrative description of the property which shall include the Tax Parcel Identification
- ✓ Ten (10) copies of a concept plan of the property showing all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the Planning Commission and Board of Supervisors that adequate provisions shall be made for compliance with all standards for that particular use and the extent of the property to be so used on a given parcel or parcels. Such document shall be drawn to scale and shall include the following information:
 - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
 - Title of drawing
 - Date of drawing
 - Existing wood line
 - North arrow
 - Scale bar
 - Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
 - Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
 - Street names including route number and width(s) of the right-of-way(s)
 - Ten (10) full size copies, with one (1) reduced 11-inch X 17-inch copy and a digital copy shall be submitted

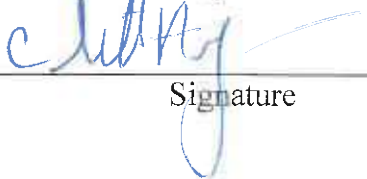
- Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process to review the application and prepare the staff reports for the Planning Commission and Board of Supervisors more effectively.

- ☐ Ten (10) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Isle of Wight County Zoning Ordinance. **N/A**
- ☒ A WQIA (Water Quality Impact Assessment) if located in the Chesapeake Bay Preservation Area.
- ☒ All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

C. SCOTT ACEY - MSA, P.C.

Printed or Typed Name



Signature

3/28/23

Date

Narrative Description

Waverton Development Inc. is seeking a Conditional Use Permit (CUP) for the development of a 75,000 square foot climate controlled self-storage facility (gross building) and approximately 60,000 net rentable square feet (subject to final plans). The facility will consist of a maximum of three (3) stories. In addition, the “office like” design of these facilities will transition well with the Publix anchored retail development.

The site is located in the Mixed-Use development known as “The Crossings” at the intersection of Brewer’s Neck and Carrollton Blvd. Waverton Development Inc. is acquiring a 3 acre condominium parcel from James River Crossing Inc. According to the Isle of Wight Ordinance Mini-Warehouse (which includes Self-Storage) requires a minimum 3 acre parcel and a Conditional Use Permit.

Waverton Development Inc. commissioned an independent market study which concluded there is excess demand specifically for well-secured, high tech, professionally managed climate-controlled storage units in this area.

Business Operations:

This site will be professionally managed and partly owned by a leading management company based in Hampton Roads with over 25 self-storage locations with over 50 years of management experience in the self-storage industry. There will be no outdoor storage, all units will be interior only contained in individually enclosed stalls, and 100% climate controlled. Tenants will have access to two separate service elevators. There will be moving supplies for sale. Based upon the Institute of Traffic Engineers trip generation and parking requirements the proposed facility would see approximately 90 daily trips generated (45 incoming and 45 outgoing). Storage is traditionally a low traffic generating commercial use which transitions well from the high traffic retail in the surrounding development. Anecdotally,

several localities (such as Suffolk) typically waive traffic studies on self-storage as it offers a lower traffic generation from other commercial uses.

Our development proposes a 500+/- unit building (subject to final plans), will not exceed 10 foot ceiling height, and containing the following unit mix:

Unit Size	Square Feet per unit	Number of Units	Total Square Feet	% of total s.f
10x20	200	30	6000	10.00%
10x30	300	25	7500	12.50%
5x5cc	25	70	1750	2.92%
5x10cc	50	86	4300	7.17%
7.5x10cc	75	40	3000	5.00%
10x10cc	100	120	12000	20.00%
10x15cc	150	43	6450	10.75%
10x20cc	200	50	10000	16.67%
10x30cc	300	30	9000	15.00%

Access:

There will be an on-site manager during peak operating hours of 9AM to 5:30PM. A call center will be operational from 9AM to 9PM EST. Tenants will be able to access units 24 hours per day with an electronic keypad on a security door and a code specific to each tenant. As a fully automated facility, prospective tenants will also have the ability to rent units online 24 hours per day.

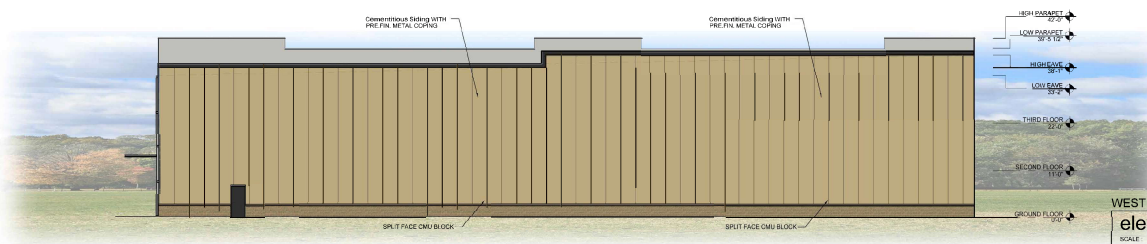
Security:

As tenants enter the building during off-hours, their specific code is logged into the main security system and recorded at our operations center locally. The entrance includes video monitoring of the tenant. After being on site for 2 hours, the security team gets a notification, after 5 hours, an additional notification, at which point they are required to respond. There are numerous security cameras covering every angle of the interior and exterior of the building.

MSA PROJ. 180751



NORTH
elevation **04**
SCALE: 3/32"=1'-0"



WEST
elevation **03**
SCALE: 3/32"=1'-0"



EAST
elevation **02**
SCALE: 3/32"=1'-0"



SOUTH
elevation **01**
SCALE: 3/32"=1'-0"

akai
ARCHITECT
KURMANSKIE
ASSOCIATES, INC.
1070 Washington Street
Richmond, VA 23260
Phone: 804.350.1000
info@akainc.com

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF ARCHITECT KURMANSKIE ASSOCIATES, INC. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ARCHITECT KURMANSKIE ASSOCIATES, INC.

PRELIMINARY
NOT FOR
CONSTRUCTION

THE CROSSING SELF
STORAGE
LOPI ANNE WAY
ISLE OF WIGHT COUNTY,
NEWPORT DISTRICT,
VIRGINIA

1" = 16'	1" = 8'	1" = 4'
Project Reference Numbers		
Architect's Project No. 220001		
Drawn By: JAKLJ		
REVISIONS		
DATE	ISSUED	
PHASE	PRELIM	04-14-2023

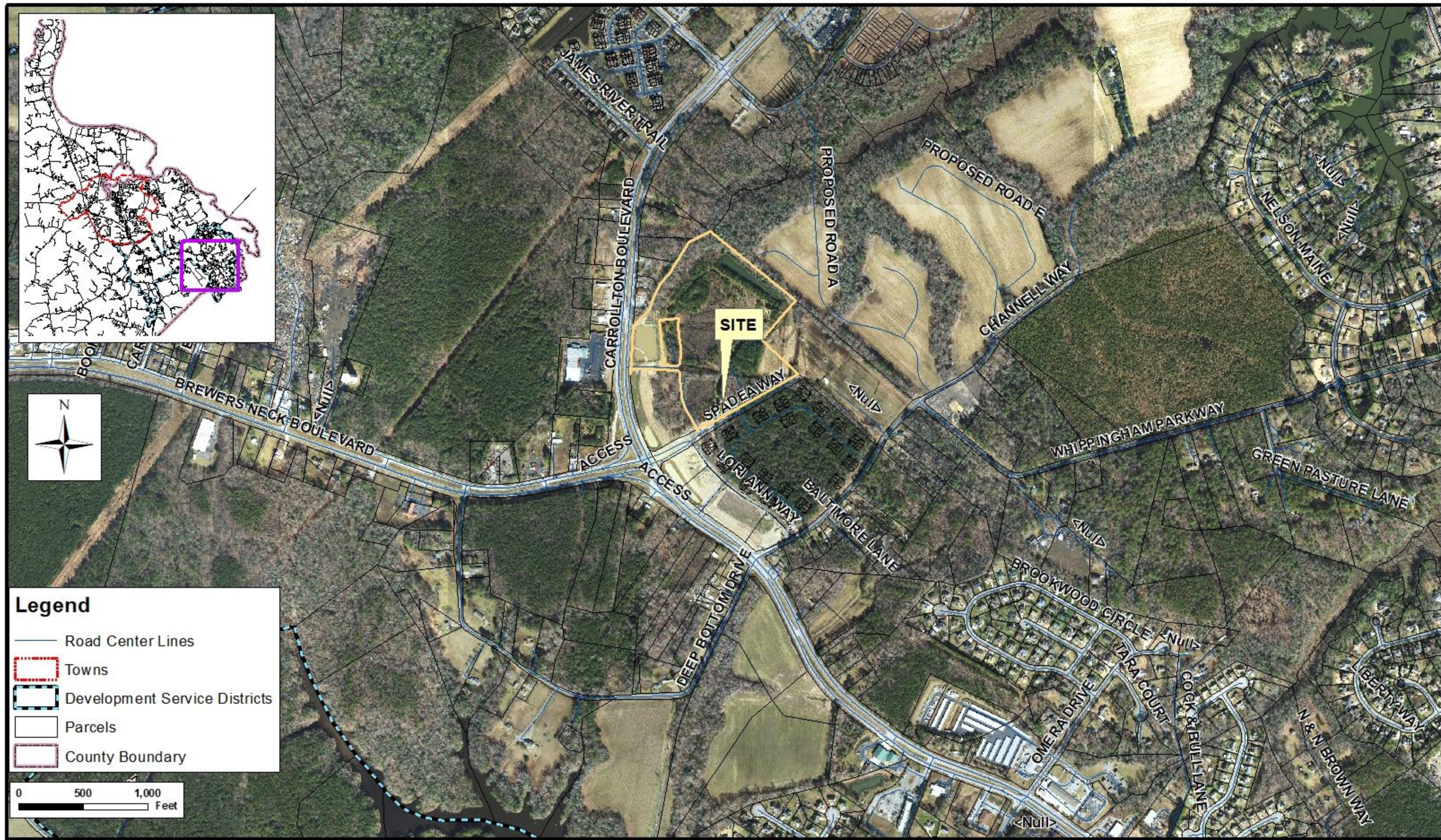
BUILDING
ELEVATIONS
SHEET NUMBER
A5

Response To Item #8 from Isle of Wight Planning Dept:

We feel our proposed project is warranted based upon the following:

1. We commissioned a market study specifically including the other new facility previously approved for another developer. That facility is to consist of 120,000 square feet directly on Carrollton Blvd. We originally intended to develop a 100,000 square foot facility at The Crossings location; however, based on results of the market study, we reduced the size of our proposed facility to 75,000 square feet. The study found that both facilities would succeed economically and would serve different users.
2. The market study found the vast majority of units available in Isle of Wight are aging, non-climate controlled, and all but one are ground level facilities (including the aforementioned 120,000 square foot approved facility for another developer). The study found there is a lack of higher-end climate controlled facilities that provide a higher level of customer service, which we will be delivering. Because they are older facilities, there is also an abundance of smaller units not currently in demand. Some existing facilities are nearing the end of their useful life and could be taken offline in the coming years.
3. Note that the market study does not include future residential development. While per capita supply with both facilities will exceed 9 sq.ft. per person (above the State average of 6) this is offset by a lack of climate-controlled units in the market, and future residential activity in a growing market. Storage facilities have been shown to help maintain curb appeal in surrounding neighborhoods. Additionally, the size of our building was dictated by the previously approved 120,000 square foot ground level facility on Carrollton Blvd.
4. While ground level units tend to cater more towards the commercial user, multi-story buildings tend to cater more towards residents, allowing them to access their units during inclement weather, in a more secure and safe environment.
5. In our previous experience several years ago attempting to develop a single level storage facility spread across several acres on Carrollton Blvd, our engineers/land planners were informed by the Planning Dept. that this was not considered the optimal use of road frontage on Carrollton Blvd, the gateway to Isle of Wight. So we directed our focus on the subject parcel.
6. Our proposed facility will have the look and feel of a Class A / Class B+ office building while providing a higher level of service than traditional ground level storage.
7. Our proposed facility will offer a transitional commercial use situated in a high growth corridor, will not have frontage directly on Carrollton Blvd, and is not considered spot zoning.
8. Our proposed timeline would deliver the building within 12 months and be immediately accretive to tax revenues.
9. The facility will add 2-4 employees.
10. The facility will be state of the art with the highest level of technology offered in the self storage industry.
11. Waverton Associates' commitment to quality can be viewed from the over \$1 billion in developed real estate our company has owned and managed over 27 years and have the financial wherewithal to properly maintain all of the company owned properties (see WavertonAssociates.com for the company's numerous awards for quality and management).

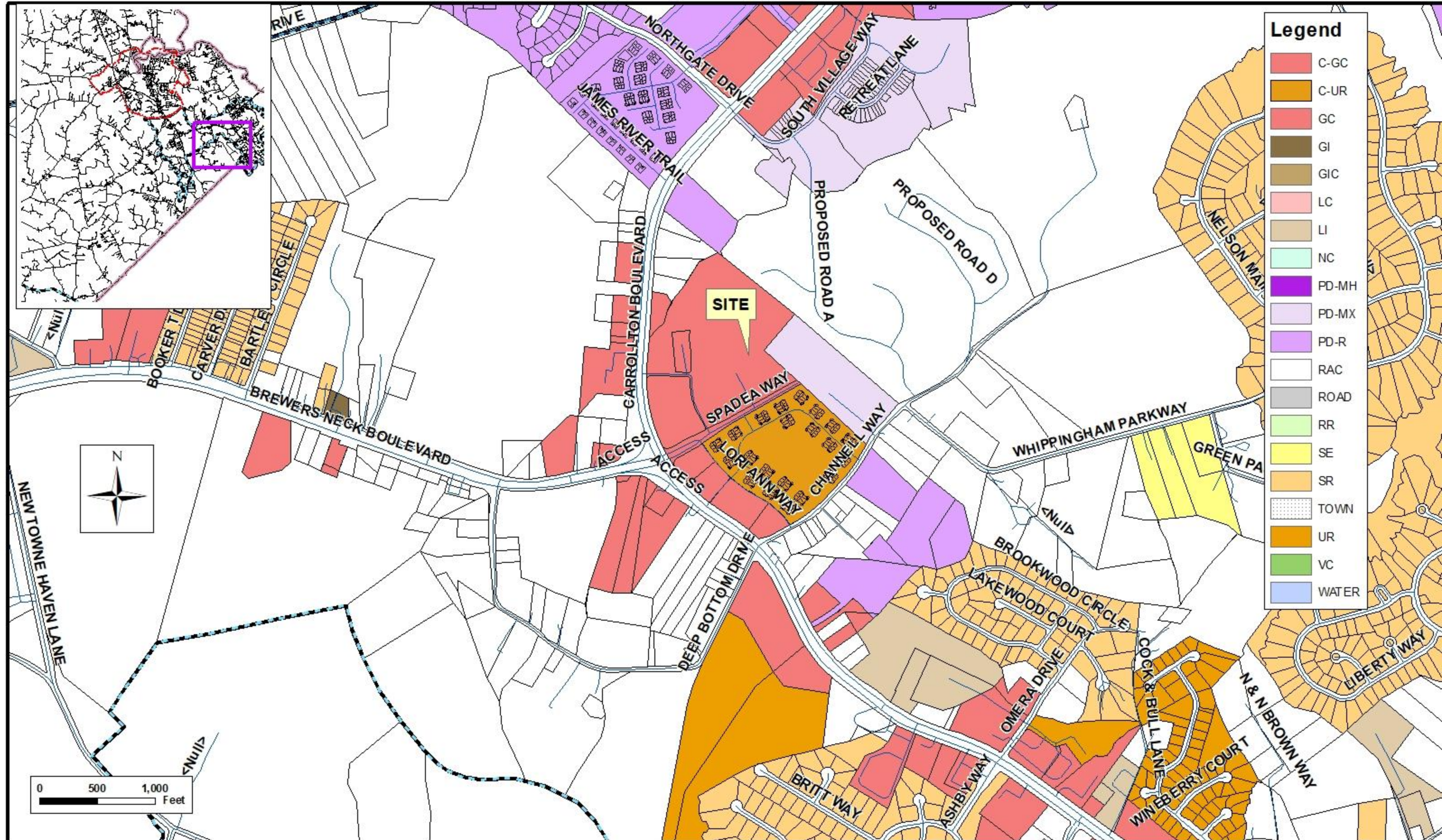
CUP-5-23 - Conditional Use Permit- Location Map



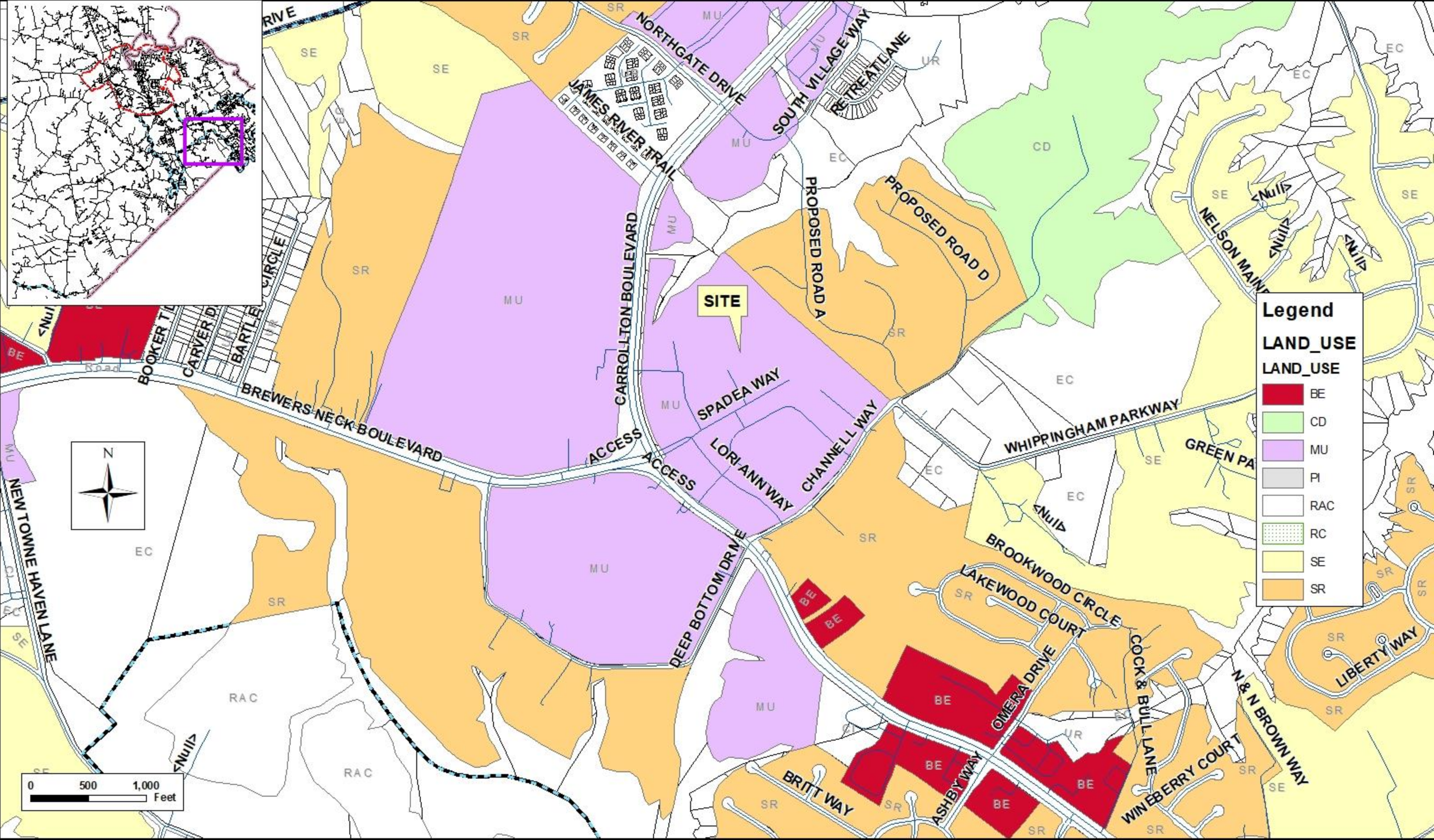
CUP-5-23 - Conditional Use Permit- Location Closeup Map



CUP-5-23 - Conditional Use Permit - Zoning Map



CUP-5-23 - Conditional Use Permit - Land Use Map



RESOLUTION NUMBER PC-23-10

**ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO THE BOARD OF SUPERVISORS RELATING TO CONDITIONAL USE PERMIT
REQUEST CUP-05-23 TO ALLOW UP TO 75,000 SQUARE FEET OF MINI-WAREHOUSE
STORAGE ON PROPERTY WITH TAX MAP PARCEL 34-01-070**

WHEREAS, Waverton Associates, Inc., applicant, on behalf of James River Crossings, Inc., property owner, has requested issuance of a conditional use permit for a portion of a certain tract of land with tax parcel number 34-01-070 situated in Isle of Wight County; and

WHEREAS, the specific request is to permit up to 75,000 square feet of mini-warehouse storage as defined in the Zoning Ordinance, in accordance with sections 1-1017 and 4-10003 of the Zoning Ordinance;

WHEREAS the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of Isle of Wight County, that:

Section 1. Findings.

_____ A. The Isle of Wight County Planning Commission finds that the proposed amendment to conditional zoning is reasonable and warranted due to a change in circumstances affecting the property and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the County;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services;
8. the conservation of natural resources;
9. the preservation of floodplains;

10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values; and
12. the encouragement of the most appropriate use of land throughout the County.

_____ B. The Isle of Wight County Planning Commission does not find that the proposed zoning map amendment is reasonable based on the consideration of the factors listed herein.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CUP-05-23, be:

- ___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.
- ___ b. Denied, and that the Board of Supervisors not adopt the proposed Ordinance.
- ___ c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: _____

READ AND PASSED: _____
Chairman, Isle of Wight County Planning Commission

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

Proposed Short-Term Rental Ordinance Discussion

ELECTION DISTRICT:

All

LOCATION:

County-wide

BACKGROUND:

The Planning Commission began its initial discussion of the proposed short-term rental ordinance revisions at their July 25, 2023, regular meeting. Commission members indicated they would like to continue their discussion at their next regular meeting prior to advertising the changes for public hearing.

The Board of Supervisors initiated reconsideration of the proposed short-term rental regulations that were previously recommended for approval by the Planning Commission to the Board of Supervisors in November 2021. The Board discussed additional revisions at their June 1, 2023, worksession, to include the creation of a short-term rental registry program, and requested that the most recent proposed changes be sent to the Planning Commission for their review and recommendation.

DESCRIPTION:

A redline copy of the proposed Ordinance changes are attached to the staff report.

ORDINANCE REVIEW:

Room rentals are currently regulated by Section 5-1005.B of the Zoning Ordinance which allows the rental of up to two rooms as an accessory use on residential properties as follows:

The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the

family that resides in the single-family dwelling.

Short-term rentals as a stand-alone use type is not currently included in the Zoning Ordinance, and therefore is prohibited. Anyone wishing to utilize their property as a short-term rental outside of the current ordinance regulations would need to obtain a special use permit.

AGENCY REVIEW:

County staff worked with the County Attorney in developing the proposed subdivision ordinance changes.

STAFF RECOMMENDATION:

The draft text for the proposed Zoning Ordinance revisions is for Planning Commission continued discussion only at their August 22, 2023, meeting.

ATTACHMENTS:

Description	Type	Upload Date
Draft Ordinance Redline Rev 081523	Backup Material	8/17/2023
Draft Ordinance Revision Redline	Backup Material	7/18/2023
Draft STR Registry Ordinance	Backup Material	7/18/2023

Proposed Zoning Ordinance Revisions – Short Term Rentals
Revised August 15, 2023

New proposed changes are in red underlined text. Language proposed to be deleted is shown in red text with ~~strikethrough~~ markings. Changes made since July 2023 version are marked in blue.

1. Add Short Term Rentals as a commercial use type in Article III, “Use Types.”

Sec. 3-6000. - Commercial use types.

Short Term Rental.\ the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty consecutive days, in exchange for a charge for the occupancy. A short term rental operator shall be further defined as the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity

2. The following changes are proposed for uses and bulk regulations for various zoning districts in Article IV, “Zoning Districts”:

Sec. 4-1005. - Table of permissible uses.

Proposed changes to Section 4-1005, “Table of Permissible Uses,” include adding reptile breeding as a conditional use in the General Commercial district, and adding short-term rentals as a permitted use in the Rural Agricultural Conservation and Rural Residential Districts and as a conditional use in all other residential zoning districts.

Table 1
Table of Permissible Uses (ATTACHED)

Sec. 4-2002. Permitted uses, Rural Agricultural Conservation District

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

D. Commercial uses:

* Commercial equipment repair, accessory to dwelling

* Construction office, temporary

Lawn and garden services

Real estate office, temporary

* Short-Term Rental

* Taxidermy

Veterinary hospital/clinic

E. Miscellaneous uses:

- * Amateur radio tower
- Hunt club
- * Reconstructed wetland
- * Turkey shoot

Sec. 4-3002. - Permitted uses, Rural Residential District

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

D. Commercial uses:

- * Construction office, temporary
- Real estate office temporary
- * Short-Term Rental

Sec. 4-4003. - Conditional uses, Village Center District

E. Commercial uses:

- * Antique shop
- Auction establishment
- Boarding house
- Boating and fishing facilities
- Business or trade school
- Car wash
- Commercial indoor amusement
- Commercial indoor entertainment
- * Commercial indoor sports and recreation
- * Commercial outdoor swimming pool and tennis court
- * Contractor office and storage facility
- * Convenience store
- * Crematorium
- * Flea market
- * Funeral home
- * Garden center
- * Gasoline station
- * Golf course
- * Golf driving range
- Hotel/motel/motor lodge/inn
- * Marina
- Medical clinic
- * Motor vehicle parts/supply retail
- * Motor vehicle repair service/minor
- Personal improvement service
- Personal service
- * Restaurant, drive-in fast food
- Restaurant, general

Retail sales
* Short-Term Rental
Studio, fine arts
* Taxidermy
Veterinary hospital/clinic
Wholesale sales

Sec. 4-5003. - Conditional uses, Neighborhood Conservation District

D. Commercial uses:
* Bed and breakfast
Boarding house
* Commercial equipment repair, accessory to dwelling
* Commercial outdoor swimming pool and tennis facility
General store, country
* Golf course
* Marina
* Short-Term Rental

Sec. 4-6003. - Conditional uses, Suburban Estate District

D. Commercial uses:
* Bed and breakfast
Boarding house
* Commercial equipment repair, accessory to dwelling
* Commercial outdoor swimming pool and tennis facility
* Golf course
* Marina
* Short-Term Rental

Sec. 4-7003. - Conditional uses, Suburban Residential District

D. Commercial uses:
* Bed and breakfast
Boarding house
* Commercial equipment repair, accessory to dwelling
* Commercial outdoor swimming pool and tennis facility
* Golf course
* Marina
* Short-Term Rental

Sec. 4-8003. - Conditional uses, Urban Residential District

E. Commercial uses:
* Bed and breakfast
Boarding house

- * Commercial indoor sports and recreation
- * Commercial outdoor swimming pool and tennis facility
- * Golf course
- * Marina
- Restaurant, general
- Retail sales
- * Short-Term Rental
- Studio, fine arts

Sec. 4-15003. - Conditional uses, Planned Residential District

- D. Commercial uses:
- * Bed and breakfast
 - Boarding house
 - Commercial indoor entertainment
 - * Commercial indoor sports and recreation
 - * Commercial outdoor swimming pool and tennis facility
 - * Marina
 - * Short-Term Rental

Sec. 4-16003. - Conditional uses, Planned Mobile Home Park District

- C. Commercial Uses
- * Short-Term Rental

Sec. 4-18003. - Conditional uses, Planned Mixed Use District

- E. Commercial uses:
- * Bed and breakfast
 - Boarding house
 - Boating and fishing facilities
 - Business or trade school
 - Car wash
 - Catering
 - Commercial indoor amusement
 - Commercial indoor entertainment
 - * Commercial indoor sports and recreation
 - * Commercial outdoor entertainment/sports and recreation
 - * Commercial outdoor swimming pool and tennis facility
 - * Convenience store
 - * Funeral home
 - * Garden center
 - * Gasoline station
 - * Golf driving range
 - Hospital
 - Hospital, special care
 - Hotel/motel/motor lodge/inn

- * Marina
- Medical clinic
- * Motor vehicle repair service/minor
- *Short-Term Rental
- Tattoo parlor

Sec. 5-1005. - Accessory uses to residential principal uses.

The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory uses to residential principal uses:

- A. Hobbies or recreational activities of a noncommercial nature.
- ~~B. The renting out of one (1) or two (2) rooms within a single family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single family dwelling.~~
- C. Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) days (whether consecutive or not) during any ninety-day period. (7-7-05; 9-17-15; 7-19-18; 11-15-18.)

Sec. 5-5002. - Supplementary use regulations for residential use types.

(Note: new sections proposed since November 2022 version are highlighted in yellow.)

Q. Short Term Rentals

1. A zoning permit is required.
2. ~~Local Contact who is available to respond to and resolve complaints during the entire length of the rental period. Failure to respond and resolve complaints will result in the revocation of the permit.~~ An authorized agent must be designated as a point of contact who is available to be contacted and to address conditions occurring at the short term rental within thirty (30) minutes. Physical responses to the site of the short term rental is not required. The Operator shall be notified in writing of failed attempts to receive timely responses from the authorized agent. Failure to respond in a timely manner shall result in a complaint subject to the penalties set forth below.
3. The Operator must register their short term rental unit with the Community Development Department and receive a registration number.
4. The Operator authorizes County employees to enter the subject property upon reasonable advanced written notice to the Operator, at least one (1) time during the calendar year for which registration is valid, to verify the short term rental is being operated in accordance with applicable regulations.
5. The zoning permit may not be transferred.
6. No more than one (1) short term rental may be operated on any lot.
7. Operators may enter into rental agreements with only one (1) party per legal dwelling unit per twenty four (24) hour period.
8. A residential dwelling unit located within a building that contains three (3) or more dwelling units may not be operated as a short term rental.

9. The maximum number of lodgers per night, over the age of eighteen (18) years, shall not exceed two persons per bedroom but in no case shall exceed sixteen persons ~~six (6)~~. This number shall be reduced to conform to the occupancy requirements of the Virginia uniform Building code and/or the Virginia Department of Health.
10. No more than twenty-five (25) persons, including children may gather at a short term rental at any time.
11. Operators must obtain a business license and register for transient occupancy and state sales tax.
12. Must meet current building and zoning regulations and be subject to a safety inspection from the County to confirm the installation of smoke alarms, fire extinguisher and a posted emergency exit plan prior to permit approval.
13. ~~\$500 penalty for failure to obtain required permits. Repeated violations may result in the prohibition on rental of applicable properties.~~
14. One off-street space per guest room is required in addition to the parking required for the house.
15. ~~Rentals are limited to owner-occupied residences.~~ No visible evidence of the conduct of a short term rental is allowed on the outside of the property.
16. Event rentals are not permitted.
17. No meals may be prepared for or provided to guests.
18. Operator shall provide proof of liability insurance to rental activity at registration and each subsequent renewal of at least one million dollars. Such insurance coverage must remain in place at all times the short term rental is being operated.
19. Accessory structures, not including permitted accessory dwelling units, shall not be used or occupied as short term rentals.
20. All advertisements for any short term rental shall include the short term rental registration number for such dwelling.
21. A zoning permit for a short term rental may be revoked by the Zoning Administrator, or designee, for the following reasons:
 - i. In the event of three (3) or more substantiated complaints of violation of applicable state or local laws, ordinances and regulations, as they relate to short term rentals, within a calendar year; or
 - ii. Authorized agent's failure to respond in a timely manner more than twice; or
 - iii. Failure to maintain compliance with any regulation set forth in this section.An Operator whose short term rental zoning permit has been revoked shall not be eligible to receive any new short term rental zoning permit for the remaining portion of the calendar year in which the permit was revoked, and for the entire following year.
22. Except as provided in this section, nothing herein nor the issuance of a zoning permit shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate short term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants; the provisions of condominium instruments of a condominium created pursuant to the Condominium

Act (§ 55-79.39 et seq.) of the Code of Virginia, 1950, as amended; the declaration of a common interest community as defined in Code of Virginia, 1950, § 55-528, as amended; the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) of the Code of Virginia, 1950, as amended; or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

Proposed Zoning Ordinance Revisions – Short Term Rentals

Revised July 14, 2023

New proposed changes are in red underlined text. Language proposed to be deleted is shown in ~~red~~ text with ~~strikethrough~~ markings.

1. Add Short Term Rentals as a commercial use type in Article III, “Use Types.”

Sec. 3-6000. - Commercial use types.

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2. The following changes are proposed for uses and bulk regulations for various zoning districts in Article IV, “Zoning Districts”:

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D. Commercial uses:

* Commercial equipment repair, accessory to dwelling

* Construction office, temporary

Lawn and garden services

Real estate office, temporary

* Short-Term Rental

* Taxidermy

Veterinary hospital/clinic

E. Miscellaneous uses:

- * Amateur radio tower
- Hunt club
- * Reconstructed wetland
- * Turkey shoot

Sec. 4-3002. - Permitted uses, Rural Residential District

The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards which are listed in section 5-5000, supplementary use regulations, for those specific uses.

D. Commercial uses:

- * Construction office, temporary
- Real estate office temporary
- * Short-Term Rental

Sec. 4-4003. - Conditional uses, Village Center District

E. Commercial uses:

- * Antique shop
- Auction establishment
- Boarding house
- Boating and fishing facilities
- Business or trade school
- Car wash
- Commercial indoor amusement
- Commercial indoor entertainment
- * Commercial indoor sports and recreation
- * Commercial outdoor swimming pool and tennis court
- * Contractor office and storage facility
- * Convenience store
- * Crematorium
- * Flea market
- * Funeral home
- * Garden center
- * Gasoline station
- * Golf course
- * Golf driving range
- Hotel/motel/motor lodge/inn
- * Marina
- Medical clinic
- * Motor vehicle parts/supply retail
- * Motor vehicle repair service/minor
- Personal improvement service
- Personal service
- * Restaurant, drive-in fast food

Restaurant, general
Retail sales
* Short-Term Rental
Studio, fine arts
* Taxidermy
Veterinary hospital/clinic
Wholesale sales

Sec. 4-5003. - Conditional uses, Neighborhood Conservation District

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- General store, country
- * Golf course
- * Marina
- * Short-Term Rental

Sec. 4-6003. - Conditional uses, Suburban Estate District

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- * Golf course
- * Marina
- * Short-Term Rental

Sec. 4-7003. - Conditional uses, Suburban Residential District

D. Commercial uses:

- * Bed and breakfast
- Boarding house
- * Commercial equipment repair, accessory to dwelling
- * Commercial outdoor swimming pool and tennis facility
- * Golf course
- * Marina
- * Short-Term Rental

Sec. 4-8003. - Conditional uses, Urban Residential District

E. Commercial uses:

- * Bed and breakfast

Boarding house
* Commercial indoor sports and recreation
* Commercial outdoor swimming pool and tennis facility
* Golf course
* Marina
Restaurant, general
Retail sales
* Short-Term Rental
Studio, fine arts

Sec. 4-15003. - Conditional uses, Planned Residential District

D. Commercial uses:
* Bed and breakfast
Boarding house
Commercial indoor entertainment
* Commercial indoor sports and recreation
* Commercial outdoor swimming pool and tennis facility
* Marina
*Short-Term Rental

Sec. 4-16003. - Conditional uses, Planned Mobile Home Park District

C. Commercial Uses
* Short-Term Rental

Sec. 4-18003. - Conditional uses, Planned Mixed Use District

E. Commercial uses:
* Bed and breakfast
Boarding house
Boating and fishing facilities
Business or trade school
Car wash
Catering
Commercial indoor amusement
Commercial indoor entertainment
* Commercial indoor sports and recreation
* Commercial outdoor entertainment/sports and recreation
* Commercial outdoor swimming pool and tennis facility
* Convenience store
* Funeral home
* Garden center
* Gasoline station
* Golf driving range
Hospital
Hospital, special care

Hotel/motel/motor lodge/inn
* Marina
Medical clinic
* Motor vehicle repair service/minor
*Short-Term Rental
Tattoo parlor

Sec. 5-1005. - Accessory uses to residential principal uses.

The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory uses to residential principal uses:

- A. Hobbies or recreational activities of a noncommercial nature.
- ~~B. The renting out of one (1) or two (2) rooms within a single family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single family dwelling.~~
- C. Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) days (whether consecutive or not) during any ninety-day period. (7-7-05; 9-17-15; 7-19-18; 11-15-18.)

Sec. 5-5002. - Supplementary use regulations for residential use types.

(Note: new sections proposed since November 2022 version are highlighted in yellow.)

Q. Short Term Rentals

1. A zoning permit is required.
2. ~~Local Contact who is available to respond to and resolve complaints during the entire length of the rental period. Failure to respond and resolve complaints will result in the revocation of the permit.~~ An authorized agent must be designated as a point of contact who is available to be contacted and to address conditions occurring at the short term rental within thirty (30) minutes. Physical responses to the site of the short term rental is not required. The Operator shall be notified in writing of failed attempts to receive timely responses from the authorized agent. Failure to respond in a timely manner shall result in a complaint subject to the penalties set forth below.
3. The Operator must register in accordance with Isle of Wight Code Section ____.
4. The Operator authorizes County employees to enter the subject property upon reasonable advanced written notice to the Operator, at least one (1) time during the calendar year for which registration is valid, to verify the short term rental is being operated in accordance with applicable regulations.
5. The zoning permit may not be transferred.
6. No more than one (1) short term rental may be operated on any lot.
7. Operators may enter into rental agreements with only one (1) party per legal dwelling unit per twenty four (24) hour period.
8. A residential dwelling unit located within a building that contains ____ or more dwelling units may not be operated as a short term rental.

9. The maximum number of lodges per night, over the age of eighteen (18) years, shall not exceed six (6). This number shall be reduced to conform to the occupancy requirements of the Virginia uniform Building code and/or the Virginia Department of Health.
10. No more than ____ persons, including children may gather at a short term rental at any time.
11. Operators must obtain a business license and register for transient occupancy and state sales tax.
12. Must meet current building and zoning regulations and be subject to a safety inspection from the County to confirm the installation of smoke alarms, fire extinguisher and a posted emergency exit plan prior to permit approval.
13. ~~\$500 penalty for failure to obtain required permits. Repeated violations may result in the prohibition on rental of applicable properties.~~
14. One off-street space per guest room is required in addition to the parking required for the house.
15. ~~Rentals are limited to owner-occupied residences.~~ No visible evidence of the conduct of a short term rental is allowed on the outside of the property.
16. Event rentals are not permitted.
17. No meals may be prepared for or provided to guests.
18. Operator shall provide proof of liability insurance to rental activity at registration and each subsequent renewal of at least \$ _____. Such insurance coverage must remain in place at all times the short term rental is being operated.
19. Accessory structures shall not be used or occupied as short term rentals. (may want to add – except upon issuance of a Conditional Use Permit by the Board of Supervisors)
20. All advertisements for any short term rental shall include the short term rental registration for such dwelling.
21. A zoning permit for a short term rental may be revoked by the Zoning Administrator, or designee, for the following reasons:
 - i. In the event of three (3) or more substantiated complaints of violation of applicable state or local laws, ordinances and regulations, as they relate to short term rentals, within a calendar year; or
 - ii. Authorized agent's failure to respond in a timely manner more than twice; or
 - iii. Failure to maintain compliance with any regulation set forth in this section.An Operator whose short term rental zoning permit has been revoked shall not be eligible to receive any new short term rental zoning permit for the remaining portion of the calendar year in which the permit was revoked, and for the entire following year.
22. Except as provided in this section, nothing herein nor the issuance of a zoning permit shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate short term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants; the provisions of condominium instruments of a condominium created pursuant to the Condominium

Act (§ 55-79.39 et seq.) of the Code of Virginia, 1950, as amended; the declaration of a common interest community as defined in Code of Virginia, 1950, § 55-528, as amended; the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) of the Code of Virginia, 1950, as amended; or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

Article _____. -Short Term Rental Registry.

Sec. _____ - Definitions. The following definitions apply to this article unless the context requires a different meaning:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, license, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Sec. _____ - Registry. There is hereby established a registry for short term residential rentals. Upon offering any short term rental, all operators shall register with the County's Department of Community Development annually. This registration shall be ministerial in nature and shall require the Operator to provide the complete name of the operator and the address of each property in the county offered for short-term rental by the Operator.

Sec. _____ - Other requirements. Operators must obtain a business license and register for transient occupancy and state sales tax.

Sec. _____ - Annual Fee. A fee of \$_____ shall be charged for each registration for the purpose of defraying the costs of establishing and maintaining the registry set forth herein,

Sec. _____ - Registry exemptions. Registration is not required if the Operator or short-term rental is exempted from registration pursuant to Code of Virginia § 15.2-983(B)(2).

Sec. _____ - Penalties. Failure to register a property within 30 days of being offered for rental shall result in a penalty to be paid by the Operator in the amount of \$500.00 per violation. Each day a property is offered for rental that is not registered in accordance with this section is a separate violation. Unless and until such time as the Operator pays the penalty and registers such property, the Operator may not offer such property for rental. Upon repeated violation of the registration requirement as it relates to a specific property, and upon notice, the Operator shall be prohibited from registering that property and from offering that property for short term rental.

Sec. _____ - Non-contravention. Except as provided in this section, nothing herein nor the issuance of a registration shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate short term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants; the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.) of the Code of Virginia, 1950, as amended; the declaration of a common interest community as defined in Code of Virginia, 1950, § 55-528, as amended; the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) of the Code of Virginia, 1950, as amended; or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).