

A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
July 25, 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 13, 2023 Board of Supervisors Regular and Work Session Meeting Action List

B. June 27, 2023 Planning Commission Regular Meeting Minutes

6. CITIZENS' COMMENTS

7. PUBLIC HEARINGS

A. CUP-9-23 Dashing Dogs Commercial Kennel

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

8. OLD BUSINESS

9. NEW BUSINESS

A. EXC-9-23 Bur IWIP NDSO Exception

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

B. COUNTY ATTORNEY'S REPORT

C. 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 13, 2023 Board of Supervisors Regular and Work Session Meeting Action List	Backup Material	7/19/2023

*ACTION LIST
BOARD OF SUPERVISORS
WORK SESSION AND REGULAR MEETING
JULY 13, 2023*

WORK SESSION

1. *CHAIRMAN MCCARTY/REMOTE PARTICIPATION*

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 will be participating remotely due to a personal matter which will require him to state the nature of his absence and the remote location from which he is participating. Under the Board's by-laws, Chairman McCarty is eligible to participate remotely as he has not participated remotely up to six (6) meetings this year.

Chairman McCarty advised that due to a personal matter he will be participating remotely from 8018 Angel Lane in Roanoke, Virginia.

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

Chairman McCarty thereafter joined the work session.

2. *APPROVAL OF AGENDA*

Supervisor Jefferson moved to approve the agenda as presented. The motion was adopted (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisor voting against the motion.

3. COUNTY ADMINISTRATOR'S REPORT

- A. Don Jennings, Director of Public Utilities, provided an update on the stormwater billing process and repairs to BMPs for homeowners' associations.

It was the consensus of the Board to add this item for action under Old Business of the 5:00 p.m. regular meeting agenda this evening.

At the request of Supervisor Jefferson, Mr. Jennings was requested to look into the BMP behind the mechanical shop on Battery Park Road which needs maintenance.

Assignment: Jennings

Supervisor Rosie recommended that the County conduct a survey and address the BMPs in the County.

Assignment: Jennings

- B. Assistant County Administrator Robertson provided an update on broadband activities in the County noting that staff is pleased with the progress to date. He invited the Board to drive out to Central Hill Road and view the work currently underway. He advised that Federal money received will be used to provide broadband to the Doggett Lane community.
- C. Camp Community College Lease: County Attorney Jones advised responsive to the Board's action at its June 1, 2023 meeting, a notice has been sent to terminate the lease of the James Street campus with Camp Community College effective June 30, 2024. Following a meeting on June 30, 2023 between Camp Community College representatives and County representatives (McCarty, Grice, Keaton and Jones) a request has been made for representatives of Camp Community College to make a presentation before the full Board in August with the hope that the Board might reconsider its decision to terminate the lease.

- D. Chris Morello, Director of Economic Development, provided an update on County residential and commercial projects.
- E. County Administrator Keaton represented CIP Committee recommendations for emergency apparatus and advised that he would return with additional information regarding the NFPA standard at a future work session.

Assignment: Keaton

REGULAR MEETING

1. CHAIRMAN MCCARTY/REMOTE PARTICIPATION

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 will be participating remotely due to a personal matter which will require him to state the nature of his absence and the remote location from which he is participating.

Chairman McCarty advised that due to a personal matter he will be participating remotely from 8018 Angel Lane in Roanoke, Virginia.

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

Chairman McCarty thereafter joined the meeting.

2. APPROVAL OF AGENDA

Supervisor Grice moved to approve the agenda as presented. The motion was adopted (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisor voting against the motion.

3. CLOSED MEETING

There was no action taken following the closed meeting.

4. CITIZENS' COMMENTS

George Greer, Event Coordinator, Peninsula Trailriders Association, thanked the Board for allowing the Peninsula Trailriders to host the first motorcycle race at Heritage Park Fairgrounds. He noted that the Association is hopeful of future support in bringing this event back to the Fairgrounds.

5. CONSENT AGENDA

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

- A. Resolution to Amend the FY 2023-24 Grant Fund Budget and Appropriate ARPA Law Enforcement Equipment Grant Program Funds (\$178,000)

Assignment: S. Humphries

- B. Resolution to Amend the FY2023-24 Operating Budget and Appropriate Funds for Broadband Expansion (\$318,750)

Assignment: S. Humphries

- C. Execution of an Amendment to an Agriculture and Forestry Industries Development Fund Performance Agreement with M&M Milling

Assignment: Morello

- D. Vehicle Acquisition – Fire & Rescue

Assignment: Humphries

E. Minutes

- . May 4, 2023 Budget Work Session Minutes
- . May 11, 2023 Work Session Minutes
- . May 18, 2023 Regular Meeting Minutes

Assignment: Storm

6. REGIONAL AND INTER-GOVERNMENTAL REPORTS

No reports were offered.

7. APPOINTMENTS

- A. Economic Development Authority: Vice-Chairman Acree moved that Sam Escue, representing the Town of Windsor, be appointed to serve on the Economic Development Authority. The motion was adopted (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

- B. Social Services Board: Chairman McCarty moved that Pamela Barton be appointed to serve on the Social Services Board representing District 2. The motion was adopted (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

8. SPECIAL PRESENTATIONS

Mr. Jacob Howington, General Manager, GFL, addressed the Board regarding ways in which GFL intends from this point forward to address certain issues regarding the number of actual customers (4,834) versus the number listed in the RFP (3,000) and the lack of an updated address list.

9. COUNTY ATTORNEY'S REPORT

- A. Public Hearing/Verizon: County Attorney Jones advised that due to time constraints, a public hearing will be held at the Board's work session of August 3, 2023 versus the regular meeting of August 17, 2023 for the purpose of whether or not the Board wants to convey an easement to Verizon Wireless for additional wireless (broadband) support at Heritage Park.

Assignment: Jones

- B. Public Hearing/Parcel of Land/Nike Road Extension: County Attorney Jones advised that condemnation proceedings will be in order to stay on track with the VDOT timeline as the County has been unsuccessful in negotiations for the parcel of land involved with the Nike Road extension. This matter requires a public hearing and will be advertised for the Board's work session of August 3, 2023.

Assignment: Jones

- C. Carver Solar Application: County Attorney Jones advised that the attorney for the Carver Solar application has given notice that he will be requesting that the application be moved up from the Board's December meeting and, in order to do that, the Board will need to make a motion at its August 3, 2023 work session to rescind Supervisor Grice's previous motion to set it at the Board December meeting.

Assignment: Jones

10. PUBLIC HEARINGS

- A. Application ZA-4-22 of Corey D. Depaula, Property Owner, for an Amendment to Conditional Zoning to Amend the List of Permitted Uses to Limit the Uses to Only a Construction Yard on Vacant Located at 32424 Green Oaks Lane in the Conditional-General Commercial Zoning District: Supervisor Rosie

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

Assignment: Ring

- B. Property located adjacent to 231 James Street: Supervisor Grice moved to authorize execution of documents for sale of County property located adjacent to 231 James Street, Smithfield, Virginia. The motion was adopted (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

11. COUNTY ADMINISTRATOR'S REPORT

- A. 2024 Board Retreat: The consensus of the Board was to select October 25, 2023 in the 757 room at the Hampton Roads Planning District Commission building.

Assignment: Robertson

Supervisor Grice recommend that the Board receive a brief written update from the Chair or supporting staff of each board/commission/committee/task forces for presentation to the Board by County staff. He further recommended more detailed descriptions on each of the legislative priorities.

Staff is to create a list of all boards/commissions/committees/task forces.

Assignment: Storm

- B. 2024 Legislative Priorities:

Vice-Chairman Acree recommended an initiative by the Virginia Fire Chiefs Association for funding from the State for fire and emergency medical services.

Supervisor Jefferson recommended mental health funding for mentally challenged individuals.

Vice-Chairman Acree requested the number of SOQ versus Non-SOQ positions in the County.

Assistant County Administrator Robertson suggested that candidates be invited to address the Board at one of its work sessions regarding some of the items in the County's legislative priorities.

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

12. Unfinished / Old Business

Pilot Program: Staff was authorized to initiate the preliminary engineering report for the pilot program while completing any remaining items needed on the application.

Assignment: Jennings

13. New Business

EXC-8-23 Highway Corridor Overlay District Exception for Air Station General: Supervisor Rosie moved that the exception and the accepted conditions be approved. The motion was adopted (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Ring

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
June 27, 2023 Planning Commission Regular Meeting Minutes	Minutes	7/19/2023

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-SEVENTH DAY OF
JUNE 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 May 23, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Commissioner Rawls 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

ABSENT

Raynard Gibbs
Matthew Smith

A quorum was determined.

ALSO IN ATTENDANCE

Mandy Rogers, Substitute Council to the Planning Commission
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Trenton Blowe, 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 Ford 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 Boykin made a motion to approve the consent agenda. Commissioner Taylor 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 ZA-4-22 of Corey D. Depaula, property owner, for an amendment to conditional zoning to amend the list of permitted uses to allow only a construction yard. The property is currently vacant and is located at 32424 Green Oaks Lane with tax parcel number 69-01-093 in the Conditional-General Commercial zoning district.

Trenton Blowe, Planner I, gave the following presentation.

ZA-04-22 DEPAULA AMENDMENT TO CONDITIONAL ZONING

PLANNING COMMISSION MEETING
JUNE 27, 2023

SITE DESCRIPTION

- Tax Map ID#: 69-01-093
- Current Zoning: Conditional General Commercial (C-GC)
- Election District: D5
- Request: An amendment to conditional zoning to change the list of permitted uses to limit the uses to only a construction yard.

BACKGROUND

- Property was conditionally rezoned for commercial use in April 1999 for a variety of commercial uses
- Applicant proposed that the construction yard use be the only use permitted on site in November 2022
- Construction yard is defined in Ordinance as:

Establishments housing facilities of businesses primarily engaged in construction activities, including the outside storage of materials and equipment used for the business operations.”

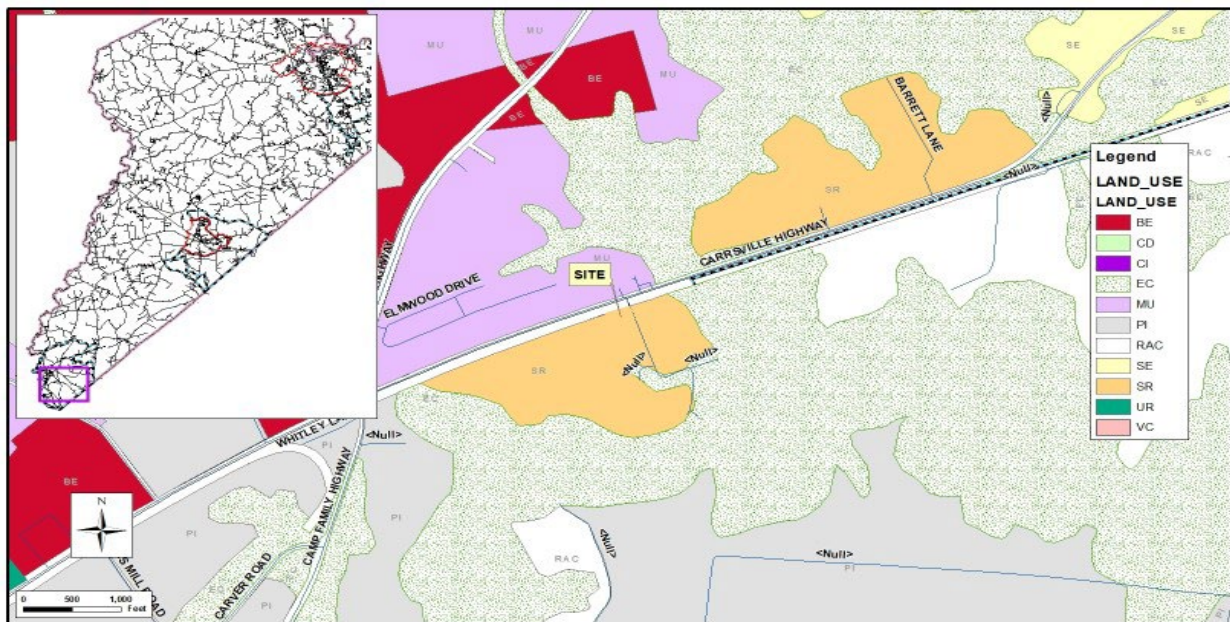
ZA-4-22 Amendment to Conditional Zoning- Location Map



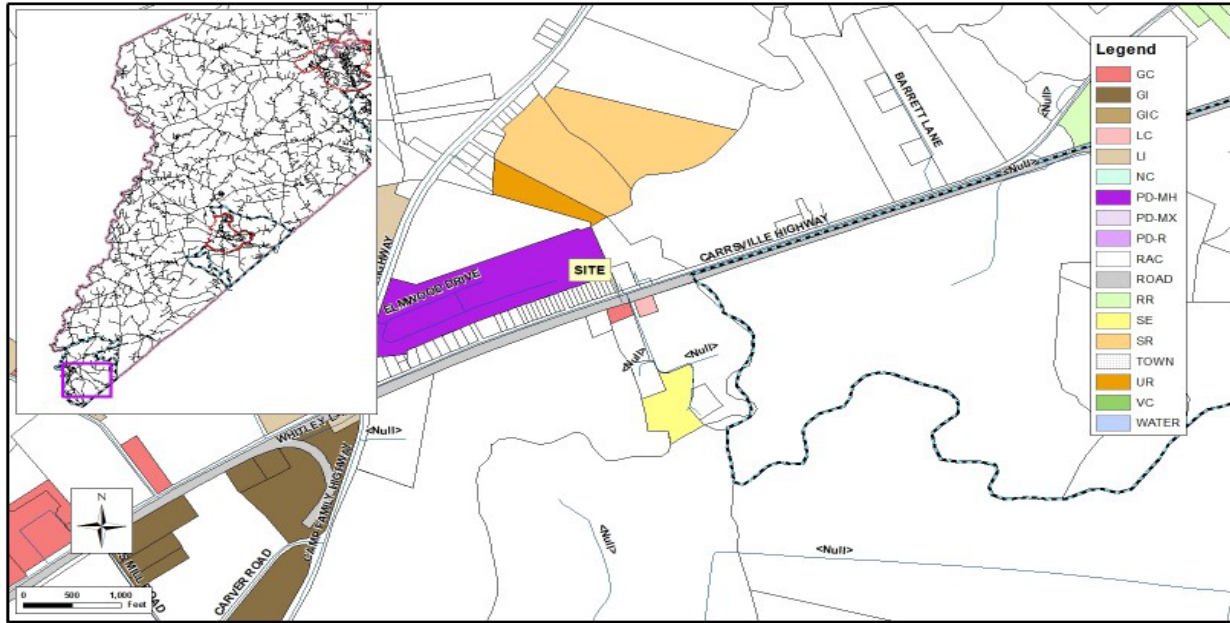
ZA-04-22 - Amendment to Conditional Zoning Location Closeup Map



ZA-04-22 - Amendment to Conditional Zoning Land Use Map



ZA-4-22 - Amendment to Conditional Zoning Map





Looking West towards the site from
Green Oaks Lane



Looking towards the site from the North
along the CSX railroad



Proposed Use

- Proposed use leases modular barges for exterior ship repair
- Barges, trailers and cranes will be stored on site and transported by truck to the end user.
- No office or employees to be onsite.
- Applicant states most trips will occur on Saturdays and Sundays, but no hours of operation are included in the proffers.

Agency Review

- Economic Development—Supports the applicant's use of the property as indicated in the application documents.
- VDOT, County Attorney, Emergency Services, and General Services - No concerns expressed with this application.

Staff Conclusions

- Proposed use will not impact public safety, schools, or services serving the existing property.
- There would be minimal noise generated from the business and the business will produce a low volume of vehicular trips generated only by the owner and operator.

Strengths and Weaknesses

Strengths:

1. Use consistent with conditional uses otherwise permitted in the GC zoning district
2. Noise levels and traffic volume will be low.
3. In addition to the private road maintenance agreement, the applicant proffers to maintain the section of road which fronts his property.

Strengths and Weaknesses Continued

Weaknesses:

1. Proposed use is not consistent with the SR future recommended land use.
2. Proposed building design does not meet HCO architectural and site design requirements which may be remedied at site plan submittal

RECOMMENDATION

Due to the low-impact nature of the proposed use and being consistent with the existing GC zoning district, staff recommends approval of the application.

Chairman Carroll opened the public hearing.

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

Commissioner Taylor asked if any repairs would be done on the barges.

Corey Depaula, property owner, stated no repairs on barges would be done onsite. Mr. Depaula added that minor repair, routine servicing, and upkeep may be done on the equipment. Mr.

Depaula stated he would have a hazmat spill kit, fire extinguisher, and drip pans on site to be used as mitigation, if needed.

Commissioner Rawls asked what type of fencing would be used.

Mr. Depaula stated a six-foot-high wood fence would be installed around the perimeter of the site.

Commissioner Distefano made the motion to recommend approval to the Board of Supervisors. Commissioner Bowser seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, and Chairman Carroll voting in favor of the motion, and no commissioner voting against the motion (8-0).

The motion passed, and the item will go to the July 13, 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 Air Station General, LC (EXC-8-23), applicant, for an exception to Sections 6-1010.A and 6-1010.B. of the Zoning Ordinance pertaining to the Highway Corridor Overlay District architectural and design guidelines for non-residential uses.

Jeryl Phillips gave the following presentation.

Highway Corridor Overlay District Exception Request EXC-8-23 Air Station General, LC



Planning Commission Regular Meeting
June 27, 2023

APPLICATION DESCRIPTION

Request: Exception to Sections 6-1010.A. and 6-1010.B. of the Zoning Ordinance pertaining to Highway Corridor Overlay District (HCOD) Architectural and Design Guidelines for Non-Residential Uses

Tax Map ID#: 53-01-081 and 53-01-080A

Location: Shirley T. Holland Intermodal Park, Phase III, east of Route 258/Walters Highway

Comp Plan Land Use Designation: Windsor Development Service District (DSD), Planned Industrial (PI) and Environmental Conservation (EC)

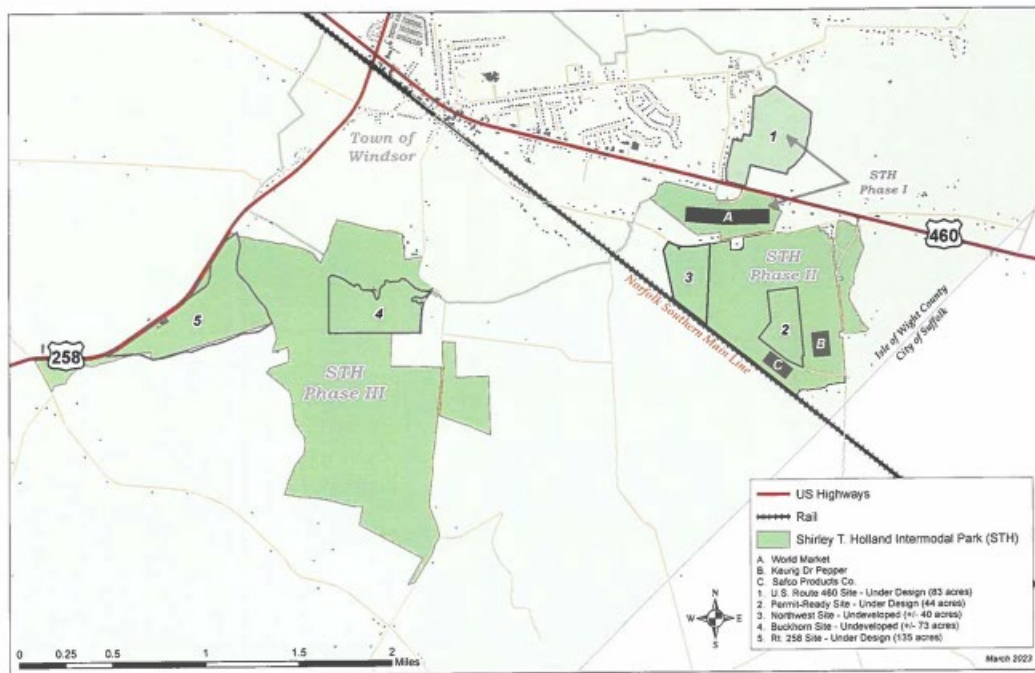
Zoning District: Conditional – Limited Industrial

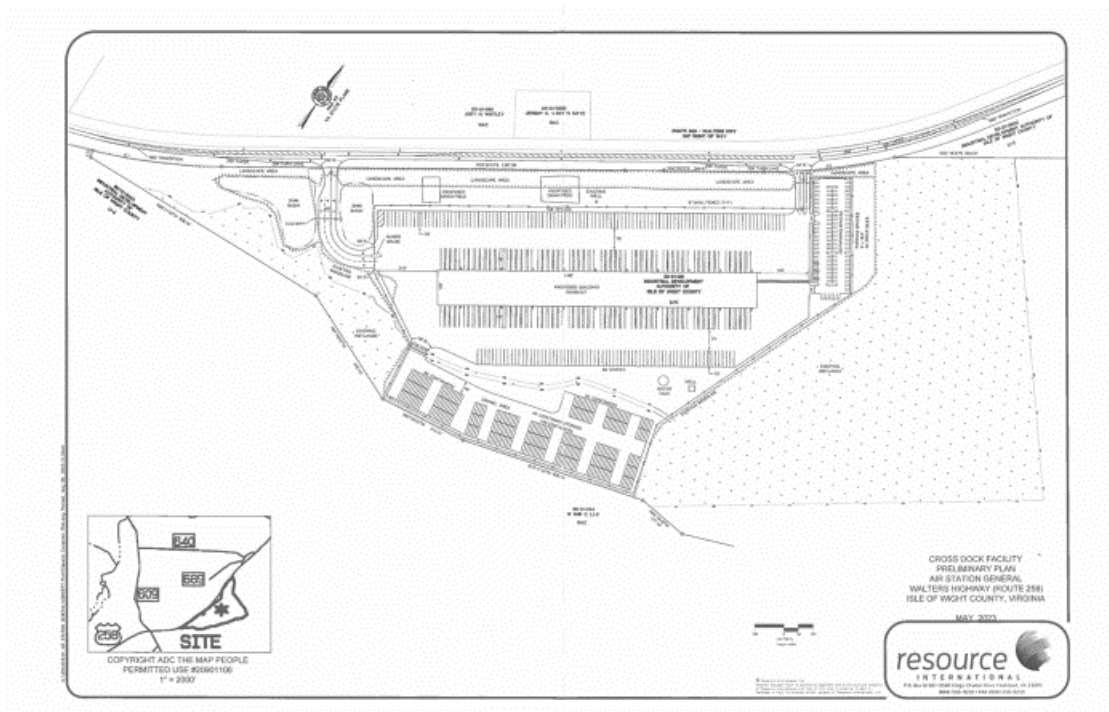
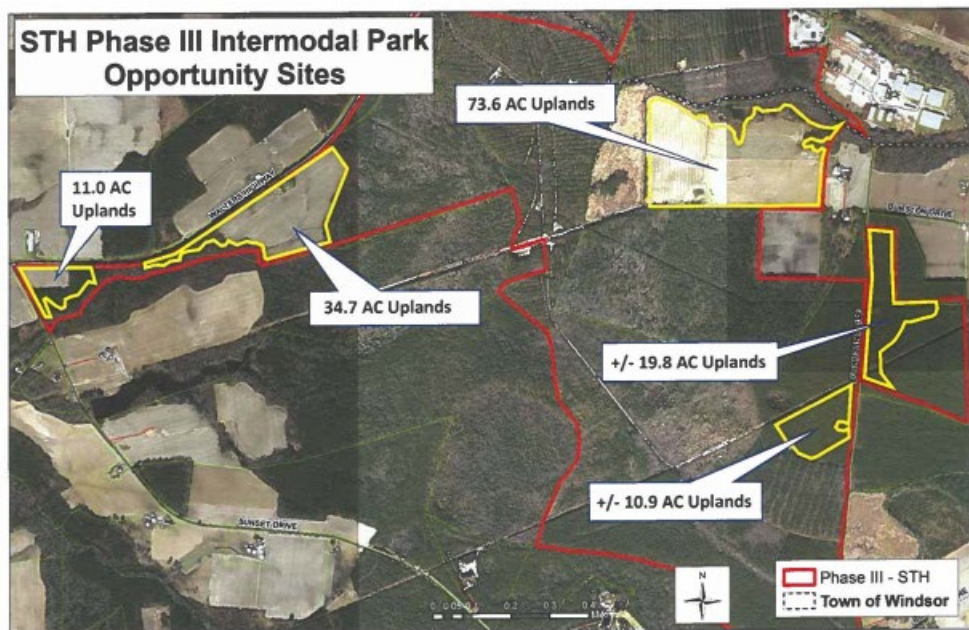
Election District: D4



BACKGROUND

- Applicant is contract purchaser of 135 acres from IOW County Economic Development Authority (EDA)
- Upland area of site limited to 35 acres due to wetlands
- Constructing 130,000 sf. state-of-the-art cross-dock warehouse facility and container staging operation
- Both sides of warehouse facility served by elevated dock loading doors (cross-dock)
- Products arrive at Port of Virginia in container and trucked to warehouse facility
- Container is unloaded at warehouse, product inventory scanned, and applicable quantities directed to waiting containers across warehouse for delivery to end-user fulfillment centers
- Container storage area located in rear of site behind warehouse building
- Function of facility is dependent on 120' depth, single-building warehouse with substantial dock door installations and land area for truck movement and on-site container management









PROJECT DESCRIPTION

- Exception needed to Highway Corridor Overlay District architectural and design guidelines for non -residential uses
- Cross-dock warehouse design and placement on site cannot be configured and designed to meet the following ordinance requirements:
 - Section 6-1010.A.5: Not less than 16% of total area of any façade visible from a public road (excluding work areas) shall consist of windows and doors
 - Section 6-1010.A.6: Large work area doors or open bays shall not open toward or face the highway
 - Section 6-1010.B.8: Loading areas shall be permitted only in the side or rear yards and shall be visually screened from public rights -of-way, and adjacent property using the screening zone standards found in Article VIII



PROJECT DESCRIPTION

Why Needed and Proposed Mitigation:

- Building orientation and truckways configuration on site dictated by site geography due to presence of wetlands
- Cross-dock shipping model makes any other building placement infeasible
- As a result, warehouse front façade and cross -dock bays must face the public highway

Proposed Mitigation : Six -foot (6') high vinyl privacy fencing with landscaping along Route 258/Walters Highway frontage, intended to limit view of overhead doors and associated truck movement



PROJECT DESCRIPTION

Why Needed and Proposed Mitigation:

- Installation of glass inserts in the active shipping/receiving areas is not practical for physical plant management and safety

Proposed Mitigation : In addition to windows to be installed for the office entry on one side of the building, architectural detailing of faux windows will be attached on the frontage façade at intervals.

- Front elevation calculations for doors, windows, and architectural access combined total = 22.25% (16% required)













CRITERIA FOR HCOD EXCEPTION CONSIDERATION (Section 6-1015)

1. Such exception shall be no less beneficial to the residents or occupants of the development as well as neighborhood property, than would be obtained under the applicable regulation.

Finding:

- Current regulation affords greater visual and noise relief than the exception because it prohibits truck bays and loading areas along public road frontage
- However, proposed privacy fencing and landscape screening should help mitigate both the visual impact and noise to neighboring property and the highway corridor



CRITERIA FOR HCOD EXCEPTION CONSIDERATION (Section 6-1015)

2. That the exception is reasonable because of the high level of design and construction that will be incorporated into the development.

Finding:

- Applicant has committed to incorporating architectural features to a warehousing and distribution building and site design as proposed to meet the spirit of the Ordinance as much as practicable.



CRITERIA FOR HCOD EXCEPTION CONSIDERATION (Section 6-1015)

3. That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

Finding:

- Both a site plan and building plans will be required to be submitted and reviewed for compliance with applicable codes and ordinances by Building Inspection, Utilities, VDOT, and Planning & Zoning.



STAFF ANALYSIS

Strengths:

1. The proposed use is consistent with the County's adopted Comprehensive Plan's land use designations and the C -PI zoning.
2. The proposed use is consistent with the approved rezoning proffers for the Shirley T. Holland Intermodal Park, Phase III pertaining to allowable uses.
3. The proposed privacy fence with landscaping along the site frontage will mitigate truck loading bays orientation facing the roadway and truck movement area.

Weaknesses:

1. Noise generated by truck movement along the front of the warehouse building could disturb the residential use across Route 258/ Walters highway. Privacy screen fencing and landscaping along the site frontage should help dampen noise levels.



STAFF RECOMMENDATION

Approval of the exception request with the following condition:

1. Retain existing tree and shrub vegetation along the entirety of the site frontage in the fifty-foot (50') Highway Corridor Overlay District front setback, factoring in site entrances, and incorporate this into the landscape screening design for visual abatement and noise attention.



Chairman Carroll called for discussion from the Planning Commission.

Commissioner Distefano asked if one of the mature trees die, how would that be handled.

Ms. Phillips stated that it would be required to be replaced as a condition of the landscape plan.

Amy Ring stated that the landscape ordinance dictates the amount of landscape points that are required, and if the minimum amount of landscape points are maintained, no replanting would be necessary.

Commissioner Rawls asked how far from Route 460 this was and the daily number of trucks using this facility.

Ms. Phillips stated the site was about a mile from 460, and the daily trucks was not submitted with this application.

Commissioner Bowser asked if the large tree behind the current house would be removed.

Ms. Phillips stated that the applicant will be required to document any existing trees that are over eight-inch caliper, and it is preferred to be included on the landscape plan.

Commissioner Boykin stated she was interested in seeing how much traffic this would generate.

Ms. Ring stated that when the property was rezoned in 2015, a traffic analysis was submitted and approved.

Commissioner Rawls asked how many doorways are proposed for the building.

Brian Bolger, Woodard Group general contractor representing the applicant, stated the front and the rear have seventy doors each.

Eddie Fredricks, Woodard Group, stated they have worked with VDOT for the turn lane requirements and have been involved with recommendations for the slow down and acceleration lanes.

Commissioner Boykin asked for the numbers from the traffic study.

Ms. Ring stated she has the information from the rezoning and can provide that information to the Planning Commission. Ms. Ring stated she does remember that a center turn lane was required, along with turn lanes into the site.

Commissioner Sienkiewicz asked what the hours of operation would be.

Brian Bolger stated there will be two shifts for majority of the year, but seasonally would shift to three shifts, which would be 24/7.

Chairman Carroll stated for clarity, the project and concept was previously approved in 2015, and the reason the Planning Commission is hearing this item is due to the position of the building.

Ms. Phillips confirmed that because of the Highway Corridor District require that loading bays not face the road.

Commissioner Taylor made the motion to recommend approval to the Board of Supervisors. Commissioner Sienkiewicz seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz, and Chairman Carroll voting in favor of the motion, Commissioner Ford abstained and no commissioner voting against the motion (7-1-0).

The motion passed, and the item will go to the July 13, 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 as a summary of the Recreational Vehicle Regulations:

Recreational Vehicle (RV) Regulations

Planning Commission Regular Meeting
June 27, 2023



Background

- Planning Commission & Board of Supervisors expressed their desire to review current RV Zoning Ordinance requirements
- Coincides with previous discussion of other short-term stays, such as AirBnBs



Local Zoning Regulations

- Section 5-1001 - specifically prohibits the use of RVs as a temporary or permanent residence unless otherwise permitted.
- Section 4-2A003.B - permits RVs as temporary living quarters in permitted campgrounds, for farm stays where a water supply is provided, and as temporary emergency housing
- Section 5-2000.L – requires RVs to be stored in the side or rear yards only on residential property at least five feet from any property line.



State Regulations

Virginia Department of Health–

- Occupancy in an RV on private property requires a pump-out facility which cannot include a home's septic system or public sewer connection.
- Variances can be requested
- Three or more campsites require a temporary campground permit for up to 14 days of camping in any one 60 day period. Must be pump-out facilities available if RVs present.

Uniform Statewide Building Code (USBC)–

- RV's, campers, etc. not regulated- not considered a dwelling
- Code defines RV as "a vehicle that (i) is either self-propelled or towed by a consumer-owned tow vehicle, (ii) is primarily designed to provide temporary living quarters for recreational, camping, or travel use"
- Does not define temporary



Other Regulations

- RVs are classified as personal property covered by motor vehicle regulations and taxed accordingly.
- US Housing and Development Department (HUD) defines RVs as:
 1. Vehicles or vehicular structures not certified as manufactured homes;
 2. Designed only for recreational use and not as a primary residence or for permanent occupancy; and either:
 - a. Built and certified in accordance with NFPA 1192:15 or ANSI A119.5-15; or
 - b. Any vehicle that is self-propelled.
- HUD rule also requires labeling that notifies consumers that Park Model RVs are designed only for recreational use and not for use as a primary residence.



Local Comparison

As of June 20, 2023

Locality	Habitation in RVs
Chesapeake	No
Isle of Wight	Permitted in campgrounds, as temporary emergency shelter, and as farm stay, no more than (1), with sewer and water facilities
James City County	Not addressed
Newport News	Not addressed
Norfolk	No
Portsmouth	Defined as temporary living quarters for recreational camping, travel, or seasonal use.
Southampton County	Defined as temporary living quarters for recreational, camping or travel use.
Suffolk	No
Surry County	No
Virginia Beach	No
York County	No



The Planning Commission and staff had a brief discussion on regulations.

Chairman Carroll stated this would be a continued discussion and asked to move it forward with the Board of Supervisors input.

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 6:56 PM.

Adopted this _____ day of _____, 2023.

Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: _____
Amanda Landrus, Secretary

PLANNING REPORT

APPLICATION:

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

ELECTION DISTRICT:

District 4

LOCATION:

The subject property is located at 15042 Carrollton Boulevard (Route 17). The site is approximately eight hundred (800) feet west of the intersection of Ashby Way (State Rte. 1960) and approximately one half mile east of the intersection of Deep Bottom Drive (State Rte. 32) and Channell Way (State Rte. 662). Carrollton Volunteer Fire Department is located on the adjacent parcel to the west and Ashby Subdivision is located to the south. To the east is Carrollton Business Center and the Carrollton Post Office.

BACKGROUND:

The project site is located within a commercial shopping center, Carrollton Cove Shops, that includes several retail tenants. The site plan for the shopping center included two buildings, of which only one has been built and is being used at this time. Prior to the shopping center being constructed in 2006, a commercial kennel known as James River Kennels operated on the parcel for approximately thirty (30) years. The adjacent Ashby West Subdivision was approved in 2005. In 2008 Planning and Zoning received a complaint relating to noise disturbance from James River Kennels; however, the Zoning Administrator at the time determined the Zoning Ordinance did not provide any enforcement measures that could have applied.

In 2008, a conditional use permit was granted by the Board of Supervisors to operate a retail pet center and boarding kennel on this parcel with one of the conditions stating that there would be no outdoor runs, and that all animals would be kept inside. Ms. Hall's kennel, Dashing Dogs, previously occupied space at Carrollton Coves Shoppes in 2013 and operated under the conditions of the

previous conditional use permit.

In 2018, Dashing Dogs obtained a conditional use permit and relocated to 14168 Carrollton Boulevard (Rte. 17). The applicant's lease at this location was terminated earlier this year due to the property being affected by the Nike Park Road Extension Project. Dashing Dogs has since relocated to 15042 (Suites K and L) Carrollton Boulevard and was issued a zoning permit in April 2023 for personal service use, which includes dog grooming and daycare. The applicant has applied for this conditional use permit to establish overnight boarding which falls under the commercial kennel use type.

DESCRIPTION:

The applicant proposes to continue the grooming and daycare operations and to establish overnight boarding at the facility. The applicant has stated that business hours will be from 6:30 AM to 9:00 PM. The latest that dogs may go outside is 9:00 PM. The applicant states that dogs will only be let out for short periods of time for restroom use and exercise. Fecal matter will be placed in double-layered plastic bags and disposed of in the dumpster. There will be no cremation services. The applicant has erected a chain-link fence six (6) feet in height that is overlaid by a vinyl privacy fence for an outdoor exercise area. The fence is located approximately forty (40) feet from the nearest residential property line which satisfies the supplementary use regulation for commercial kennel in the General Commercial zoning district. The applicant is proposing to board a maximum of eighty animals.

If the CUP is granted, the applicant will be required to meet all supplementary use regulations for the commercial kennel use type and must also follow the appropriate site plan review process to facilitate the development of the site.

COMPREHENSIVE LAND USE PLAN:

The future recommended land use designation is Business & Employment (BE). BE land use consists of office space, commercial uses both stand alone and in shopping centers, and some light industrial uses. Preservation of environmental features still occurs.

The BE land use is best located on major transportation routes and at major intersections, should be master planned for coordination with surrounding uses and quality of design internally, and should also have access to public water and sewer infrastructure with capacity for more intense development.

Appropriate uses found in the BE land use may include medical offices, an office park in a campus like setting, supporting retail services, community shopping centers, light manufacturing, research and development, and other low intensity industrial uses which are compatible with surrounding development. Non-residential uses may include parks and trails, or existing community facilities, but siting for new community facilities should be considered elsewhere first. BE should be connected to residential uses with vehicular and pedestrian access.

ORDINANCE REVIEW:

The zoning district classification for this property is General Commercial (GC). The GC 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 is proposing to continue daycare and grooming operations and to establish overnight boarding at the facility, which is classified as a commercial kennel use type in the Zoning Ordinance. The commercial kennel use type is permitted as a conditional use in the GC zoning 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 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;
- 5) That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
- 6) 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

7) 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

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:

- 1) The number of persons living or working in the immediate area and the proposed hours of operation, as may applicable;
- 2) 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;
- 3) The orderly growth of the neighborhood and community and the fiscal impact on the County;
- 4) The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
- 5) 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;
- 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 of 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 resources of landmarks.

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

AGENCY REVIEW:

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

- **Sheriff's Department:** Our only concern will be the noise that is generated

with the boarding of animals and the impact of complaints of the neighboring businesses as well as the outside kennel area to the proximity of the homes in Ashby Estates. In the original submittal there is no mention of sound barriers other than the proposed fence addition.

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 CONCLUSIONS:

Staff conducted research to determine if there are any applicable federal or state regulations for commercial kennels. The State Veterinarian stated that there are no specific requirements for kennel floor space or square footage for commercial kennels, but that the Code of Virginia requires that "adequate shelter" and "adequate space" be provided for the animals. Additionally, the Director of the Isle of Wight County Animal Shelter stated that space must be large enough for the animals to move and turn around within the individual kennel.

The federal Animal Welfare Act sets standards of care and treatment for dogs used in research, exhibited to the public, bred for commercial sale, or transported in commerce. All primary enclosures must have adequate space for each adult dog to turn about freely and to stand, sit, and lie down in a comfortable, normal position. For a dog as small as seven (7) inches in length, a minimum space of nine (9) square feet is required, and for a dog as large as fifty-two (52) inches in length, a minimum space of twenty-three (23) square feet is required.

- Staff identified the following strengths and weaknesses of the application:

Strengths:

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

Weaknesses:

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

STAFF RECOMMENDATION:

Staff recommends approval of the CUP with the following conditions: 1. No more than five animals are permitted in the outdoor exercise space at one time. 2. No more than sixty animals may be boarded overnight, of which no more than fifty 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.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	7/14/2023
Narrative	Backup Material	7/14/2023
Concept Plan	Backup Material	7/14/2023
Location Map	Backup Material	7/14/2023
Location Closeup Map	Backup Material	7/14/2023
Zoning Map	Backup Material	7/14/2023
Land Use Map	Backup Material	7/14/2023
Site Images	Backup Material	7/14/2023
PC Resolution	Resolution	7/14/2023



RECEIVED
APR 27 2023
By: Ashley Str

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 GC zoning district as per Section 4-1003 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: Grooming, Daycare, Boarding for dogs
in existing building.

B. PROJECT DESCRIPTION:

Project Name: Dashing Dogs

Property Address (if any): 15042(L) Carrollton Blvd. Carrollton Va

Election District: 04 2334

Comprehensive Plan Designation: BE

The use permit will apply to ~~1.79~~ 4.46 acres out of 4.46 total acres

Tax Parcel Identification # 34-07-0008 Number of acres to be effected: 4.46 ac.

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 ☒ Private Well

Public Sewer ☒ Private Septic

C. APPLICATION INFORMATION:

Applicant(s) Name(s): Debra Hall
Address: 14038 Bowling Green Rd
City, State, Zip Code: Windsor, Va 23487
Phone No.: 757-525-7043 Email: dashing.dogs53@gmail.com Fax No.:
Property Owner(s) Name(s): Carrollton Cove Shoppers LLC
Address: 3613 Point Elizabeth Dr
City, State, Zip Code: Chesapeake, VA, 23321
Phone No.: 757-404-8400 Email: elliottcohen8@gmail.com Fax No.:

Debra Hall 4-27-23
Applicant Signature Date
Elliot Cohen 4-11-23
Owner Signature if different 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	☐ Inspections
☐ Economic Development	☐ Sheriff's Office
☐ Emergency Services	☐ Town of Smithfield
☐ General Services	☐ Town of Windsor
☐ Environmental Planner	☐ VDOT
☐ Health Department	☐ Schools
☐ Transportation Manager	☐ Budget & Finance
☐ Commission of Revenue	☐ County Attorney
☐ Other _____	

Verified By: _____ Date: _____

COUNTY OF ISLE OF WIGHT

DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Debra Hall
 Address 14038 Bowling Green Rd
Windsor Va 23487
 City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
15042 Carrollton Blvd	Par B Rayland Washby Est
Carrollton Cove Shoppes	Plot 2-155-5 Map/Parcel #
Carrollton, VA - 23314	Acreage 4.76 34-07-000 B

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
Carrollton Cove Shoppes LLC	3613 Point Elizabeth Dr
	Chesapeake, VA. 23321
Elliott Cohen	

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: Debra Hall Applicant: Debra Hall Date: 4-11-23
 Printed or Typed Name Signature

Commonwealth of Virginia
 County of Isle of Wight

Subscribed and sworn to before me Linda M Kearney
 A Notary Public in and for the County of Isle of Wight, Commonwealth
 of Virginia, this 11th day of April, 2023

Linda M Kearney
 Notary Public

My Commission Expires 1/31/26



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.
- ☐ 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.

Debra Hall

Printed or Typed Name

Debra Hall

Signature

4-11-23

Date

I would like to use this location,
15042 Carrollton Blvd (L)
Carrollton Cove Shoppes
Carrollton, Va 23314

to do daycare and boarding for dogs. I was here five
year's ago and it was approve then, so hopefully it
will be approved again.

Thank you very much!

Debra Hall

Dashing Dogs



COUNTY OF ISLE OF WIGHT
JUDITH C WELLS - TREASURER
PO Box 79
ISLE OF WIGHT, VA 23397-0079

2022 / 2023 REAL ESTATE TAX / STORMWATER FEE

Customer ID #	Map / Parcel #
000075431	34-07-000B

ADDRESS SERVICE REQUESTED

DUE DATE - June 05, 2023

*013354/1-S 43-B 1



CARROLLTON COVE SHOPPES LLC
3613 POINT ELIZABETH DR
CHESAPEAKE VA 23321-5753

The Treasurer only collects taxes, does not assess property, fix valuations, set rates or grant exemptions and has no authority to make changes to the tax bill. For payment information or arrangements, contact Treasurer's Office at 757-365-6228 or 757-365-6220 for Stormwater.

For assessment and address changes, contact the Commissioner of Revenue's Office at 757-365-6218.

PENALTY EXPLAINED

If paid after due date, add penalty of:

Assessed tax \$10.00 or under - no more than tax

Assessed tax \$10.00 - \$100.00 - \$10.00 minimum

Assessed tax over \$100.00 - 10% of tax

Interest at 10% per annum begins after the due date.

See the back of this notice for payment options and additional information.

Code of Virginia 58.1-3913 Delinquent tax MUST be paid first.

If check is not honored by bank, receipt is void.

Description		Identification	Rate per \$100	Mortgage		
PAR B RYLAND WASHBY EST PLAT 2-155-5 ACREAGE 4.460		Map / Parcel No. 34-07-000B	0.85			
Land Value	Property Value	Total Value	Assessment Period	Current Tax Due	Stormwater Fee	TOTAL DUE *
780,500	620,900	1,401,400	January 1 June 30	5,955.95	864.00	6,819.95
REAL ESTATE 1ST HALF						5,955.95
STORMWATER MGMT FEE 1ST HALF						864.00
Payments						-6,819.95
TOTAL DUE THROUGH June 05, 2023						6,819.95

* Total Due includes credits, transfers, abatements, etc.

Fence

Unit 2

PROPOSED
WALKWAY
1/2" = 10'

STREET
1/2" = 10'

STREET
1/2" = 10'

STREET
1/2" = 10'

STREET
1/2" = 10'

ELLIOT COHEN

3613 POINT ELIZABETH DRIVE

CHESAPEAKE, VIRGINIA 23321

CONTACT PERSON: ELLIOT COHEN

(757) 483-1750

SITE STATISTICS:

STORMWATER MANAGEMENT LOT AREA: 1.79 ACRES

COMMERCIAL AREA: 4.46 ACRES

ZONING FOR COMMERCIAL LOT: GC

ZONING FOR STORMWATER MANAGEMENT LOT: NC-R1

TAX MAP: TAX PARCEL # 34-07-000B,000C

DEED BOOK 244, PAGE 53

THE CONTRACTOR IS TO NOTIFY THE DEPARTMENT
OF PUBLIC WORKS AT LEAST 48 HOURS PRIOR TO
THE COMMENCEMENT OF ANY LAND DISTURBING ACTIVITIES

IN ACCORDANCE WITH USDA SOIL CONSERVATION
SERVICE PUBLICATION, SOIL SURVEY OF ISLE OF WIGHT
COUNTY, THE SOILS ARE CLASSIFIED AS (9) WITH
LOW SHRINK-SWELL FACTOR

Text
Color: ☐ ByLayer
Layer: TEXT1
Linetype: ByLayer

THIS SITE APPEARS TO BE LOCATED IN FLOOD ZONE "X"
AS SHOWN ON COMMUNITY PANEL 510303 0170D, EFF: SEP

PROPOSED USE: RETAIL SPACE AND RESTAURANT

ALL UTILITIES SUCH AS ELECTRIC, CATV, TELEPHONE,
OR OTHER UTILITIES ARE TO BE INSTALLED UNDERGROUND.

SHEET 3 - COM SHEET 4 - COM SHEET 5 - COM SHEET 6 - COM SHEET 7 - COM SHEET 8 - COM SHEET 9 - COM SHEET 10 - COM

Inc. & Rentals, Inc.



Weatherly Insurance Agency, Inc.
2610 N. Croatan Hwy • PO Box 3426

Conditional use Permit application:

General Standards are met by:

- When handling fecal matter in the yard, it is put in a double bag, and disposed in a dumpster.
- Dashing Dogs does not provide any burial or cremation services of any kind. We are strictly grooming, boarding, and daycare.
- Our vinyl fences are twenty feet from any property lines, which is twice the length needed to meet regulations.
- Our fence is directly next to an alley way designated for delivery trucks for other business. Due to this there are not trees or plants planted around the property. There are trees on the other side of the alley way that is not our property.
- Our facility holds a maximum of twenty-five dogs during the day.
- Our business hours are from 6:30 AM to 6 PM. Dogs can only go outside together at this time. However dogs are not let out for long periods of time. They are only let out to go to the restroom, then come back inside. The latest dogs go outside is 8:00 PM, however they only go outside to potty then bed.

Thank you,

Debra Hall

Planning and Zoning

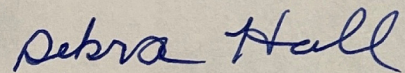
Caleb Kitchen

Thank you for your much needed help with my application.

Since my last submission to you I have signed a new lease starting 7-1-2023, that includes the unit K building next to the unit L at Carrollton Cove Shoppes. I was originally in both units but when I was forced to move from my other location, I had to take the smaller space until the K unit came available.

This has doubled the space for my business since I submitted my request for the boarding kennel part of my business. I need to adjust my business hours to 6:30am – 9pm and the number of animals to be in the building at one time to 80.

Once again thank you for your help, sincerely

A handwritten signature in blue ink that reads "Debra Hall". The signature is written in a cursive, flowing style.

Debra Hall

Caleb J. Kitchen

From: Elliot Cohen <elliotcohen8@gmail.com>
Sent: Friday, June 30, 2023 1:26 PM
To: Caleb J. Kitchen
Cc: dashingdogs53@gmail.com
Subject: Re: 1st Submittal Review Comments, Dashing Dogs, CUP-9-23, MUNIS #27958

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Elliot Cohen here. Sorry Debra did not respond to your questions. Accepting grooming dogs stops at 6 pm to be picked up no later than 9 pm. Boarding dogs can come in as late as 9 pm. No dogs to be outside after 9 pm. Number of animals to be 80 boarded animals. I be plan on being at the meeting to answer questions.

On Fri, Jun 30, 2023 at 1:07 PM Caleb J. Kitchen <ckitchen@isleofwightus.net> wrote:

Hi Ms. Hall,

I left you a voicemail and am just following up on the below questions I emailed you last week.

Also wanted to check and make sure that either yourself or a representative for you is able to attend the next Planning Commission meeting on Tuesday, July 25th at 6:00PM?

Best regards,

Caleb J. Kitchen

Planner 1

Planning & Zoning Division

757-365-3660



Caleb J. Kitchen

From: Caleb J. Kitchen
Sent: Wednesday, July 12, 2023 11:47 AM
To: Amy Ring; Jeryl R. Phillips
Cc: Bobby Jones
Subject: FW: Elliot Cohen Dashing Dogs response

See below for highlighted Elliot Cohen responses.

Best regards,

Caleb J. Kitchen

Planner 1

Planning & Zoning Division

757-365-3660



From: Elliot Cohen <elliottcohen8@gmail.com>
Sent: Wednesday, July 12, 2023 10:27 AM
To: Caleb J. Kitchen <ckitchen@isleofwightus.net>
Subject: Re: 1st Submittal Review Comments, Dashing Dogs, CUP-9-23, MUNIS #27958

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Reply

On Wed, Jul 12, 2023 at 9:23 AM Caleb J. Kitchen <ckitchen@isleofwightus.net> wrote:

Mr. Cohen,

I received Ms. Hall's letter and have reviewed everything with my supervisor and Amy, our Zoning Administrator.

After review, we have some hesitation when thinking about the reality of having up to 80 dogs within the two suites. I am doing some research looking into any state or federal guidelines for kennel spaces per dog.

I have a few questions related to the number of dogs...

1. When it states "number of animals to be in the building at one time to 80," does that mean that there would be a maximum of 80 dogs boarded overnight or a maximum of 80 dogs total serviced during the day? What does having 80 dogs look like?

1. Over night animals could be more then one animal in one kennel as families ask to board their animals together, so yes 80 animals over night could happen, but most of the time people drop off in the morning on the way out of town but pick up in the afternoon/evening after getting home from traveling. So the overlap is during the daytime. Animals could be cats and dogs but any other animal. Ie: rabbit, bird, people go on vacation and board all types pets.

2. Do we have a number for grooming customers versus boarding overnight customers?

2. no. Boarding and grooming is by appointment but walk-ins do happen. No grooming starts after 6pm because of drying time but morning grooming could be picked up in the evening. Day care is usually several dogs together in one area.

3. What is the total square footage of suites K and L?

3. 1750 sq ft = unit k&L

4. Can Ms. Hall provide a floor plan showing how the kennels, work stations, and customer areas are laid out between the two suites?

4. Will work on that for you but free standing kennels can be stacked and are moveable within the building. Please note that James River kennels before I agreed to replace it with the shopping center housed 100 animals and during holidays the overlap during the day could be 120 animals. I was granted a permit at that time to have a boarding kennel within the shopping center.

I have to submit all the application material by the end of day on Friday, so if you are able to get this information to me by then that would be great.

Best regards,

Caleb J. Kitchen

Planner 1

Planning & Zoning Division

757-365-3660

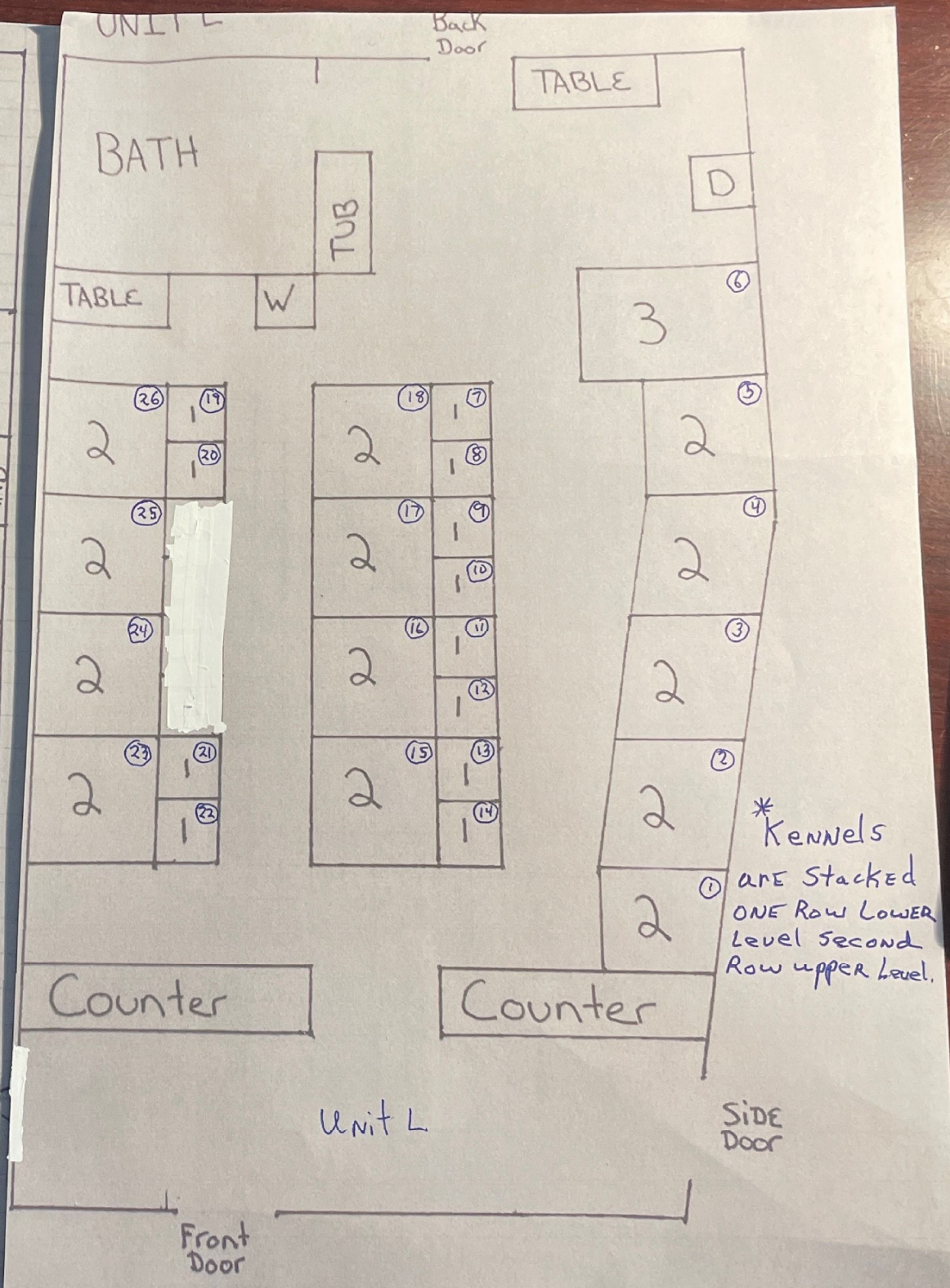


From: Caleb J. Kitchen

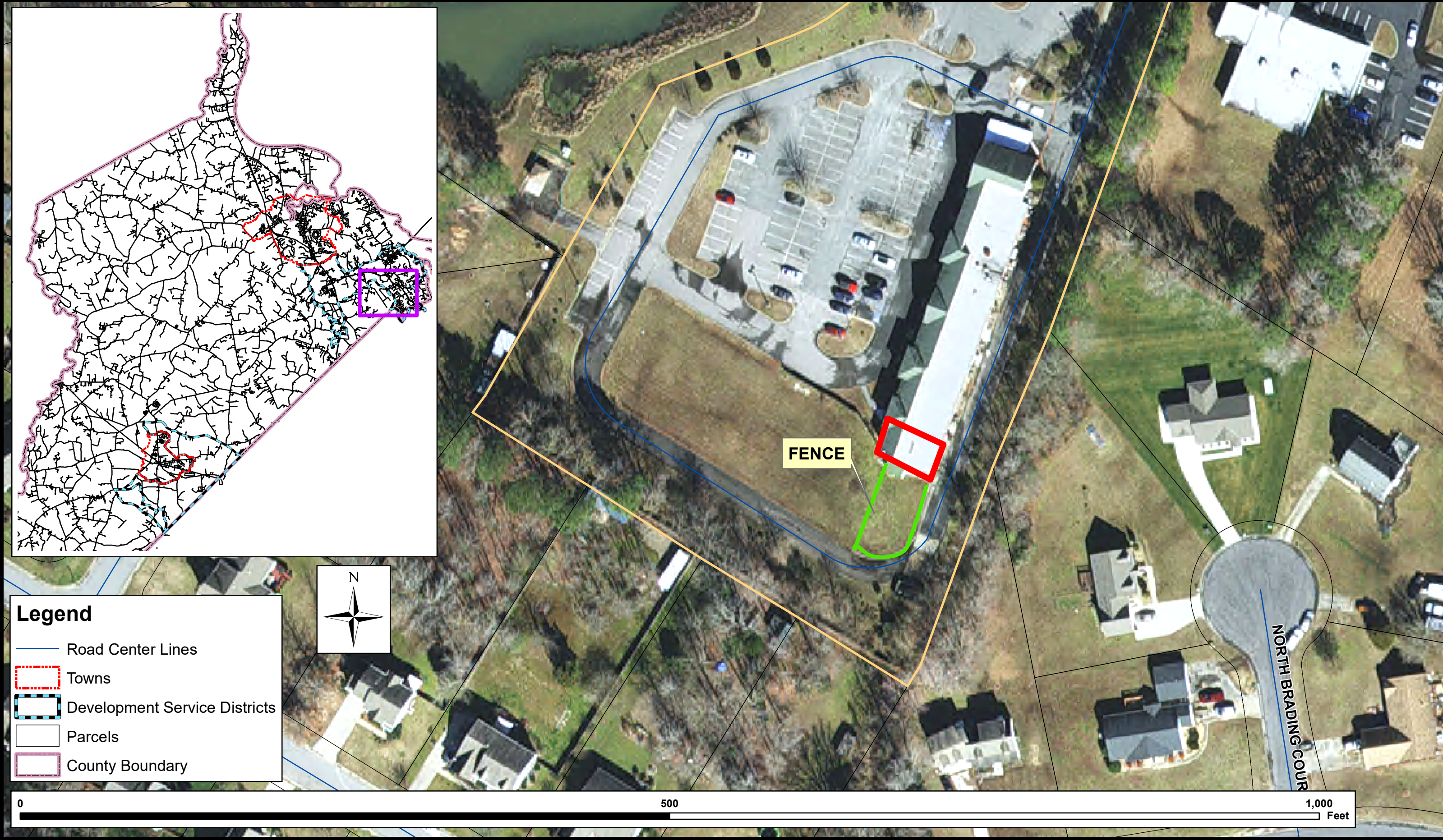
Sent: Friday, July 7, 2023 2:20 PM

To: Elliot Cohen <elliottcohen8@gmail.com>

Subject: RE: 1st Submittal Review Comments, Dashing Dogs, CUP-9-23, MUNIS #27958



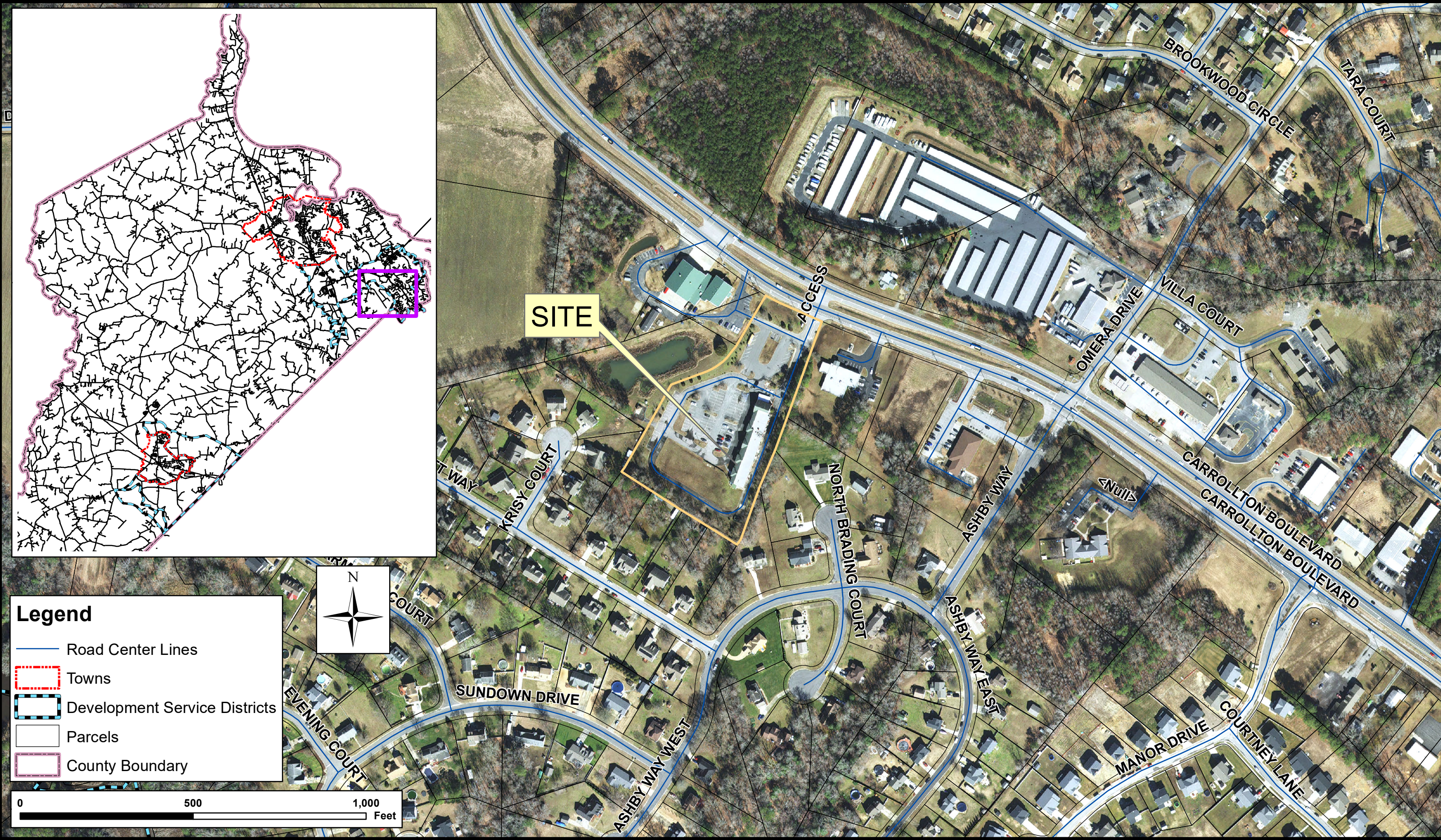
CUP-9-23 Concept Plan



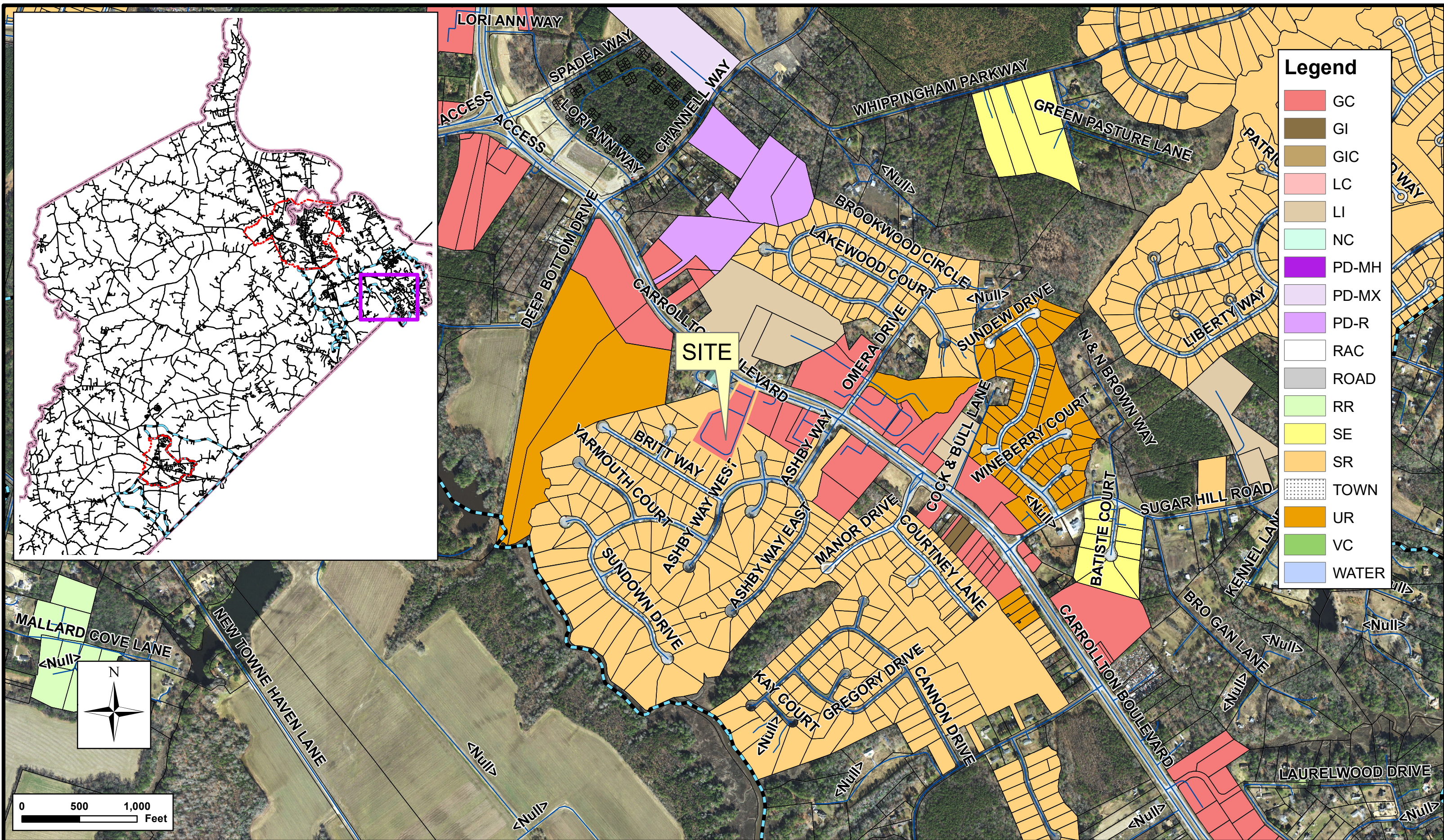
CUP-9-23 Conditional Use Permit - Location Map



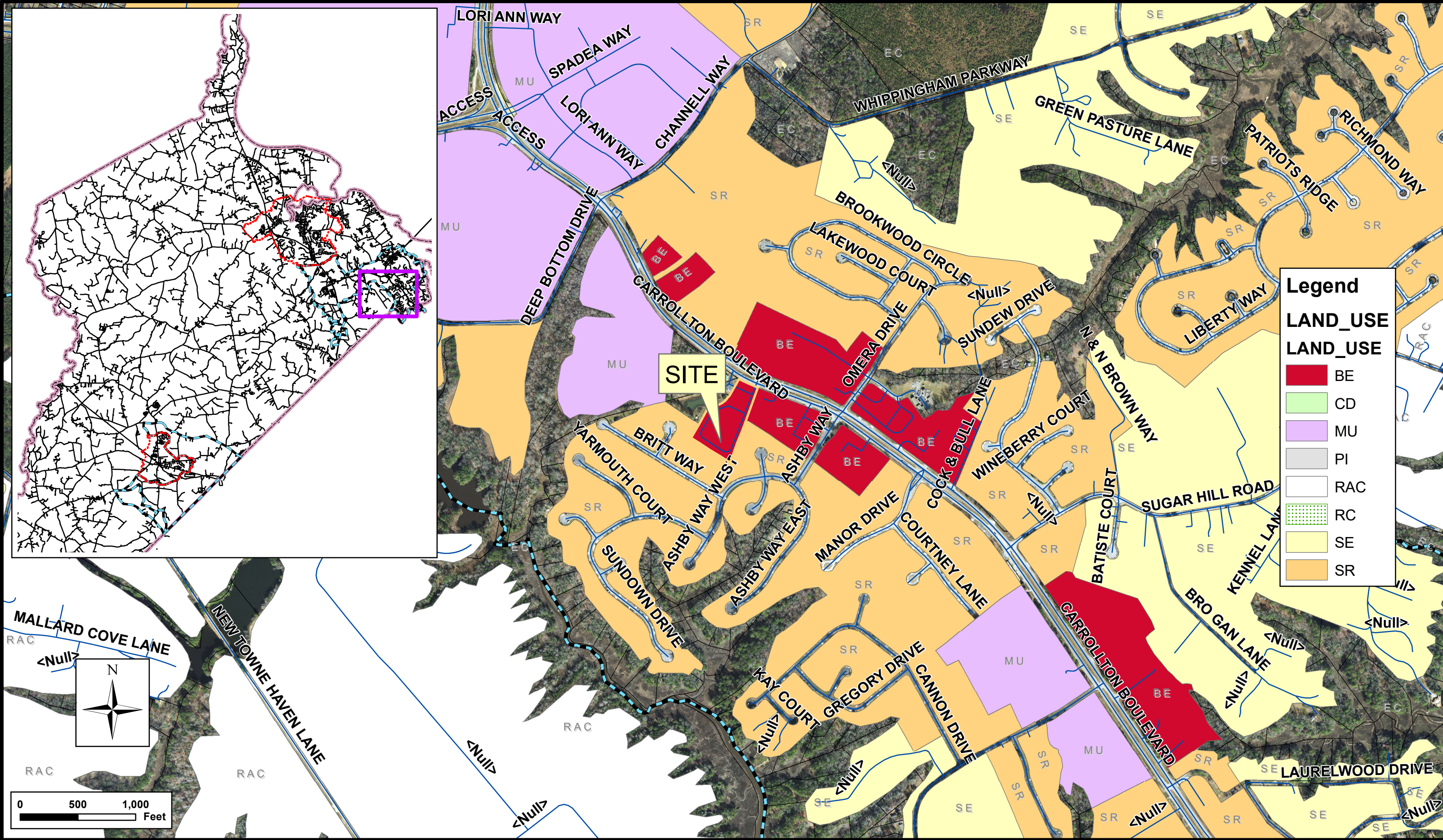
CUP-9-23 - Location Closeup Map



CUP-9-23 - Zoning Map



CUP-9-23 - Land Use Map





Suites K (formerly Tappinto Beauty) and L facing east



The six (6)-foot privacy fence and vacant space for future building



Outdoor exercise area



Rear access road facing east



Rear access road facing north

EXHIBIT A

RESOLUTION NUMBER PC-23-7

**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-9-23 TO ALLOW A COMMERCIAL KENNEL FACILITY ON 4.46 ACRES ON
PROPERTY WITH TAX MAP PARCEL 34-07-000B.**

WHEREAS, Debra Hall, applicant, and Carrollton Cove Shoppes, LLC, property owner, as represented by Elliot Cohen, Principal, have requested approval of a conditional use permit for a commercial kennel in Suites K and L of a shopping center located on 4.46 acres of land on tax parcel number 34-07-000B; and,

WHEREAS, the specific request is to permit the operation of a commercial kennel facility in accordance with Sections 1-1017 and 4-10003 of Appendix B-1, Zoning, of the Isle of Wight County Code; and,

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 conditional use permit CUP-9-23 is reasonable and has considered the following factors and finds that the proposed use 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 use 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-9-23, be:

- ___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.
- ___ b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.
- ___ c. Granted with the specific recommended conditions in the attached exhibit, and that the Board of Supervisors adopt the proposed Ordinance with such conditions.

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:

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

ELECTION DISTRICT:

D4

LOCATION:

The property is a 2.1 acre parcel located on Commerce Lane, inside the Isle of Wight County Industrial Park on property with tax map parcel number 42-06-006. The property is bounded to the south by IWIP Road, to the north and east by parcels included in the industrial park also in the Conditional-Limited Industrial zoning district, and to the west by Commerce Lane.

BACKGROUND:

The property is currently vacant. The site is a part of the original 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 for shipping containers being stored on site not connected to a principal use.

The proposal is to add 4,500 square feet of retail space, 7,800 square feet of warehouse space, and 2,700 square feet of office space. The applicant has proposed to move his electrical business into 3,000 square feet of the building and lease space for other businesses in the remaining square footage.

As of January 2020, the parcel was added to the NDSO. During the most recent revision of the Comprehensive Plan the entire industrial park was included in the expansion of the NDSO.

The applicant submitted an application for an exception to the NDSO standards in June of 2023.

DESCRIPTION:

The applicant would like to construct a metal building. The applicant has stated allowing him to construct the building as seen in the attached elevations will not only be in line with the rest of the park but also be the most cost-effective way for him to construct and lease his building. As a result, the applicant requests an exception to the architectural and design guidelines of the NDSO District. The request is to the following ordinance requirements:

- 6-2010.A.1.a - states facades under two hundred (200) horizontal feet in length shall incorporate vertical elements and materials changes in the architectural design, breaking the visual monotony of the continuous façade.
- 6-2010.A.2.a - requires facades that face vehicle moving areas, excluding loading areas, shall contain windows between the height of three (3) feet and eight (8) feet for no less than fifty percent (50%) of the horizontal length of the building facade facing the public vehicle moving area. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.
- 6-2010.A.3.a - prohibits the use of either concrete block, flat or corrugated metal, or vinyl siding walls for new development or expansion of existing development within the NDSO District.

COMPREHENSIVE LAND USE PLAN:

The 2020 Comprehensive Plan states that building design, which promotes the character of the Newport Development Service District (DSD) is encouraged. Architectural guidelines are recommended for non-residential structures to ensure compatible and positive aspects of the District's visual experience from the arterial roadways. Buildings should reflect an individual design that considers site location, conditions, intended use, and the character/building mass of the surrounding properties.

ORDINANCE REVIEW:

The property is in the Conditional Limited Industrial (C-LI) zoning district and the NDSO and Chesapeake Bay Preservation Area Overlay districts. The intent of

the NDSO district regulations is to reduce incompatible and adverse impacts on the visual experience from the highway and provide continuity of site design within the proposed development.

Per section 6-2011.B., when granting an exception, the Board of Supervisors must consider the following criteria:

- 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.
- That the exception is reasonable because of the high level of design and construction that will be incorporated into the development; and,
- That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

AGENCY REVIEW:

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.

STAFF CONCLUSIONS:

Based on an analysis of the project, staff identified the following strengths and weaknesses for the proposed uses:

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.

STAFF RECOMMENDATION:

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

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	7/18/2023
Elevations	Backup Material	7/18/2023
Proffers	Backup Material	7/18/2023
Location Map	Backup Material	7/18/2023
Site Images	Backup Material	7/18/2023
Proposed Window and Door Percentages	Backup Material	7/19/2023



APPLICATION FOR EXCEPTIONS

This application should be used to petition for an exception for certain uses which, because of their unique characteristics, but which may, under the right set of circumstances and conditions be acceptable.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

- ☐ Chesapeake Bay Preservation Area Ordinance Exception
- ☒ Newport Development Service Overlay District Exception
- ☐ Highway Corridor Overlay District Exception
- ☐ Signage Exception
- ☐ Subdivision Ordinance Waiver
- ☐ Other (please list) _____

The proposal is a request to Section (s) 6-2010 of the Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or the Isle of Wight County Subdivision Ordinance.

A1, 2 and 3

Proposed Use or Activity: Metal Building - Flex Space

B. APPLICATION INFORMATION:

Applicants Name: Bur Investment, LLC (Katie Stokes)

Address: 104 Stallion Ct Smithfield VA 23430

Email: PESTER@Sprynet.com Phone: 757.435.4641

Property Owners Name: Bur Investment, LLC

Address: 104 Stallion Ct Smithfield, VA 23430

C. PROJECT DESCRIPTION:

Project Name: Bw IWIP

Property Address (if any): 42-06-006

Comprehensive Plan Designation: _____

The exception will apply to 2.13 acres out of 2.13 total acres

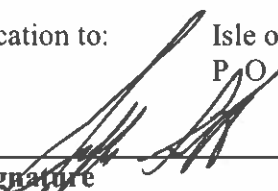
Tax Parcel Identification # 42-06-006 Number of acres to be effected: 2.13

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

Public Sewer _____ Private Septic ✓

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


Applicant Signature

5/15/23
Date

Owner Signature if different

Date

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: _____

- 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)
- ✓ **One (1) original executed application**
- ✓ **One (1) digital copy of ALL application documents**
- ✓ **One (1) reduced 11"x17" copy of concept plan**
- ✓ **Application fee submitted with the application. Checks should be made payable to treasurer, Isle of Wight, County**
- ☐ **For CBPA Exception applications, a major water quality impact assessment which meets the criteria in Section 4003 of the Chesapeake Bay Preservation Area Ordinance must be submitted at the time of application.**
- ☐ Other information may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.
- ☐ 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.

Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the appropriate reviewing body.

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 the processing of this application.

Jeffrey Stulman

Printed or Typed Name

[Signature]

Signature

5/23/2023

Date

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

Applicant: Jeff Stulen Bar Investment LLC

Address: 104 Station Ct Smithfield VA 23450

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
42-06-006	Twice Lot

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
NA	

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: Jeff Stulen **Applicant:** [Signature] **Date:** 5/19/23
Printed or Typed Name Signature

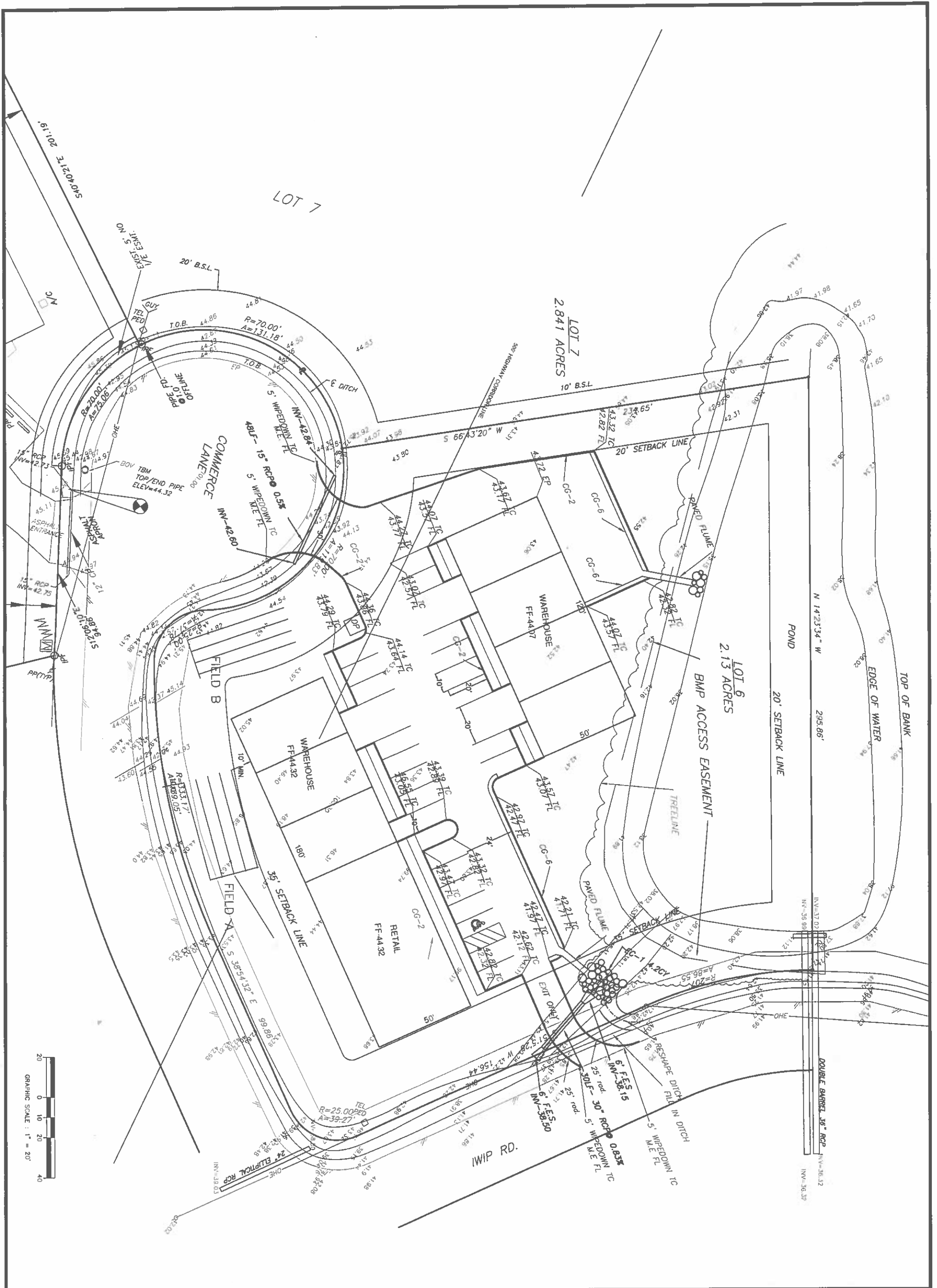
Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Nancy J. Begor May 19th 2023
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 19 day of May, 2023.

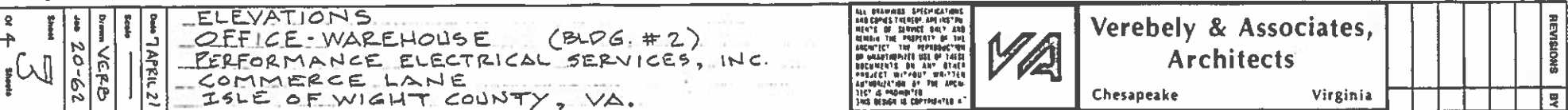
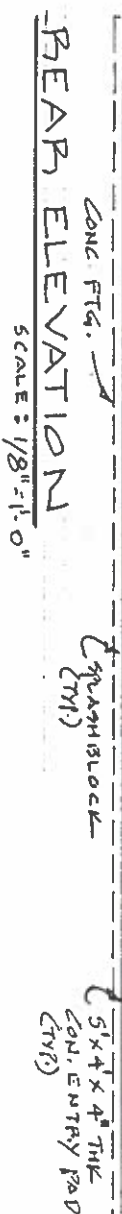
Nancy J. Begor
Notary Public

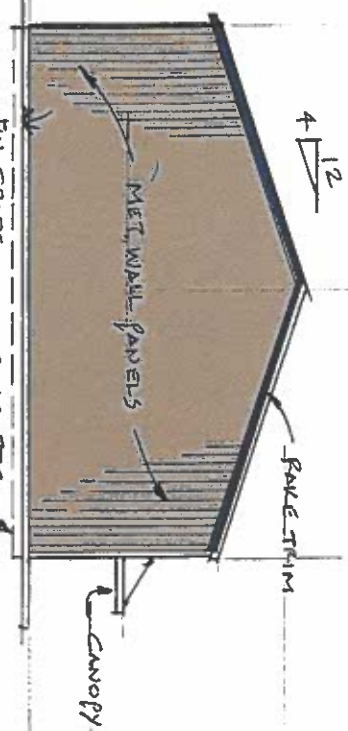
My Commission Expires May 31, 2026



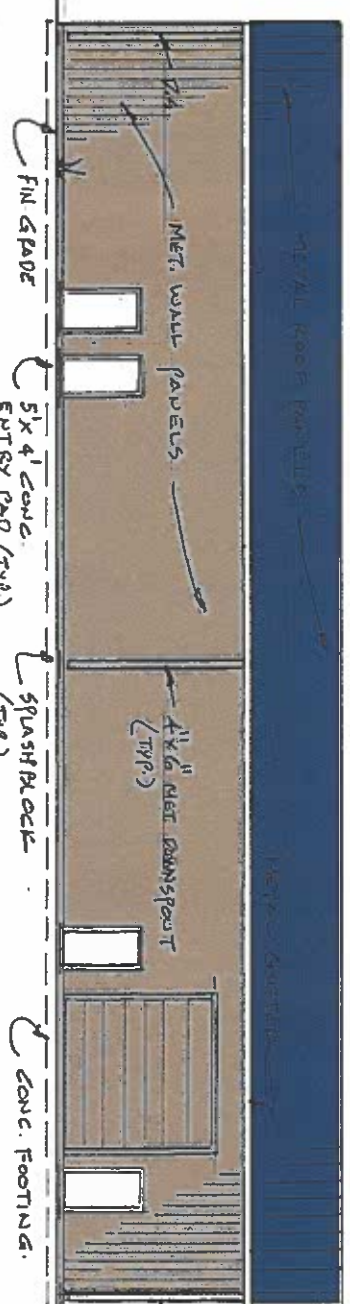


Commonwealth Engineering Group, Ltd.		REVISIONS	
CIVIL ENGINEERS - PLANNERS		DATE	DESCRIPTION
12196 REDHOUSE ROAD			
WINDSOR, VIRGINIA 23487			
757-356-9140			
SITE PLAN FOR			
PERFORMANCE ELECTRICAL SERVICES, INC.			
T.P. 42-06-006			
ISLE OF WIGHT COUNTY, VIRGINIA			
DRAWN:	M.W.C.		
DESIGNED:	R.M.W.		
SCALE:	1" = 20'		
DATE:	08-07-19		
SHEET:	3		
OF	3		
CEG 19-108			

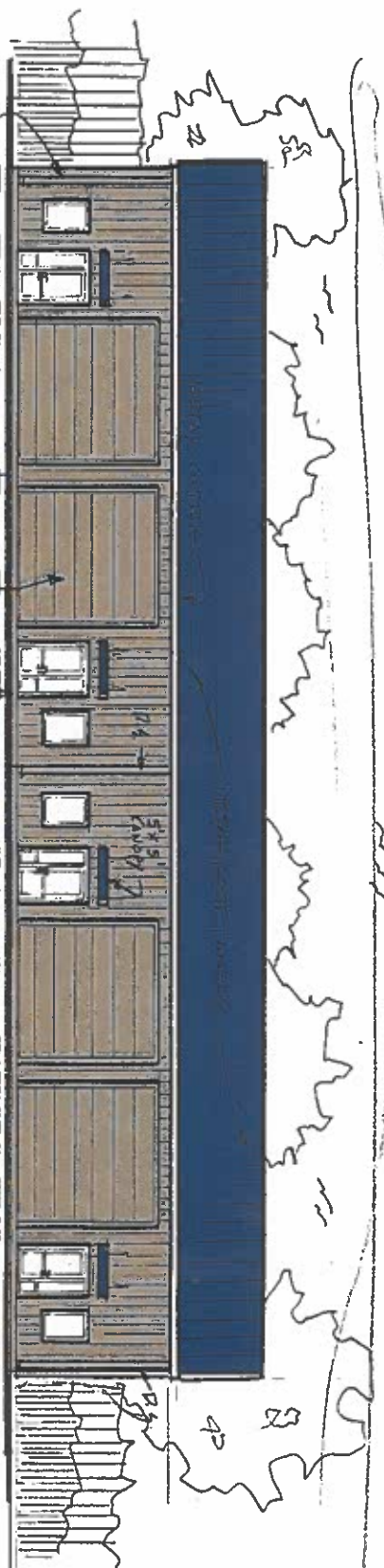




LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



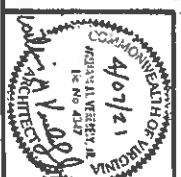
REAR ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"





COUNTY of ISLE OF WIGHT

THE COURTHOUSE

June 9, 1988

Mr. Richard L. Turner
c/o A. L. Jones
1613 South Church Street
Smithfield, Virginia 23430

Dear Mr. Jones:

Your client's application for a change in zoning classification to Conditional Industrial Limited, was considered and approved by the Isle of Wight County Board of Supervisors at its regular meeting on June 2, 1988, with the following conditions:

The purpose of the application is for all permitted uses under Industrial Limited zoning except Blacksmith Shop, welding or machine shop, coal and wood yards, and airports. Proposed permitted uses shall also include the following commercial uses: retail food stores, auto and home appliance services, office buildings, service stations (with major repair under cover), lumber and building supply, including cabinet manufacturer (with storage under cover), plumbing and electrical supply (with storage under cover) and machinery sales and service.

Please be advised that the zoning reclassification approved by the Board of Supervisors may not be effective until the rezoned property has been surveyed and the plat recorded in the Clerk's Office and a copy delivered to the Department of Community Development. You should verify any such requirements with Ms. Sandy W. Whitley, Assistant Zoning Administrator.

Should you have any questions regarding this matter, please feel free to contact me.

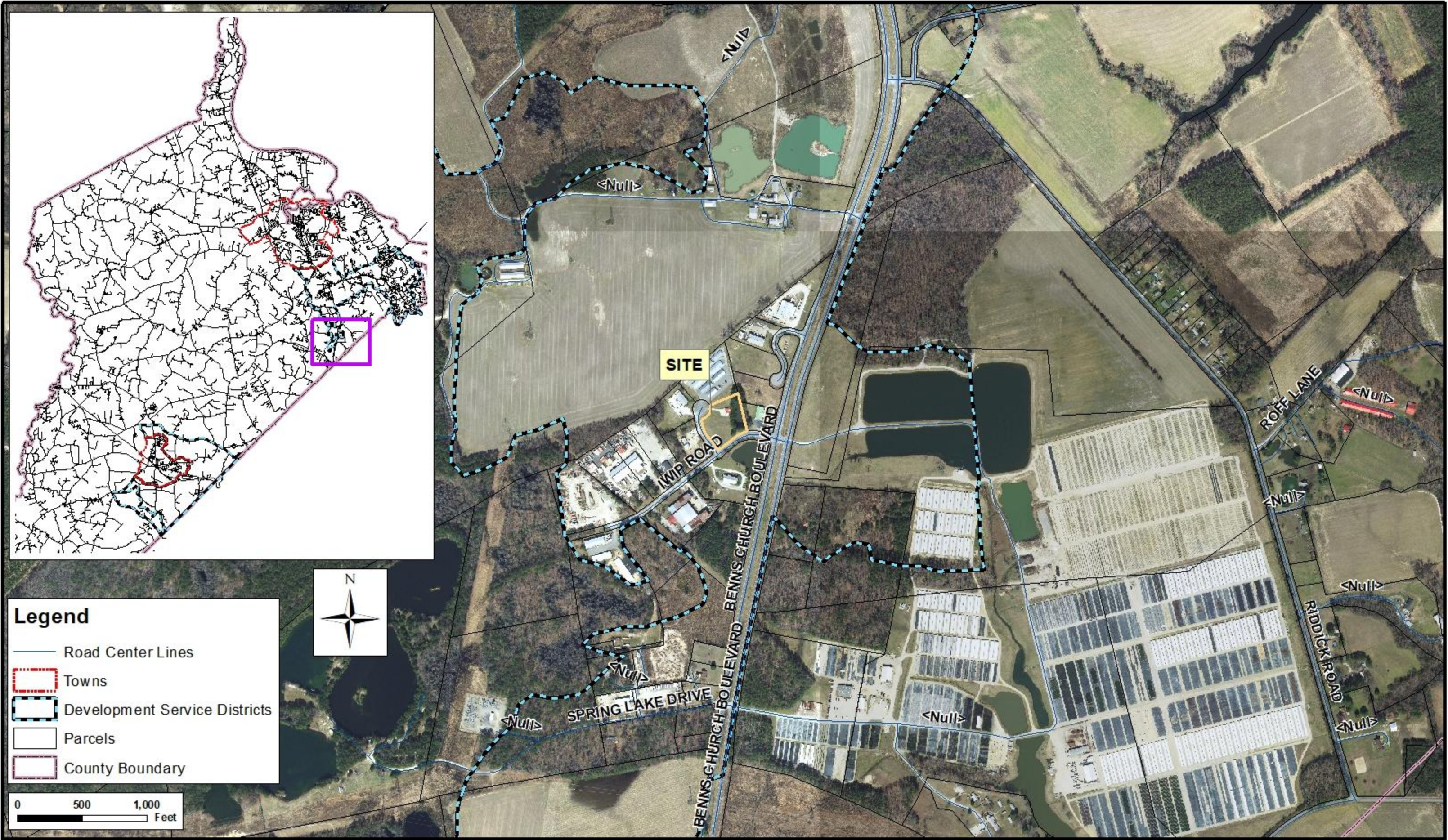
Sincerely,

W. Douglas Caskey
Assistant County Administrator/
Community Development

WDC/tbw

cc: Gerald Gwaltney

EXC-9-23 - Location Map

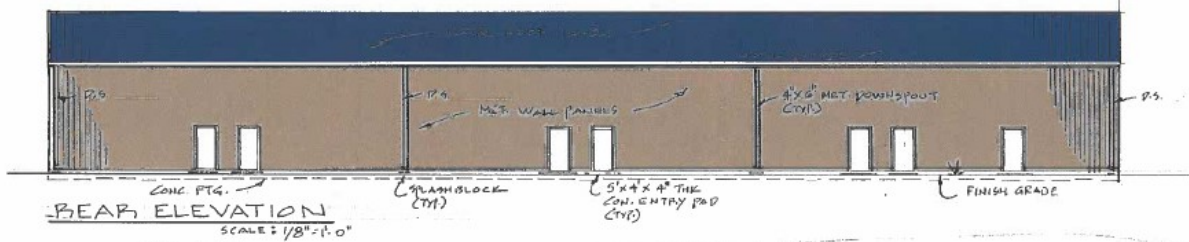
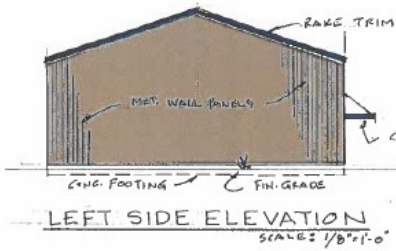




Site from IWIP RD.



Site from Commerce Lane



$$810/1920 = 42.1\%$$

PLANNING REPORT

APPLICATION:

Proposed Short-Term Rental Ordinance Discussion

ELECTION DISTRICT:

All

LOCATION:

County-wide

BACKGROUND:

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 review and discussion only at their July 25, 2023, meeting.

ATTACHMENTS:

Description	Type	Upload Date
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 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.

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 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.).