

A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
June 27, 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. May 23, 2023 Planning Commission Regular Meeting Minutes

B. June 15, 2023 Board of Supervisors Regular Meeting Action List

6. CITIZENS' COMMENTS

7. PUBLIC HEARINGS

A. ZA-4-22 Depaula Conditional Zoning Amendment

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. 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.

8. OLD BUSINESS

9. NEW BUSINESS

A. EXC-8-23 Highway Corridor Overlay District Exception for Air Station General

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

B. COUNTY ATTORNEY'S REPORT

C. PLANNING DIRECTOR'S REPORT

1. Recreational Vehicles Ordinance Discussion
Recreational Vehicle (RV) Ordinance Discussion

10. CLOSED MEETING

11. ADJOURNMENT

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
May 23, 2023 Planning Commission Regular Meeting Minutes	Minutes	6/22/2023

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-THIRD DAY OF
MAY 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 Bowser 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
George Rawls
Thomas Distefano
Rick Sienkiewicz
Raynard Gibbs
Matthew Smith

ABSENT

Jennifer Boykin

A quorum was determined.

ALSO IN ATTENDANCE

Robert W. Jones, Jr., County Attorney
Don Robertson, Assistant County Administrator
Amy Ring, Community Development Director
Jeryl Phillips, Assistant Director, Planning and Zoning
Sandy Robinson, Zoning Coordinator
Shaunee Beussink, Environmental Planner
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 Bowser made a motion to approve the agenda. Commissioner Smith seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

APPROVAL OF CONSENT AGENDA

Chairman Carroll called for a vote to approve the consent agenda. Commissioner Bowser made a motion to approve the consent agenda. Commissioner 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 first public hearing.

Application (ZA-1-23) of 3Bs LLC, property owner, and Steven J. and Kristen M. Lander, applicants, for a change in zoning classification of 1.98 acres from Rural Agricultural Conservation (RAC) to Conditional-Suburban Residential (C-SR). The purpose of the application is to create one lot for single family residential use.

Sandy Robinson, Zoning Coordinator, gave the following presentation.

**Application (ZA-1-23) of
3B's LLC and
Steven and Kristen Lander
for
Rezoning to Conditional Suburban
Residential**

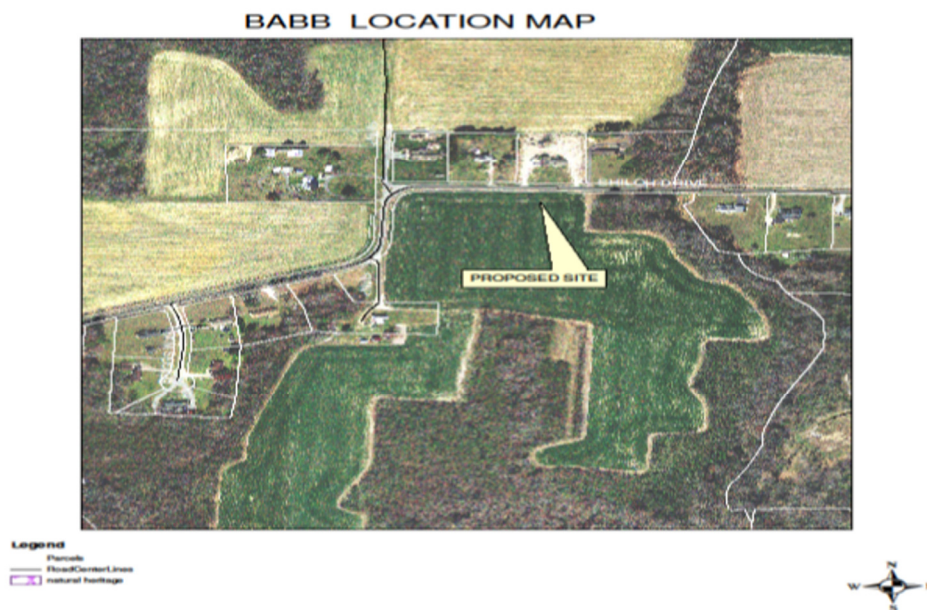
Planning Commission Regular Meeting
May 23, 2023

SITE DESCRIPTION

Tax Map ID#:	55-01-010
Location :	Shiloh Drive (Rte. 603)
Current Zoning :	Rural Agricultural Conservation (RAC)
Election District:	D4
Request:	Rezone to Conditional-Suburban Residential (C-SR), 1.98 acres of land, for one single family residential lot.

BACKGROUND

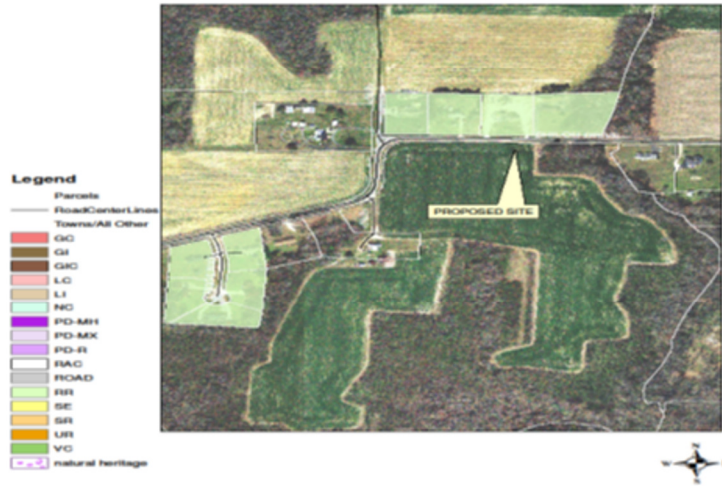
- The applicants propose to change the zoning of the lot to Conditional-Suburban Residential (C-SR) for the purpose of creating a single family residential lot. The proposed lot lies within the Windsor Development Service District (DSD) as designated by the Isle of Wight County Comprehensive Plan. The proposed zoning is consistent with the future recommended land use designation of Suburban Residential as shown on the Future Recommended Land Use Map in the Plan.
- The proposed lot will have other adjacent single family detached uses to the east and north across Shiloh Drive and agricultural land to the west and south.



BABB ENLARGED LOCATION MAP



BABB ZONING MAP



Landscape

- Forest
- Agricultural
- Urban
- Water

LAND USE

- Residential
- Commercial
- Industrial
- Public
- Open Space
- Water

ROADS

- Major
- Minor
- Local

RAIL

- Mainline
- Branch
- Spur

WATER

- River
- Lake
- Canal

PROPOSED SITE

6





PROJECT DESCRIPTION

- The subject lot proposed to be rezoned is part of a 92 acre parcel. The current land uses of that parcel are approximately 38 acres of agriculture and the remainder in forested land.
- According to the County Capital Impact Model, the creation of one single family lot will increase the population by 2.3 people. There will be seven additional vehicle trips a day and 0.4 new students in the existing public schools, in the southern end of the County. There is sufficient school capacity in that area, but only a few public Parks and Recreation facilities in that area, thereby leading to the deficit of such facilities in the model.

COMPREHENSIVE PLAN CONSISTENCY

- The property is designated Suburban Residential (SR) in the Windsor DSD in the Future Recommended Land Use Map of the Comprehensive Plan.
- The purpose of DSDs is to provide for the majority of residential development for future population growth in areas served by public utilities. The SR designation permits moderate density development in a manner that is consistent with the provision of a high-quality "suburban" character."
- Within the boundaries of the DSD, the County has installed or has plans for water and sewer infrastructure and road improvements. Because development is focused within the DSD, the majority of police and E911 response is also focused in these areas, which helps reduce costs.
- The proposed use is consistent with the future recommended land use.

ORDINANCE REVIEW

- The required lot area in the C-SR zoning district is a minimum of 30,000 square feet with private sewer and water. The minimum lot frontage is 100 feet and 125 feet of width at the front setback line. The parcel meets the minimum requirements of the C-SR zoning district.
- The property is in the Chesapeake Bay Preservation Area (CBPA) Overlay District and does contain a 100 foot Resource Protection Area (RPA) Buffer Area, which is shown on the zoning exhibit. No development will be permitted within the RPA Buffer Area. There are no wetlands on the proposed new lot.
- Minor Subdivision plat approval is required following rezoning of the land.

DEPARTMENT AND AGENCY REVIEW

- Staff distributed the application to the following agencies and departments for review and comment, and no concerns were noted:

- Emergency Services
- Environmental Planner
- Virginia Department of Transportation
- Isle of Wight County Museum (Historical Resources)
- County Attorney

STAFF ANALYSIS

- Staff considered the strengths and weakness of this application as follows:

- Strengths:

- 1.The application is consistent with the Comprehensive Plan and County ordinances.
- 2.The application is compatible with the existing land uses in the vicinity and within the guidelines of the future Recommended Land Use Plan Designation for Suburban Residential (SR).

- Weaknesses:

- 1.Staff has not identified any weaknesses at this time.

Based on the strengths of the application, staff recommends approval of this amendment to existing conditional zoning with the proffered conditions.

STAFF RECOMMENDATION

- Staff recommends approval of the conditional rezoning application for one single family residential lot.

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

Brian Babb, 13185 Shiloh Drive Windsor, asked for the Planning Commissions favor on approving the application.

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

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

The motion passed, and the item will go to the June 15, 2023, Board of Supervisors meeting.

Chairman Carroll called for the next public hearing item.

Application (CBPA-2-23) of Michael and Katherine Gayle for a Chesapeake Bay Preservation Area (CBPA) Ordinance exception for an after-the-fact approval of a platform to store small boats and equipment with a seating area in the fifty-foot seaward section of the Resource Protection Area (RPA) buffer at 1 Eagle Nest Lane on Tax Map Number 14-12-001.

Shaunee Beussink, Environmental Planner, gave the following presentation.

Gayle CBPA Exception

Planning Commission on May 23, 2023

By Shaunee Beussink

Details:

- Applicants: Michael and Katherine Gayle
- 1 Eagle Nest Way, Smithfield
- Tax map parcel 1412-001
- The house was built in 1943, before the enactment of the CBPA
- The storage boat platform and the proposed connection are in the ~~fifty~~foot seaward resource protection area (RPA)
- Seeking after-the-fact exception to CBPA Article 4, Section 4002 (b)2.
- **New impervious area:** Platform is 370SF and the proposed connection is 145 SF totaling 515 SF
- Platform is approximately 1015 ft from edge of the wetlands if the connection was constructed it would go to the edge of wetlands connection to the dock



Close-up







Planting Mitigation Plan



Planting Plan

Proposed Mitigation

1 canopy tree
3 understory trees
9 shrubs

Required Mitigation

Two Planting Units = Two Canopy Trees (to be determined)
Four Understory Trees (to be determined)
Six Small Bushes (to be determined)

This planting plan meets requirements of the *Riparian Buffers Modification and Mitigation Guidance Manual* through substitutions.

Five criteria for granting an Exception: The Planning Commission shall not recommend in favor of the applicant unless it finds:

1. *That the strict application of the ordinance would produce an undue hardship and will not confer upon the applicant any special privileges denied by this ordinance to other property owners in the CBPA areas;*

Encroachments in the fifty seaward feet of the buffer area are similarly restricted on all lots where the RPA buffer exists. A review of County permit records indicates that nearby parcels where encroachments occur received exceptions and/or were required to avoid the seaward 50 feet of the buffer. Therefore, this would not constitute a unique hardship and would grant a special privilege to the applicants

2. *The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;*

The applicant failed to contact the County prior to construction to apply for the necessary exceptions, which resulted in the construction of a platform not permitted by the ordinance. This is a self-created hardship..

3. *The exception request is the minimum necessary to afford relief;*

A cleared path and dock/pier were already established on this property and no relief is necessary to allow for buildable area on the property.

4. *The exception request will be in harmony with the purpose and intent of this ordinance, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality;*

The platform and connection do not meet the purpose or intent of the CBPA ordinance, which is to safeguard water quality through protection of existing buffers and establishment of buffers where they do not exist. The platform and connection, if completed, would be within zero feet of the wetlands behind the house, which means there is little opportunity to intercept runoff before it travels into the wetlands, which is the purpose and intent of the RPA Buffer Area. This is potentially injurious to water quality and is inconsistent with the CBPA Ordinance.

5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

If this exception were approved, staff recommends:

- a) the applicant be required to install the mitigation landscaping in the rear yard near the wetlands; and,
- b) the connection between the platform and dock not be completed. The connection would make access easier to the dock, but is not necessary for the proposed use. If the connection is eliminated, it would reduce impacts by 145 square feet.

Staff Conclusions:

Strengths:

- 1) Proposed landscaping mitigation does meet requirements of the *Riparian Buffers Guidance Manual*.

Weaknesses:

- 1. The applicants' request does not meet the five criteria that must be found in order to grant an exception.
- 2. The proposed use does not qualify as a water-dependent use and does not need to be located adjacent to the water.
- 3. The request is an after-the-fact approval for development without necessary permits. Development without prior approvals is not equitable for property owners who follow the required process for approval.

Staff Recommendation:

Based on the above findings, staff recommends denial of the exception request.

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

Katherine Gayle, 1 Eagle Nest Lane, stated the reason a permit was not obtained was because she was extending the dock and was told a permit was not needed by a surveyor who was surveying the property next to hers. Ms. Gayle stated once she found out she was in violation, she was in contact with Shaunee to rectify the issue.

Dave Bosley, Stokes Environmental, stated he was asked to look at the site to prepare a water quality impact assessment and wetland delineation. He stated that there was no change between the before and after as far as run off and sediment loads. Mr. Bosley proposed additional plantings to help mitigate any adverse effects from the platform.

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

Commissioner Taylor asked if VRMC had any comments about this application.

Shaunee Beussink stated VRMC said the platform is out of their jurisdiction, but any work done to the dock would require permits starting with a JPA.

Commissioner Sienkiewicz asked for clarity of the dock going underwater during tide events.

Dave Bosley stated there was residue on the dock indicating it went underwater during high tide.

Commissioner Gibbs stated it looked like a steep incline.

Commissioner Ford asked if there is anything different for this application as an after-the-fact request and why there wasn't an initial application.

Amy Ring stated the complaint came after work had already begun without any permits.

Commissioner Ford asked why permits were not pulled initially.

Katherine Gayle stated because she had spoken with the surveyor, who works with a marine group, who told her she could do the work, and no permits were needed.

Commissioner Rawls asked if the contractor was aware permits were needed.

Ms. Gayle stated it was just a friend doing the work.

Commissioner Smith asked if what is being built meets the current code.

Shaunee Beussink stated the once this application is approved, building plans would be required to be submitted for approval, and the structure would be required to meet code requirements through inspections.

Commissioner Taylor believes the applicant has other options that can be investigated and has failed to meet the criteria noted by staff. Commissioner Taylor made the motion to recommend denial to the Board of Supervisors. Commissioner Bowser seconded the motion, which was adopted with Commissioners Bowser, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Chairman Carroll voting in favor of the motion, and no commissioner voting against the motion (9-0).

The motion passed, and the item will go to the June 15, 2023, Board of Supervisors meeting.

Chairman Carroll called for the next public hearing item.

Application (CUP-1-23) of Hampton Roads Classical, Inc., applicant, represented by P. A. Gist, President, and Bennis Saint Luke, LLC, property owner, represented by Vincent C. Carollo, Principal, for a conditional use permit for a primary and secondary educational facility in two (2) existing buildings and a request by the property owner to extinguish active Conditional Use Permit CUP-4-21 for Kids Come First Daycare and Conditional Use Permit CUP-9-21 for Smithfield Sports Complex on the same parcel with tax map parcel number 32-01-093 located at 14353 Bennis Church Boulevard.

Jeryl Phillips, Assistant Director, Planning and Zoning, gave the following presentation.

Conditional Use Permit Request CUP-1-23 Hampton Roads Classical School and Extinguish CUP-4-21 and CUP-9-21



Planning Commission Regular Meeting
May 23, 2023

APPLICATION DESCRIPTION

Request: 1) Application of Hampton Roads Classical Inc. and JVC Holdings, Inc. for an educational facility (primary and secondary)
2) Application of JVC Holdings, LLC to extinguish CUP-4-21 (Kids Come First) and CUP-9-21 (Smithfield Sportsplex)

Tax Map ID#: 32-01-093

Location: 14353 Benns Church Blvd

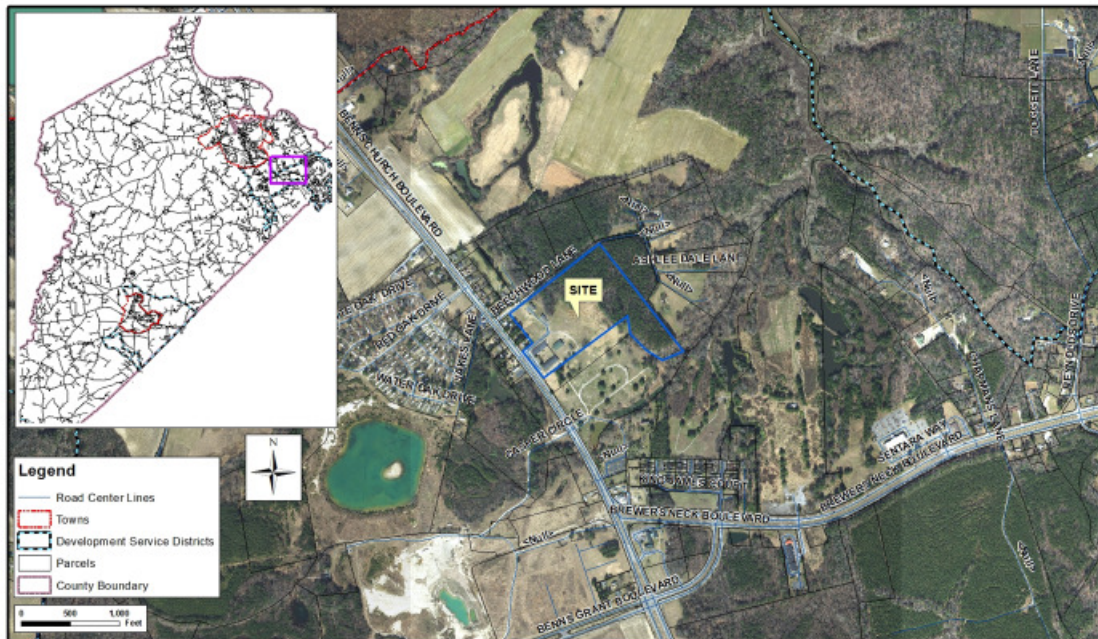
Comp Plan Land Use Designation: Mixed Use (MU) and Environmental Conservation (EC)

Zoning District: Conditional – Suburban Residential, Newport Development Service Overlay (NDSO) District, St. Luke's Church Historic Overlay District, and Chesapeake Bay Preservation Area (CPBA) Overlay District

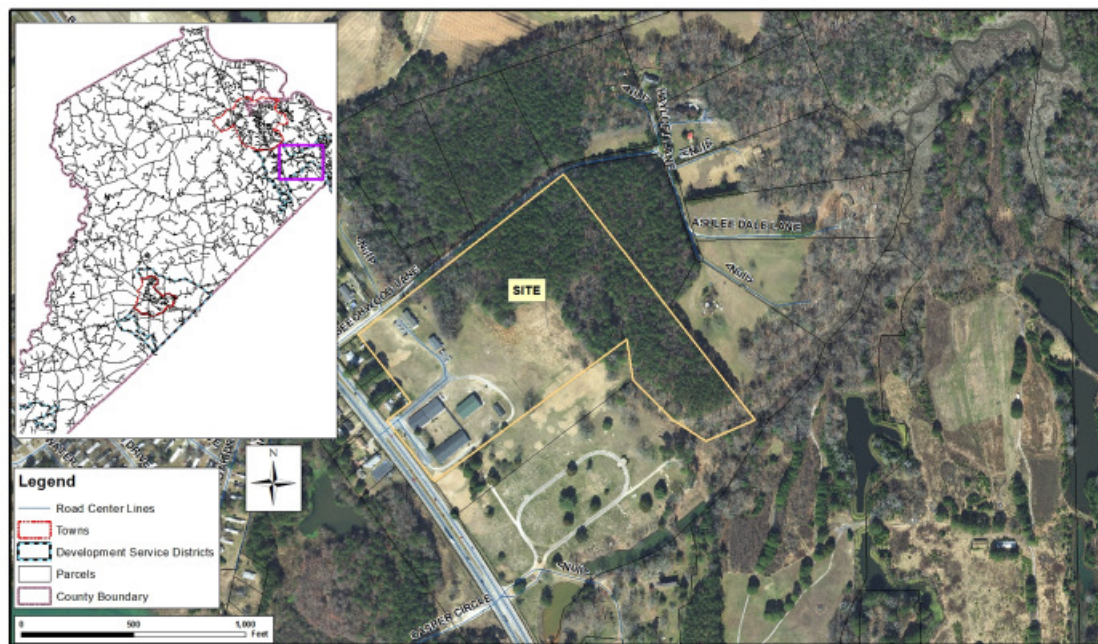
Election District: D1



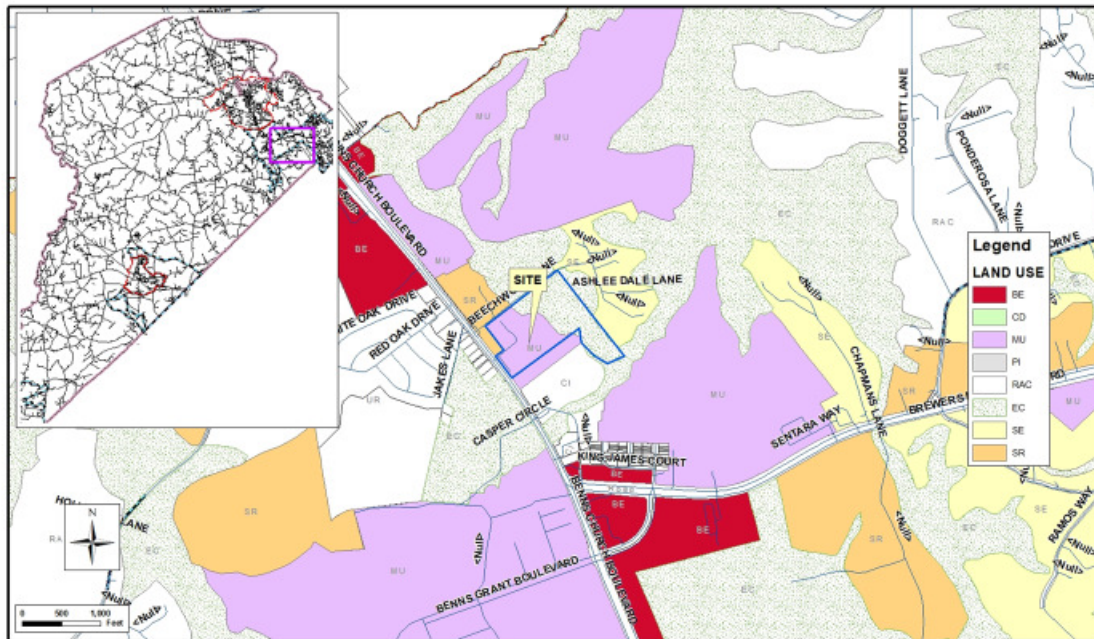
CUP-01-23 Conditional Use Permit - Location Map



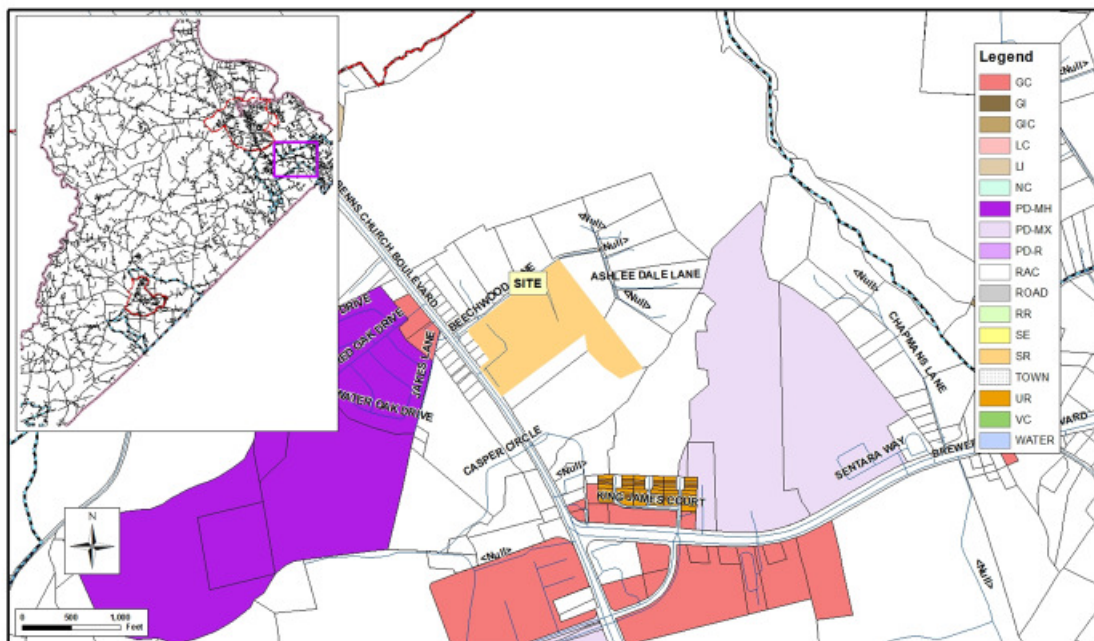
CUP-01-23 Conditional Use Permit Location Closeup Map



CUP-01-23 Conditional Use Permit Land Use Map



CUP-01-23 Conditional Use Permit - Zoning Map



BACKGROUND

- Seven (7) residential townhomes on property
- Former James River Christian School campus
- Former Southside Vineyard Community Church
- CUP-4-21 for Kids Come First daycare use approved in 2021, use never established
- CUP-9-21 for Smithfield Sportsplex private sports club use approved in 2022, use was established, lease terminated
- HARC approved exterior modifications in 2022
- Hampton Roads Classical School (K-8 private school) operating at another location
- School seeks additional capacity for current and projected growth (K-12)



PROJECT DESCRIPTION

- Hampton Roads Classical School is a private educational facility (K-12)
- Use Building #1 and Gymnasium only
- CUP request for up to 125 students and faculty/staff
- Enrollment over 125 students, faculty/staff will require CUP amendment

In addition, extinguish CUP-4-21 and CUP-9-21











CRITERIA FOR CUP CONSIDERATION (Section 1-1017)

1. Will not be detrimental to or endanger the public health, safety, and general welfare;
2. Will not be injurious to the use and enjoyment of other nearby property nor substantially impair the use of other property within the immediate proximity;
3. Adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements will be provided;
4. Adequate measures will be taken for ingress and egress/traffic control;
5. Not contrary to the goals and objectives of the Comprehensive Plan;
6. Will conform to ordinance regulations; and
7. Will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.



ADDITIONAL CONSIDERATIONS FOR BOARD

1. Number of persons working on the site & proposed hours of operation;
2. Conditions, for roads, sidewalks, parking facilities, vehicle access, and peak periods of traffic,
3. Orderly growth of the community and the fiscal impact on the County;
4. Effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise;
5. Impacts to public facilities and the ability of the County or persons to supply public services;
6. Consistency with acceptable engineering and planning practices;
7. Location of structures in the vicinity of schools, houses of worship, theaters, hospitals, and similar places of public use;
8. Consistency of the proposal with County ordinances and plans;
9. Environmental impacts and opportunities for recreation and open space; and
10. Preservation of cultural and historic resource landmarks.



COMPREHENSIVE PLAN REVIEW

- Future recommended land use designation is **MU**, Mixed Use and **EC**, Environmental Conservation
 - **MU**: Expected development includes a mix of detached and attached single-family residences, multiplexes, townhomes, and apartment style residences, community amenities, and preserved natural features. Non-residential uses may include parks and trails, community facilities such as schools, churches, and libraries, and office or commercial uses. Select light industrial uses may also be appropriate when sited corrected. Extensive master planning and Traditional Neighborhood Development (TND) principles should be used in MU design.
 - **EC**: Appropriate uses include wetlands, farms, forest uses, open space, and limited park facilities.
- Proposed use is consistent



ORDINANCE REVIEW

- Conditional - Suburban Residential District
 - Condition: Up to 7 residential townhomes
- Newport Development Service Overlay (NDSO) District
 - Existing buildings
 - Site design standards apply at site plan review
 - Signage requirements
- St. Luke's Church Historic Overlay District
 - Exterior modifications approved in 2022
 - Window and door replacement
 - Proposed brick walk replacement of concrete sidewalk and stairs administratively approved by Zoning Administrator
- Chesapeake Bay Preservation Area (CBPA) Overlay District
 - Existing buildings
 - Site design standards apply at site plan review



DEPARTMENT AND AGENCY REVIEW

Staff distributed the application to the following departments for review and comment:

- Community Development:
 - Use approved for up to 125 students, faculty/staff. If projected student enrollment and faculty/staff exceeds 125 person, a new CUP application or amended CUP application will be required.
 - An annual enrollment and faculty/staff count should be provided to the Zoning Administrator to monitor capacity.
 - Consider traffic use conflicts with existing residential townhomes onsite
- Environmental Planner: No concerns
- Economic Development: Support this request.
- Emergency Services: No concerns
- Utility Services: Existing on-site septic system, will not be required to hook up to public sanitary sewer. Existing public water service.
- Stormwater: Will be reviewed during site plan review
- Health Department: On-site septic system capacity acceptable for proposed use
- Emergency Services: No concerns
- Sheriff: Applicant may want to consider applying for posted speed zone reduction "School Zone"
- Transportation and VDOT:
 - Ingress/egress plan and internal circulation concept plan acceptable
 - Final circulation plan to be approved by Zoning Administrator during site plan review
 - A right turn lane taper improvement and left turn lane will be required to be installed when enrollment/students/faculty exceeds 125 persons
 - Student exchange point at drop off/pick up point should have an adult monitor present during those times



STAFF ANALYSIS

Strengths:

1. The proposed use is consistent with the County's adopted Comprehensive Plan, Zoning Ordinance, and Conditional Use Permit issuance criteria.
2. The proposed use returns a school use to the former school campus.
3. The applicant and the County, as well as other reviewing agencies external to the County, have proposed conditions of approval which mitigate any issues addressed in the criteria for consideration of issuance of a Conditional Use Permit.

Weaknesses:

1. Potential traffic conflicts with existing residential townhomes on site
2. Will need to install turn lane and taper improvements when enrollment/staffing levels reach 125 students



STAFF RECOMMENDATION

Approval of the CUP with the following conditions:

1. The use is approved for two buildings only (Building #1 and Gymnasium).
2. Use of additional buildings will require another CUP.
3. The use is approved for up to 125 persons (student enrollment and faculty/staff).
4. Once 125 persons is exceeded, a left turn lane and right turn lane taper improvements will be required.
5. An annual student enrollment and staffing report shall be provided to the Zoning Administrator in September.
6. The Zoning Administrator shall review and approve the ingress/egress and internal circulation plan during site plan review with concurrence from the Transportation Manager and VDOT.
7. An adult should monitor the student drop-off/pick-up periods and the student exchange point.
8. CUP-4-23 and CUP-9-21 will be extinguished.



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

Vincent Corolla, 22 Main Street Smithfield, thanked the Planning Commission for their time and stated he himself, along with Mr. Gist, are available for any questions.

Andy Gist, Headmaster for Hampton Road Classical Academy, 150 Shelter Cove Way, stated this school is an independent, non-sectarian, classical academy. Mr. Gist stated they currently enroll 41 students, kindergarten through seventh grade and is a traditional, liberal education with an emphasis on America's founding principles. Mr. Gist stated for the past three years, the school has been co-located with Hope Presbyterian Church and has outgrown the facility. Mr. Gist explained the philosophy of the school and its mission.

Gary Porter, 924 Tabb Lakes, York County, member of the Board of Hampton Roads Classical Academy, stated this type of learning was used to educate America's founders. Mr. Porter added he believes multiples classical schools are needed and asked for the Planning Commission's support on the application.

Jim Comstock, speaking on behalf on the Armstrong's, Connolly's, Griffin's, Giltner's, Guittierre's, Hackney's and Ladonal's, thanked the Planning Commission for letting their voices be heard and asked for their approval on the application. Mr. Comstock stated that this property was once a school and should be a school again. He emphasized the importance of receiving a classical education on critical thinking this school provides.

Brandon Logioco, 13281 Woodlake Drive, stated he is in support of the application. Mr. Logioco stated his son and daughter attend the school and likes the priority put into excellence of

character. Mr. Logioco's son and daughter spoke and asked for the Planning Commissions approval of this application.

Chairman Carroll closed the public hearing and called for conversation from the commissioners.

Commissioner Gibbs asked what the projected enrollment is for the next school year.

Andy Gist stated the school has been growing at a twenty percent rate and projected to have 60 students.

Commissioner Sienkiewicz asked what the student to teacher ratio is.

Andy Gist stated the ratio is twelve to one and right now there are six full time faculty.

Commissioner Bowser inquired about the sports complex lease being terminated.

Vincent Corolla confirmed the lease had been terminated, and this application included the request to extinguish the conditional use permit for the sports complex.

Chairman Carroll asked if there are any plans for the unused building.

Vincent Corolla stated it is currently being renovated, and there are no plans right now to occupy it. Mr. Corolla added if Hampton Roads Classical School continues to grow, he will give them the first right.

Commissioner Distefano asked for clarity on the external traffic flow.

Ms. Phillips stated there are not dedicated turn lanes required under the current capacity. Once the occupancy reaches more than 125, a left turn lane and right turn lane taper improvements will be required.

Commissioner Bowser asked if any feedback was received.

Ms. Phillips confirmed no correspondence was received in regard to this application.

Commissioner Taylor asked about the speed zone sign recommended by the sheriff's office.

Ms. Phillips stated it is an application process through VDOT.

Commissioner Ford asked about short-, mid- and long-term plans.

Mr. Gist stated that his long-term plan is a smaller school than what you would typically see from other private schools in the area and has a goal of 250 to 300 students. He added he wants a tight-knit culture, and if had the opportunity, both buildings would fulfill that goal.

Commissioner Ford suggested that he start planning long term goals with the upcoming development in that area regarding the transportation plan specifically.

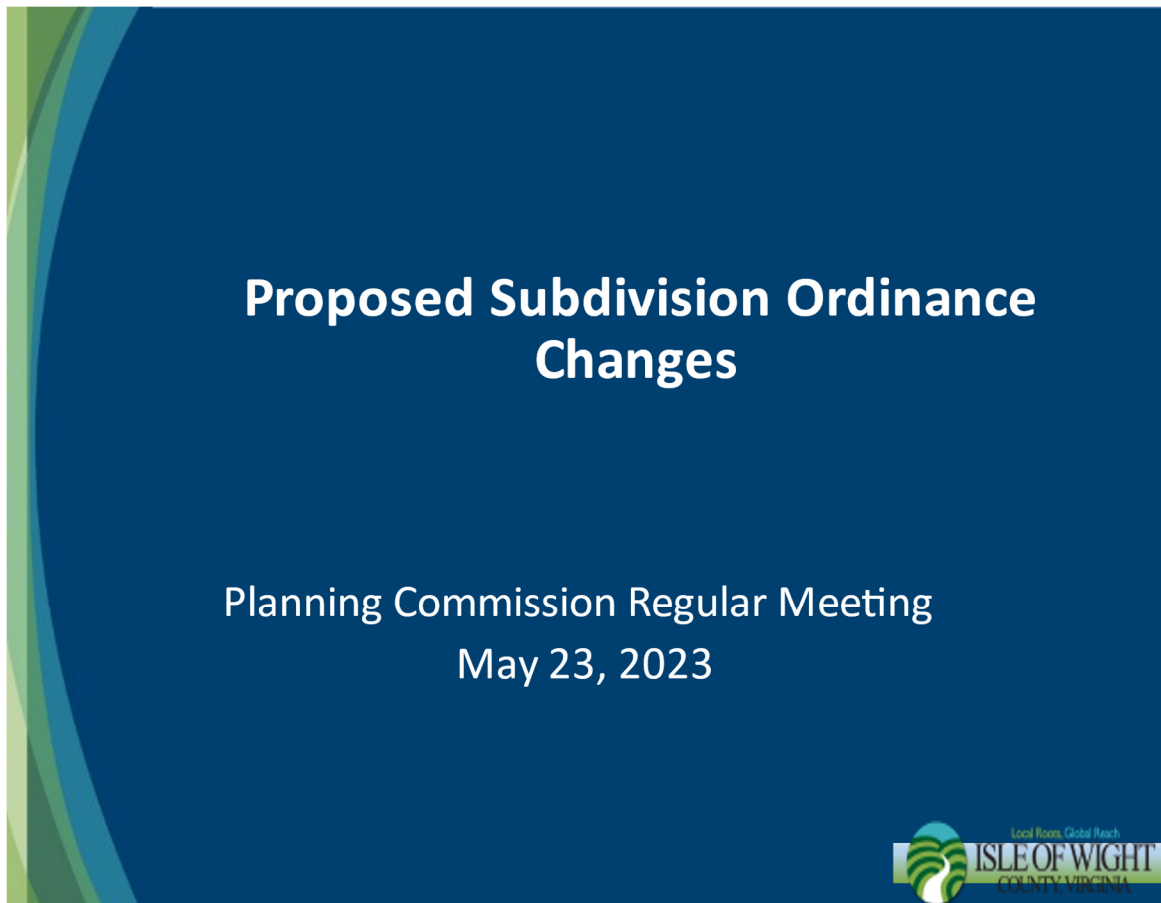
Commissioner Bowser made the motion to recommend approval to the Board of Supervisors with the conditions recommended by staff. Commissioner Gibbs seconded the motion, which was adopted with Commissioners Bowser, Distefano, Rawls, Taylor, Sienkiewicz, Gibbs, Smith, and Chairman Carroll voting in favor of the motion, and Commissioner Ford voting against the motion (8-1).

The motion passed, and the item will go to the June 15, 2023, Board of Supervisors meeting.

Chairman Carroll called for the next public hearing item.

Proposed Revisions to Article 5, "Development Standards," of the Isle of Wight County Subdivision Ordinance

Amy Ring, Community Development Director, gave the following presentation.



Background

- Planning Commission & Board of Supervisors previously expressed their desire to provide more flexibility for subdividing land outside of DSDs to preserve agricultural & silvicultural uses while providing for more regular development patterns within the DSDs.
- Inconsistency with verge requirements between the Subdivision Ordinance & VDOT's Subdivision guidelines which causes confusion among applicants.



Summary of Changes– Verge Conflict

5.9. Streets.

- 5.9.13. Planting strips. When required, planting strips ~~a minimum of six (6) feet in width and~~ shall be installed in accordance with the current VDOT Subdivision Street Guide ~~must be located between the roadway and the sidewalk.~~ Additional planting strip width may be required to avoid conflict with required utility easements.

5.12. Sidewalks and paths (pedestrian and bicycle facilities).

5.12.2. Sidewalks.

- C. On roads with curb and gutter, sidewalks must be separated from the back of curb by a planting strip in compliance with the VDOT Subdivision Street Design Guide, dependent upon the presence of landscaping. ~~that is at least six (6) feet in width~~ Trees are to be located between the sidewalk and the curb. ~~Wider planting strip(s) may be required by the zoning ordinance, depending on any inclusion of on-street parking or other layout particularities.~~



Summary of Changes – Verge Conflict

5.16. Traditional neighborhood design (TND).

8. Landscaping and screening standards.

a. Street trees. A minimum of one (1) deciduous canopy tree per forty (40) feet of street frontage per street side shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should be located between the sidewalk and the curb, within the landscaped area of a boulevard, ~~or~~ in tree wells installed in pavement or concrete or within a landscape easement adjacent to the right-of-way with the maintenance responsibility assigned to a property owner's association. Species of street trees should be consistent with the recommendations found in the VDOT Subdivision Street Design Guide which will not interfere with nearby utilities or other public improvements.

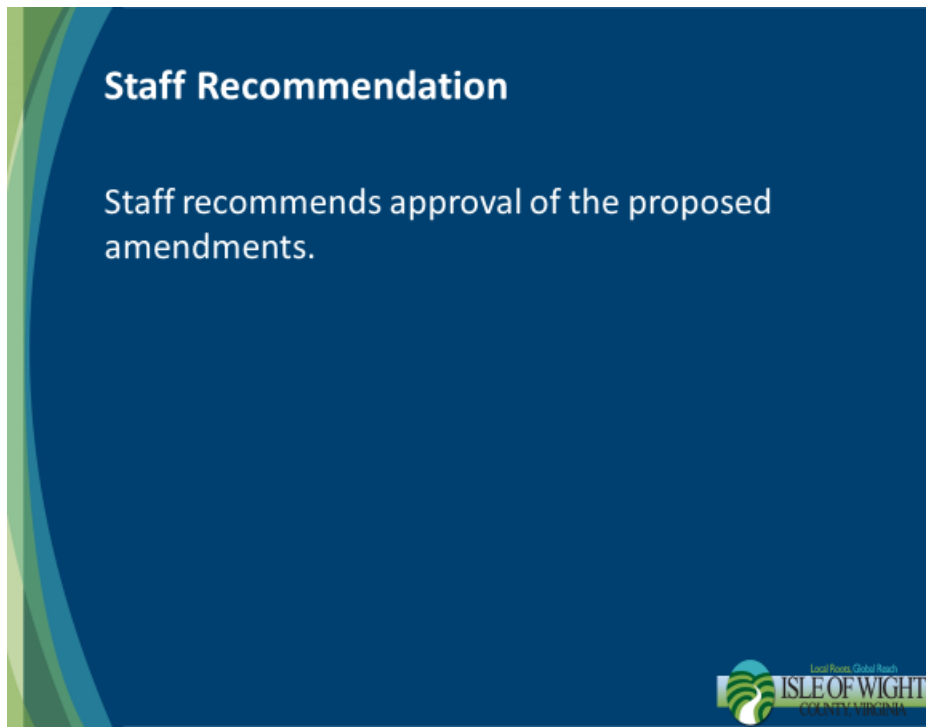


Summary of Changes – Natural Lot Lines

Section 5.11 – Lots.

5.11.1. Shape. Lots should be designed, arranged, and shaped so that they provide satisfactory and desirable sites for buildings, be properly related to natural topography, and conform to requirements of this ordinance and the zoning ordinance. Lots within the DSDs shall be generally regular in shape and may not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes, the only exception to this rule being elongations for use as to provide access to a public street within a flag lot. Lots outside of the DSDs should be designed to follow natural features whenever possible and such lots should seek to provide for an agricultural, forestal, or open space use of the land. For lots with a width of sixty (60) feet or greater, lot proportions should provide approximately two and one-half (2.5) feet of lot depth for every one (1) foot of lot width.





Chairman Carroll opened the public hearing.

William Riddick, attorney in Smithfield, stated he supports this application and asked the Planning Commission to recommend approval to the Board of Supervisors.

Chairman Carroll closed the public hearing and called for conversation from the commissioners.

Commissioner Distefano asked how many applications the Planning Commission has heard regarding exceptions from the subdivision lot shape requirement would these changes have addressed.

Ms. Ring stated the most recent one they heard would have been able to be accommodated with these changes.

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

The motion passed, and the item will go to the June 15, 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 new business items.

Application (EXC-6-23) of Sandra and Douglas Vance, owners, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to allow a family member subdivision from tax map parcel 33-03-005 on a private twenty-foot ingress/egress easement not built to public standards, which serves more than two lots

Sandy Robinson gave the following presentation.



APPLICATION EXC-23 OF SANDRA AND DOUGLAS VANCE FOR A WAIVER TO SECTION 3.2.4.A.4 AND SECTION 5.9.1.C OF THE SUBDIVISION ORDINANCE

Planning Commission Meeting
May 23, 2023



Details

- Tax Map ID#: 33-003-005
- Location: Chapmans Lane
- Current Zoning: RAC
- Election District: D2
- Purpose: To create a family member subdivision lot on a private easement that serves more than two existing lots.



Background

- The parcel is located at 14161 Chapmans Lane, Carrollton, and is zoned Rural Agriculture Conservation (RAC). The surrounding land uses are single family residential, mixed use, wetlands and wooded land.
- The parent parcel was established prior to the adoption of the Zoning and Subdivision Ordinances (1950's) and currently contains 8.5 acres. It is accessed by a private ingress/egress easement (Chapmans Lane), which provides access to Brewers Neck Blvd. (Rte. 32/258).
- When the property owners met with the Planning and Zoning staff, they were advised that their proposal does not meet the Subdivision Ordinance standards.



Background

- In November 2021, the Subdivision Ordinance family member standard was amended to allow no more than one (1) lot resulting from a single tract be accessed from a single ingress/egress easement unless approved by the Board of Supervisors upon recommendation from the Planning Commission. The Subdivision Ordinance also stipulates that all roads, which provide access to three or more lots, must be public roads which meet VDOT construction standards. Chapmans Lane is not built to VDOT standards.
- The lot is approximately 2000 feet down Chapmans Lane, which serves access to fourteen existing lots. There is a recorded road maintenance agreement, and the new proposed lot will also be subject to that agreement.



Comprehensive Land Use Plan Review

- The property is designated Suburban Estate (SE) on the Future Recommended Land Use Map in the Comprehensive Plan. This designation is intended to consist of larger lot sizes with single family homes, some preservation of environmental features, and limited community amenities
-



Ordinance Review

- Section 3.2.A.4 states no more than one lot may be created from a single tract of land which is accessed from a single easement of right-of-way unless approved by the Board of Supervisors upon recommendation from the Planning Commission.
 - Section 5.9.1.C states unless specifically modified in this ordinance, all new streets must be public and comply with VDOT road standards.
 - Owner has had the proposed lot delineated and confirmed by the ACOE for wetlands as required for subdivision approval.
 - Section 3.2.10.E of the Ordinance lists criteria for a waiver from the Subdivision Ordinance requirements. In order to approve a request for a waiver, the Board of Supervisors shall make an affirmative finding that all of the following criteria are met:
-



Ordinance Review

- 1. That granting the waiver will not have an adverse impact on land use compatibility.
 - Finding: Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.
 - 2. That strict adherence to the general regulations would result in substantial injustice or hardship.
 - Finding: Staff finds no hardship, because the lot is currently being used for its intended single family residential use.
 - 3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official.
 - Finding: VDOT does not oppose the application. The Health Department will require a permit for the installation of a well land septic system.
 - 4. That granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.
 - Finding: Staff finds that the purpose and intent of the Ordinance is to promote the orderly development of the County and to protect the public health, safety and welfare by ensuring access by emergency service vehicles.
-



Agency Review

- VDOT has reviewed the request and states that there are no impacts to the state-maintained right-of-way with the proposal. No concerns have been identified by County Departments.
- The owner has had the proposed parcel evaluated by an Onsite Soil Evaluator (OSE) for installation of a septic system which includes a primary and reserve drainfield, as required for subdivision approval.

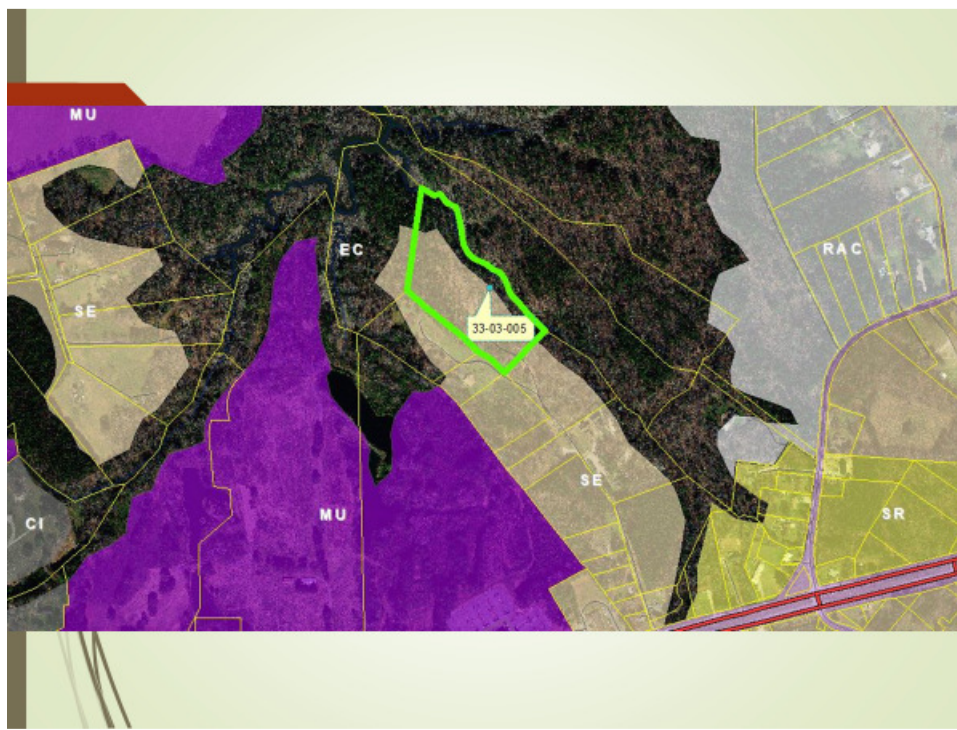
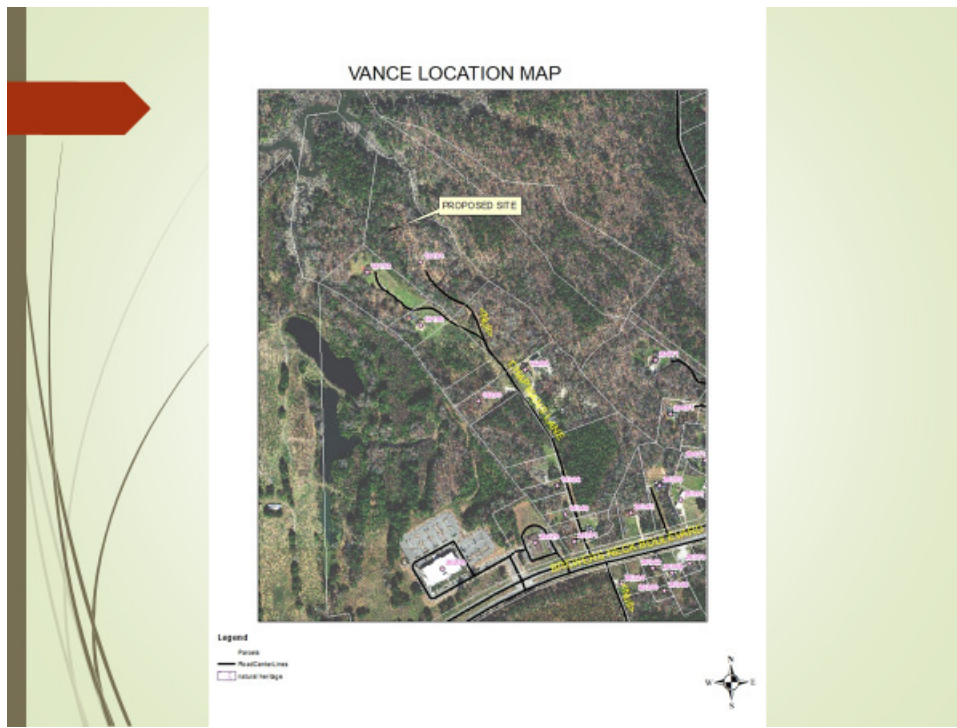


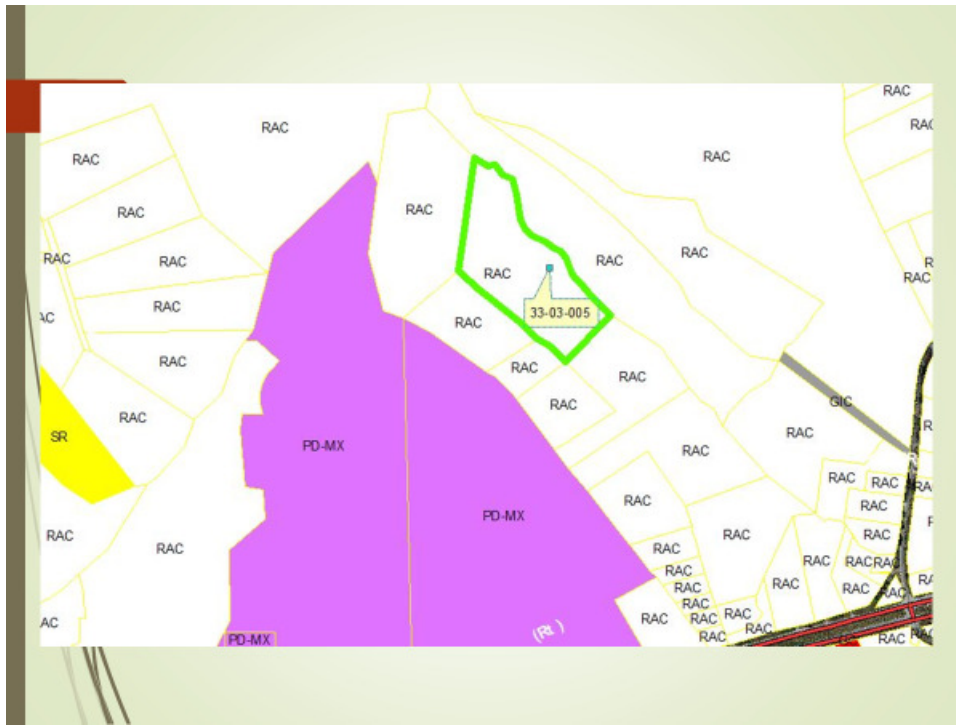
Staff Analysis

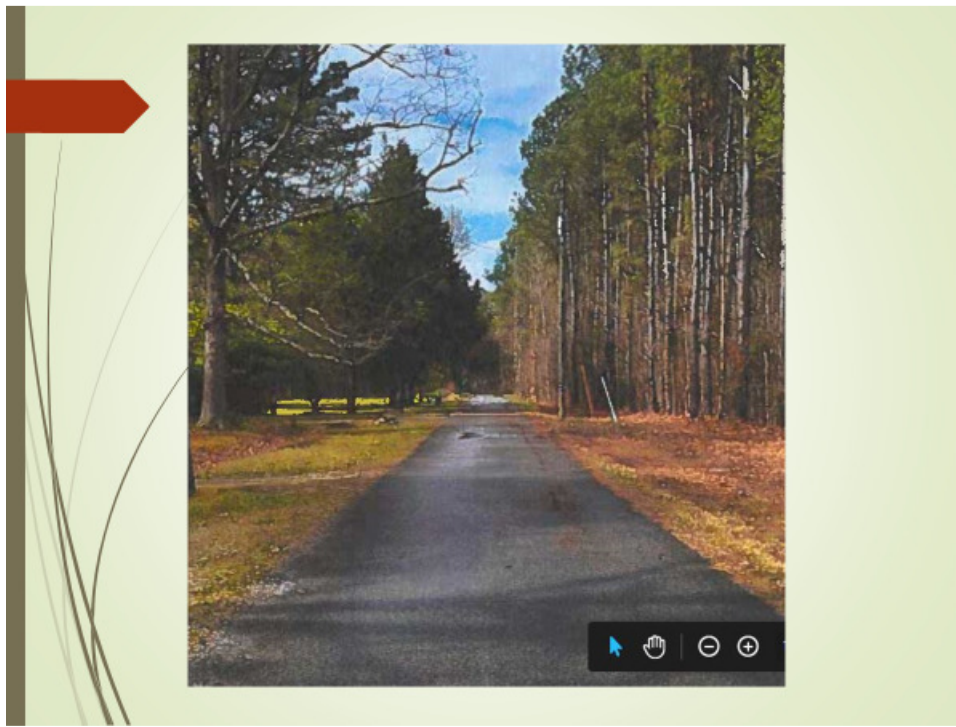
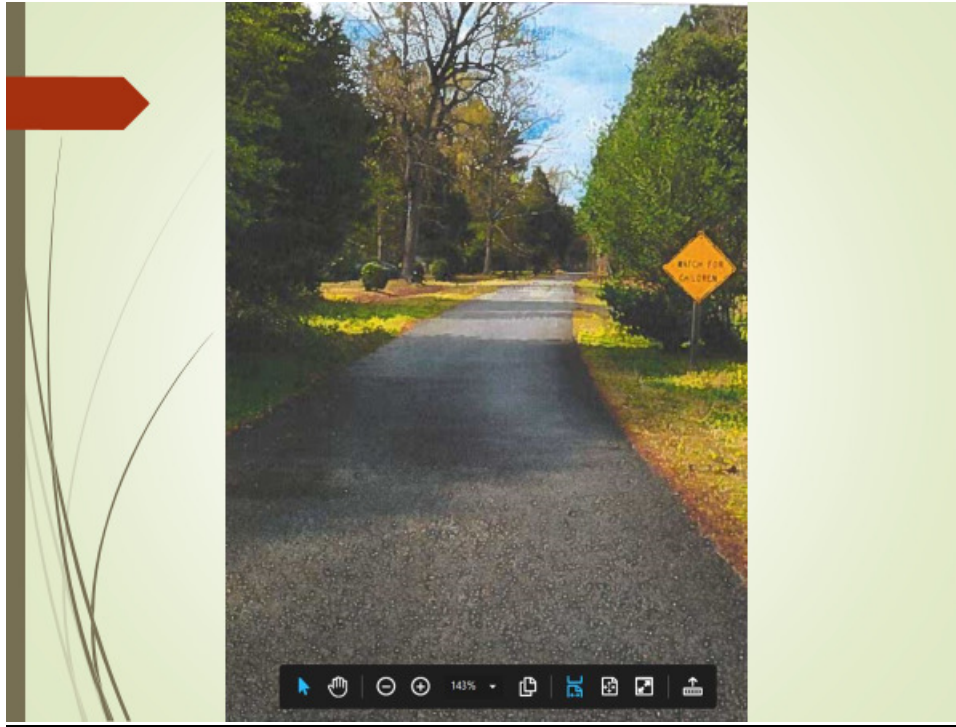
Section 3.2.10.E of the Subdivision Ordinance lists criteria for a waiver to be considered by the Board of Supervisors with a recommendation by Planning Commission:

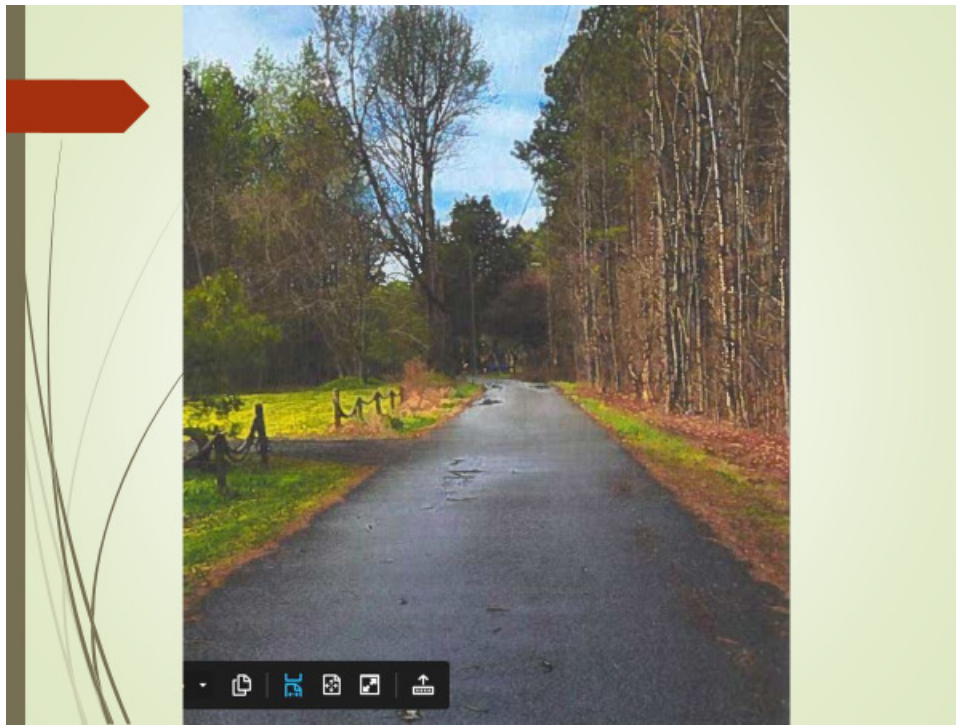
1. Granting the waiver will not have an adverse impact on land use compatibility.
 - Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.
 2. Strict adherence to the general regulations would result in substantial injustice or hardship.
 - Staff finds no hardship, because the property is currently being used for its intended single family residential use.
 3. Waiver has not been opposed in writing by the county, VDOT engineer, or health official.
 - Neither VDOT nor the Health Department oppose the application.
 4. Granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.
 - Staff finds that the purpose and intent of the Ordinance is to promote the orderly development of the County and to protect the public health, safety and welfare, by ensuring safe access by all emergency service vehicles, therefore staff can not support a waiver from the Ordinance
-

[illegible]











Commissioner Sienkiewicz stated there were six names of the road maintenance agreement and twelve properties.

Ms. Robinson stated she believed there were fourteen properties.

Commissioner Sienkiewicz asked how many houses are on those lots.

Ms. Robinson responded eight houses.

Sandra Vance, applicant, stated the Buddhist temple paves the road and is consistent with road maintenance.

Commissioner Taylor asked when lots are created in a development service district, are they required to be on a public street and have public water and sewer.

Ms. Robinson stated that this is an existing subdivision lot, so utilities will not require them to connect to public utilities if they are not available.

Amy Ring confirmed that because this is an old existing lot, not on a public street, it would not be required to meet those requirements.

Commissioner Bowser made the motion to recommend approval to the Board of Supervisors as proposed by staff. Commissioner Smith seconded the motion, which was adopted with Commissioners Bowser, Distefano, Ford, Rawls, Gibbs, Smith and Chairman Carroll voting in favor of the motion, and Commissioners Taylor and Sienkiewicz voting against the motion (7-2).

The motion passed, and the item will go to the June 15, 2023, Board of Supervisors meeting.

Chairman Carroll called for the next new business item.

Application (EXC-7-23) of Philip H. Gibson, Jr., property owner, for a height exception to Section 5-2000.D.2. of the Zoning Ordinance for a proposed accessory structure (two-story garage), to be located at 16055 Mill Swamp Road on property with tax map number 21-01-003 which will exceed the maximum height permitted of 125% of the single-story principal structure by three (3) feet

Sandy Robinson gave the following presentation.



**APPLICATION EXC-7-23 OF
PHILIP H. GIBSON, JR.
FOR A WAIVER TO SECTION 5-
2000.D.2.OF THE
ZONING ORDINANCE**

Planning Commission Regular Meeting
May 23, 2023



Details

- Tax Map ID#: 21-01-003
- Location: Mill Swamp Road
- Current Zoning: RAC
- Election District: D5
- Purpose: Accessory structure more than 125% of the principal structure height



Background

- Owner previously spoke to staff about the proposed garage in relation to the Chesapeake Bay Preservation Area (CBPA) District Ordinance Resources Protection Area (RPA).
- Owner hired Bay Environmental to delineate wetlands, RPA, and RPA Buffer Area. At that point, owner realized that his original proposal would impact the RPA Buffer Area and hired an engineering firm to design a smaller garage which would meet the environmental constraints.
- Owner later found that the height of the proposed structure exceeded the accessory structure height regulations.
- Owner is requesting a building height exception in accordance with Section 5-2000.D.2. for an accessory structure, specifically a two-story detached garage, to exceed the maximum building height of 125% of the height of the single story, single family residence on the parcel.



Comprehensive Land Use Plan Review

- The future recommended land use for the subject property is Environmental Conservation (EC), which encompasses familiar wetland types such as marshes, rivers, streams, resource protection areas, and a protective buffer around those features. It also includes large areas of forested wetlands which often are not as discernable as wetlands. Due to their important environmental role and unsuitability for development, floodplains and steep slopes are also included. Preserving the environment including protecting wetlands, wildlife, and tree preservation are extremely important.
 - The property has an existing single family detached residence, and the owner has performed a site-specific delineation to identify the limits of wetlands and the RPA buffer area.
-



Ordinance Review

- The property is zoned RAC, and Section 5-2000.D.2. of the Zoning Ordinance limits building height for accessory structures to 125% of the single-story primary residence. The property is also in the CBPA Overlay District, which also contains a RPA and RPA Buffer Area. The owner is not proposing any impacts to the RPA buffer area.
 - An exception to the height limitation under Section 5-2000.D.5. can be granted by the Board of Supervisors with a recommendation by the Planning Commission with or without reasonable conditions.
-



Agency Review

- The application did not require outside agency or department review.



Staff Analysis

Based on an analysis of this application, staff finds the following strengths and weaknesses:

Strengths:

The proposed structure is only visible from the north side of the property. The adjoining property owner does not oppose the request.

Weaknesses:

The proposed building height exceeds the maximum height permitted in Section 5-2000.D.2 of the Zoning Ordinance.

The property owner has the ability to meet the Zoning Ordinance requirement and granting approval would grant him a special privilege not otherwise enjoyed by other property owners.

Staff Recommendation

Staff recommends denial of the request due to the ability of the property owner to meet the Zoning Ordinance requirements without an exception.

Location Map

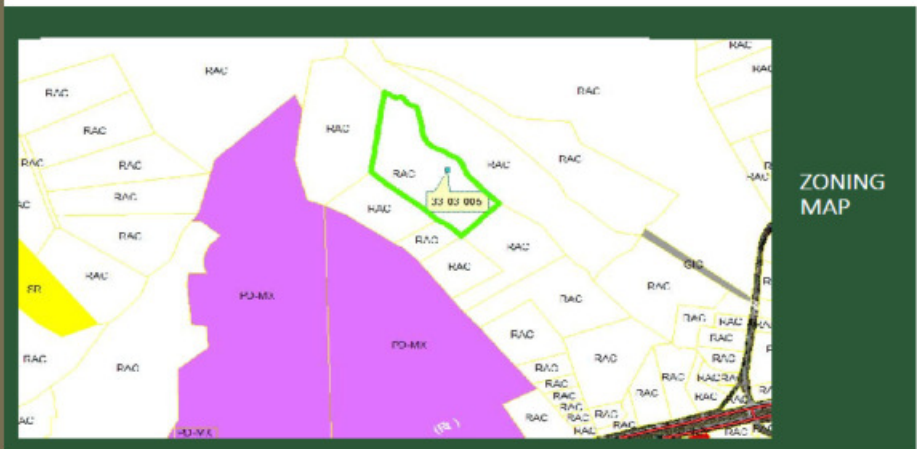


Legend

Future Recommended Land Use Map

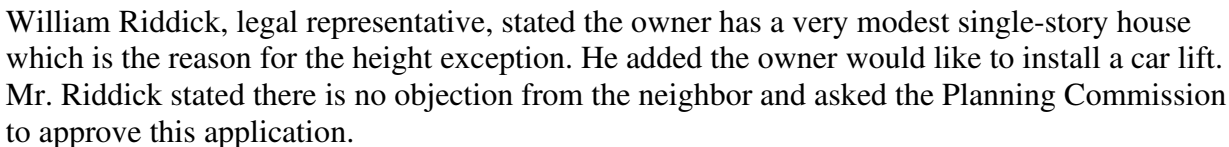


Zoning Map









The motion passed, and the item will go to the June 15, 2023, Board of Supervisors meeting.

Bobby Jones, County Attorney, presented the following proposed changes to the Planning Commission bylaws:

Section VI-3. Citizen Comments Time Limit: Restrictions.

The time limit for Citizen Comments is limited to five (5) minutes per person. The Chairman may, in his discretion, waive or adjust this time limitation, if the circumstances necessitate same due to the complexity of the issues. ~~Members of the public may not use the Citizen Comments portion of the agenda to speak on a matter scheduled for Public Hearing at that Commission meeting.~~ There shall be no comment during Citizens' Comments on a matter for which a public hearing is scheduled during the same meeting nor on a matter which has already been the subject of a previous public hearing where no final vote has been taken by the Commission.

Commissioner Taylor made a motion to approve the bylaw amendments. Commissioner Bowser seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

PLANNING DIRECTORS REPORT

Amy Ring asked to move the recreational vehicles ordinance discussion to the next regular meeting.

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 8:09 PM.

Adopted this _____ day of _____, 2023.

Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: _____
Amanda Landrus, Secretary

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
June 15, 2023 Board of Supervisors Regular Meeting Action List	Cover Memo	6/22/2023

*ACTION LIST
BOARD OF SUPERVISORS
JUNE 15, 2023*

1. *Approval of Agenda*

Chairman McCarty moved that the agenda be adopted as amended to include under Old Business a discussion of the Board regarding a letter received from Camp Community College in response to the Board's letter and a discussion under New Business concerning a joint session with the School Board regarding matters that have come to the Board's attention. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

2. *Citizens' Comments*

Herb DeGroft of Mill Swamp Road (District 5) addressed the Board regarding cost control management within the School Division. He suggested that the Board exercise that category for approval by reducing the school's budget by a couple hundred thousand dollars under personnel.

3. *Consent Agenda*

Supervisor Jefferson moved that the following Consent Agenda be adopted:

- A. Resolution to Amend the Grant Fund Budget and Appropriate Funding for the Sheriff's Federal Asset Forfeiture (\$19,023)
- B. Resolution to Amend the Budget and Appropriate the Lawnes Point on the James subdivision settlement (\$781,259)
- C. Resolution to Amend and Realign the FY2022-23 Schools Categorical Budget
- D. Resolution to Amend the Budget and Appropriate Bayer Fund Donation to the County Schools' Instructional Category for FY2022-23 (\$5,000)
- E. Resolution to Amend the Budget and Appropriate Grant Funds to the County Schools Instructional Budget Category for FY2022-23 (\$186,912)

- F. Request for the Virginia Department of Transportation to Accept Certain Streets of the Benn's Grant Subdivision into the Secondary System of State Highways
- G. Minutes
 - April 6, 2023 Work Session Minutes
 - April 13, 2023 Work Session Minutes
 - April 27, 2023 Budget Work Session Minutes

The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

4. Regional and Inter-Governmental Reports

None were offered.

5. Appointments

Board of Building Appeals: Chairman McCarty motioned that Joshua Martin Goodin be reappointed to serve on the *Board of Building Appeals* representing District 2. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

6. Special Presentations / Appearances

An overview of the DEV Smart Meter/AMI program was provided by a representative of Dominion Energy.

7. County Attorney's Report

- A. Planning Commission Bylaws: Supervisor Grice moved that the proposed amendment to the Planning Commission's by-laws be adopted related to once a public hearing is closed, but has not been acted upon, that there will be no citizens comments. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Jones

- B. Resolution to Petition the Isle of Wight Circuit Court for an Order that No Special to Fill An Upcoming Constitutional Office Vacancy is Needed: Supervisor Jefferson moved that the Resolution be adopted. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Jones

- C. Supervisor Grice moved that the Prairie Solar, LLC Siting Agreement be moved for consideration by the Board at its December 14, 2023 meeting. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Jones

8. Public Hearings

- A. Resolution to Approve the VDOT FY2024-2029 Secondary Six Year Improvement Plan: Supervisor Jefferson moved that the Resolution be adopted. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Oliver

- B. ZA-1-23 3Bs Land LLC Rezoning Request: Supervisor Acree moved that the request be approved. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- C. CBPA-2-23 Chesapeake Bay Preservation Area Exception for Gayle: Supervisor Grice moved to table to the Board's August 17, 2023 meeting. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- D. SUB-29-23 Butler's Point Section Two - Recreation Lot Vacation: Supervisor Jefferson moved that the dedicated recreational area be vacated. The motion was

unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- E. CUP-1-23 Hampton Roads Classical, Inc. Conditional Use Permit Application and Extinguish CUP-4-21 and CUP-9-21: Chairman McCarty moved to approve with all the components. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- F. Proposed Revisions to Article 5, "Development Standards," of the Isle of Wight County Subdivision Ordinance: Supervisor Rosie moved to approve. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- G. Prairie Solar, LLC Siting Agreement: Supervisor Acree moved to table the item until Old Business, (C) 1. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Jones

9. County Administrator's Report

- A. Updates on Bradby Park and Tyler's Beach were provided by Michael Frickanisce, Director of Parks and Recreation.
- B. Updates on the Carrollton and Rushmere volunteer fire departments were provided by Tony Wilson, Public Works Administrator.
- C. Board of Supervisors' Retreat: The Board was requested to respond back with available dates.

10. Unfinished / Old Business

- A. True Blue Solutions: Following a presentation by Mr. Campbell with Blue Lines Solutions, Chairman McCarty requested County Administrator Keaton to contact VDOT and request that a school zone sign be installed on New Town Haven Road.

Assignment: Keaton

- B. Smithfield Water Agreement: The consensus of the Board was for staff to continue moving forward.
- C. CUP-7-22 Prairie Solar, LLC Conditional Use Permit Application and Agricultural & Forestal District Withdrawal Request (Longview A/F District): Supervisor Grice moved to approve. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- D. Prairie Solar, LLC Siting Agreement: Supervisor Grice moved to approve. The motion was unanimously (5-0) adopted with Supervisors Rosie, Jefferson, McCarty, Grice and Acree voting in favor of the motion.

Assignment: Ring

- E. Letter received from Camp Community College in response to the Board's letter: Chairman McCarty requested County Administrator Keaton to set up a meeting consisting of himself, Supervisor Grice and County Administrator Keaton with Camp College representatives.

Assignment: Keaton

11. New Business

- A. EXC-6-23 Vance Subdivision Ordinance Waiver Request: Chairman McCarty moved to approve. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- B. EXC-7-23 Gibson Accessory Structure Height Exception: Supervisor Jefferson moved to approve. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- C. ZA-3-23 Riverside Hospital Conditional Zoning Amendment Request: Supervisor Acree moved that the conditional zoning amendment be approved. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

Supervisor Jefferson moved that the public hearing be waived. The motion was unanimously adopted with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisors voting against the motion.

Assignment: Ring

- D. Request for a joint meeting with the School Board regarding matters that have come to the Board's attention: The consensus was to conduct a joint meeting with the School Board and receive an update on Hardy Elementary School.

Assignment: Keaton

PLANNING REPORT

APPLICATION:

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. 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.

ELECTION DISTRICT:

District 5

LOCATION:

The subject property is located on Green Oaks Lane which is a private paved road. The entire parcel consists of approximately .73 acres. The parcel is zoned Conditional General Commercial (C-GC) and is a vacant open field. The property is located in the Highway Corridor Overlay (HCO) District and is surrounded by largely residential uses. To the north is a railway owned by CSX Transportation and several other properties zoned Rural Agricultural Conservation (RAC). To the south are four residential properties zoned RAC along Green Oaks Lane. To the west of the site are agricultural parcels zoned RAC which are also owned by the applicant. To the east is a property zoned Conditional-Limited Commercial (C-LC) and improved with a commercial building.

BACKGROUND:

The subject property was conditionally rezoned for commercial use in April 1999. As a part of the 1999 rezoning, the conditions specifically allow for commercial sales and rental of automobile parts, supplies, tire shops, drug stores, food and beverage stores, retail sales, antique shops, etc. A detailed list of all uses approved with the original rezoning is attached to this report.

In November 2022, the applicant applied to remove the prior approved use conditions and proposed that the construction yard use be the only use permitted on site, which requires the applicant to amend the conditional zoning.

DESCRIPTION:

The applicant requests to amend the current C-GC zoning district list of permitted uses to allow only a construction yard. Construction yard is defined as establishments housing facilities of businesses primarily engaged in construction activities, including the outside storage of materials and equipment used for the business operations. Typical uses may include site work companies to include excavating and grading activities, roadway construction and utility infrastructure companies, and other heavy construction companies. No additional uses have been proposed with this amendment.

The proposed use leases modular barges for exterior ship repair and upkeep. The applicant will be the owner and operator of the business. The owner will transport modular barges via flatbed trucks to off-site locations (shore-based); therefore, there will be no customer traffic to the site. The only activity proposed for the site is the storage of equipment related to the business operation. The proposed use will be located partially in a proposed equipment storage building structure with an outdoor storage yard. There will be one employee which will be the owner/operator.

The concept plan shows a proposed building of 36 feet by 48 feet with a steel frame and plywood exterior. A wood fence is proposed along the property line to help shield the business operation from view. Six parking spaces are required for the use and have been proposed within the side yard.

The property is not currently serviced by a well and septic system. Should there ever be a need for a well and septic system for business operations, Health Department approval will be required.

The property is served by Green Oaks Lane, a private road which does not have a road maintenance agreement in place. The owner proffers to maintain the section of road which fronts his property. Green Oaks Lane also crosses CSX right-of-way, which cannot be maintained by the property owner, prior to its intersection with Carrsville Highway (Rte. 58).

COMPREHENSIVE LAND USE PLAN:

The parcel is designated as Suburban Residential (SR) on the future recommended land use map in the Comprehensive Plan. The SR land use consists of single-family homes, preservation of environmental features, and community amenities.

Non-residential uses appropriate for the SR land use may include parks, trails, schools, churches, and libraries. Any non-residential use should be supportive of the residential use and enhance development when in proximity.

While the C-GC zoning of the property is not generally consistent with the SR future land use designation of the parcel area and surrounding area, the proposed use is consistent with the existing GC zoning district, save for the existing conditions of use that were approved that must be amended to allow this specific use.

ORDINANCE REVIEW:

The applicant has conditioned in their proffer statement that the only additional use to be added is construction yard and all other prior conditioned uses are to be removed. The Zoning Ordinance includes the construction yard use as an industrial use type. The use was not included in the 1999 requested conditional rezoning for this parcel.

The parcel is located in the HCO District. Article VI, Section 6-3001 of the Zoning Ordinance states that the purpose of the HCO district is to protect the aesthetic and visual character of lands in Isle of Wight County adjacent to major existing and proposed highway corridors, as defined in the Zoning Ordinance, and to provide for and promote their orderly development. To meet the intent of the HCO District, the proposed building design, building materials, and outdoor storage area must comply with the District's design standards during site plan review, at which time all other applicable regulations of the Zoning Ordinance including parking, landscaping, lighting, etc. will be addressed. For example, the applicant has proposed a wooden fence along the property line as is required for outdoor storage areas and to help shield the business operation from view.

The applicant will be responsible for installing screening landscaping along the fence and along the perimeter in accordance with Article VII of the Zoning Ordinance. One parking space per 5,000 square feet of storage area is required with the use. Based on a review of the applicant's conceptual design for the proposed building included with this application, staff has informed the applicant that the conceptual building design and materials may require an exception request approval from the Board of Supervisors prior to final site plan approval.

The subject property does not contain a Special Flood Hazard Area (SFHA). This property is not in the Chesapeake Bay Preservation Area (CBPA) Overlay District and does not include a Resource Protection Area (RPA). It is in the Blackwater River watershed.

AGENCY REVIEW:

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

- Economic Development: Economic Development is supportive of the applicant's use of the property as indicated in the application documents.
- Virginia Department of Transportation: No concerns.
- County Attorney: No concerns expressed with this application.
- Emergency Services: No concerns expressed with this application.
- General Services: No concerns expressed with this application.

STAFF CONCLUSIONS:

This zoning amendment will not impact public safety, schools, or services (public water and sewer or stormwater facilities) serving the existing property. Based on the description of the business operation, 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.

The following strengths and weaknesses have been found for this request:

Strengths:

1. The use is consistent with conditional use in the GC zoning district and would normally be allowed with a Conditional Use Permit (CUP) in this zoning district but may be included as an amendment to the existing conditional GC zoning.
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.

Weaknesses:

1. The proposed use is not consistent with the SR future recommended land use.

2. The proposed building design does not meet HCO architectural and site design requirements which may be remedied at site plan submittal.

STAFF RECOMMENDATION:

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

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	5/12/2023
Concept Plan	Backup Material	5/12/2023
Previous Proffers	Backup Material	6/12/2023
Community Impact Statement	Backup Material	6/12/2023
Location Map	Backup Material	5/12/2023
Location Closeup Map	Backup Material	5/12/2023
Land Use Map	Backup Material	6/14/2023
Zoning Map	Backup Material	5/12/2023
PC Resolution ZA-4-22	Resolution	6/20/2023
Revised Proffers June 20, 2023	Backup Material	6/22/2023
Green Oaks Lane Road Maintenance Agreement	Backup Material	6/22/2023



ISLE OF WIGHT
COUNTY, VIRGINIA

DEPARTMENT OF PLANNING & ZONING

APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

This application should be used to petition for a change to the Official Zoning Map or for an amendment of zoning conditions. The following application requirements are consistent with the procedures set forth in Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended.

☐ Rezoning

☐ Conditional Rezoning (Are voluntary proffered conditions attached?): ☐ Yes ☐ No

Request to change the subject property(s) from the _____ to the _____ zoning district.

Proposed Use or Activity: _____

☒ Amendment to Conditional Zoning

Request to change conditional zoning as follows (Attach current and proposed conditions): _____

Add approved use: Equipment Sales and Rental

B. PROJECT DESCRIPTION:

Project Name: _____

Property Address (if any): 32424 Green Oaks Ln, Franklin, VA

Election District: D-5

Comprehensive Plan Designation: SR

The rezoning will apply to .73 acres out of .73 total acres

Tax Parcel Identification # 69-01-093 Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: C-GC to C-GC

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

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

Public Sewer _____ Private Septic _____

C. APPLICATION INFORMATION:

Applicant(s) Name(s): Corey D. Depaula

Address: 1657 Powhatan St.

City, State, Zip Code: Norfolk, VA 23511

Phone No.: 619-977-7782 Email: lostinnavy18@gmail.com Fax No.: _____

Property Owner(s) Name(s): Corey D. Depaula

Address: 1657 Powhatan St.

City, State, Zip Code: Norfolk, VA 23511

Phone No.: 619-977-7782 Email: lostinnavy18@gmail.com Fax No.: _____

 02 SEPT 2022
Applicant Signature Date

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
☒ 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: Quinn S. Blane Date: 10/10/2022

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

Applicant Corey D. Depaula

Address 1657 Powhatan St.

<u>Norfolk</u> City	<u>VA</u> State	<u>23511</u> Zip
------------------------	--------------------	---------------------

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
32424 Green Oaks Ln, Franklin, VA	TP# 69-01-093

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

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? Y Yes Y 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: COREY D. DEPAULA
Printed or Typed Name

Applicant: 
Signature

Date: 07 SEPT 2022

Commonwealth of Virginia
~~County of Isle of Wight~~ City of Norfolk (NV)

Subscribed and sworn to before me M. Umair Khan
A Notary Public in and for the ~~County of Isle of Wight~~ City of Norfolk, Commonwealth
of Virginia, this 2nd day of September, 2022.


Notary Public

My Commission Expires 05/31/2024

MUHAMMAD-UMAIR KHAN
NOTARY PUBLIC
REGISTRATION # 7679931
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
MAY 31, 2024

REZONING/CONDITIONAL ZONING AMENDMENT APPLICATION CHECKLIST

****Both checklist and application required upon submission to central permitting or application will not be accepted****

In conjunction with Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment 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 rezoning 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.
- ☒ **Fees.** Application fee must be submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.
- ☒ **Statement of the reasons for seeking such amendment, and if applicable, a statement of proffered conditions** with owner(s) original, notarized signature. Ten (10) copies required.
- ☒ **Narrative description.** Description of current condition and use of the property, to include the Tax Parcel Identification Number. Ten (10) copies required.
- ☒ **Concept plan.** Ten (10) of plan DRAWN TO SCALE showing the following items:
 - 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)
- ☒ **Supplemental material.** Ten (10) copies of any additional information required for the proposed use in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Zoning Ordinance.
- ☒ **Community Impact Statement.** Required for residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications. Please refer to Section 1-1015.F for detailed requirements of the Community Impact Statement. Ten (10) copies required.

N/A Water Quality Impact Assessment. Ten copies for any rezoning in the Chesapeake Bay Preservation Area prepared in accordance with Appendix B-1 of the County Code for applications containing any of the following:

- will disturb any portion of the 100-foot buffer area of a Resource Protection Area (RPA), or any component identified in Section 3000.B.1 of the Chesapeake Bay Preservation Area Ordinance;
- contains ten (10) acres or more for any use, other than a development of single family detached residential lots;
- contains twenty-five (25) acres or more for the development of single family detached residential lots; or,
- any other development that may warrant such assessment due to the unique characteristics of the site or intensity of the proposed use or development, as may be required by the Zoning Administrator.

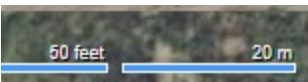
N/A Planned Development supplemental information. Ten (10) copies shall be submitted in accordance with Section 4-14005, *Submission Requirements*, of the Zoning Ordinance.

- ☐ All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter.
- ☒ Voluntary Proffer Statement if applicable
- ☐ Waiver and Release of Claims if cash proffer is proposed

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.



Signature



CONCEPT PLAN 20DEC2022
424 Green Oaks Ln.
Franklin, VA





Structure Dimensions

ERECTED SIZE

36'W x 48'L x 14'H

ROOF PITCH

3:12

SIDE WALL HEIGHT

14'

PEAK HEIGHT

18'6"

ON CENTER SPACING

6'

TRUSS BRACE DESCRIPTION

Custom Web w/ 42" KB&BPR

GROUND-TO-TRUSS BRACE CLEARANCE

Approx. 14'

WALK DOOR OPENING SIZE

36"W x 80"H

SPECIAL NOTE ON FRAME LENGTH

Actual frame length is 48' long with 6' on center truss spacing

STEEL FRAME

2" x 4" 14 gauge tubing made of the highest quality domestic galvanized steel

GROUND/ROOF/WIND

33PSF Ground / 25PSF Roof, 115MPH Wind

PERMITTING NOTE

If permitting is required by your city/county, truss bracing is mandatory. Call VersaTube for additional information.

Warranty Details

FRAME WARRANTY

20-year limited + product pledge

Shipped Dimensions

FRAME WEIGHT

4436.84

MANUFACTURING SOURCE

We manufacture all DIY frame kits in the USA using American sourced materials.

Summit Series DIY garage frame kit includes roof purlins and side girts for applying vertical sheet metal panels or other roofing or siding materials. Summit Series DIY garage frame kit includes roof purlins and side girts for applying vertical sheet metal panels or other roofing or siding materials. The required side girt components in the Summit design result in a more substantial building frame and allow for the use of plywood or OSB for vinyl or other siding products. And assembly time is drastically reduced with our patented Slip-Fit frame connections.



Actual Length (Inches)	95.675	Green or Kiln-Dried	N/A
Actual Thickness (Inches)	0.593	Manufacturer Color/Finish	Natural/Rough Sawn
Actual Width (Inches)	47.675	Material	SYP plywood
CA Residents: Prop 65 Warning(s)	 Prop 65 WARNING(S) -	Panel Type	Solid wood
Color/Finish Family	Brown	Pressure Treated	X
Common Length (Inches)	96	Series Name	T1-11
Common Thickness (Inches)	0.594	Type	Panel siding
Common Width (Inches)	48	Warranty	Limited lifetime
Coverage Area (Sq. Feet)	32		

Exterior Plywood Panel Siding-

Plytanium T1-11 Natural/Rough Sawn Syp Plywood Panel Siding (0.594-in x 48-in x 96-in)

All wood exterior-grade panel that is ideal for siding applications including home construction, sheds, and other DIY projects

Rough-sawn textured face for beautiful rustic appearance

Rich woodgrain texture of Southern Pine

Attractive 8-in groove pattern

Easy to install with long-term durability

Shiplapped 8-ft edges for a seamless joint

Lifetime limited warranty

Made from Sustainable Forestry Initiative® (SFI®) certified responsible wood sources

Exterior grade panel - suitable for repeated wetting and redrying or long-term exposure to weather and other conditions of similar severity



Dimensions

Approximate Length (ft.)	8	Coverage Area (sq. ft.)	14.3 sq ft
Product Length (in.)	96 in	Product Thickness (in.)	0.01 in
Product Width (in.)	25.75 in		

Details

Color Family	Metallic	Gauge	31
Material	Galvanized Steel	Number per Package	1
Product Weight (lb.)	7.37 lb	Roof Panel Profile	Corrugated
Roof Panel Type	Corrugated Panel		

Gibraltar's galvanized steel corrugated panels are trusted by professionals and homeowners for a variety of applications. This 31-Gauge corrugated galvanized steel panel is a thin utility use panel that's durable for roofing and siding and is also recommended for DIY projects, privacy fencing, planters and garden sheds. Other uses include: back splashes, ceilings, wainscoting and craft projects. The distinctive galvanized finish will stand up to all kinds of weather and can be painted or aged for a variety of interesting visual effects. Corrugated panels are easily cut with shears and being light weight makes them easy to use and transport.

Thin and light weight for ease of use or transport; cuts easily with common aviation snips

31-Gauge thickness, recommended for roof slopes of 3/12 pitch or greater

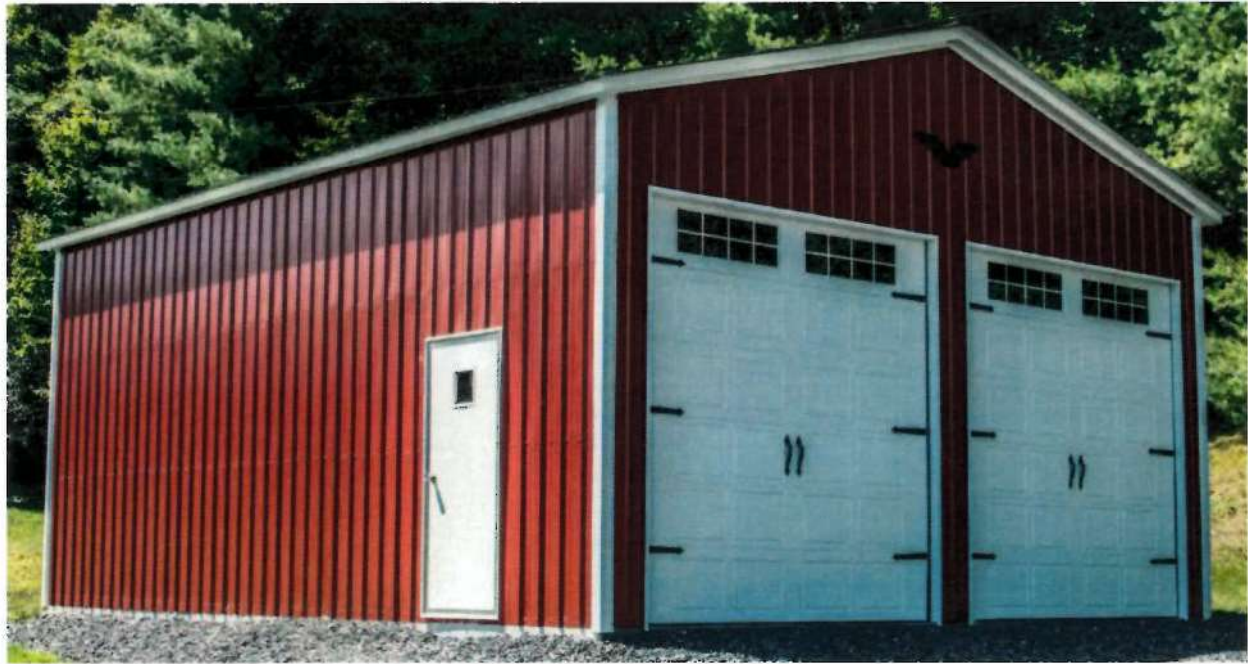
Corrugated panels will not rot, mildew or warp and can form an effective pesticide-free barrier against termites and other insects

Non-combustible; resistance to fire increases your security and may result in lower insurance premiums

Corrugated panels are a good choice for the environment; after a long service life corrugated panels are still 100% recyclable

21-1/2 in. roof coverage or 24 in. siding coverage

Galvanized steel is a low-maintenance product that is known for durability



Ideally this is the finished building, replacing the metal side panels with wood panels as illustrated on the exterior plywood panel siding (pg. 2). White vinyl trim, and the garage vehicle doors will NOT include windows.



COUNTY of ISLE OF WIGHT

THE COURTHOUSE

April 20, 1999

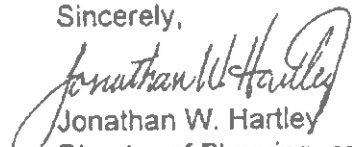
Mr. Carson Whitley
Whitley Hawkins Holdings LLC
33030 Green Oaks Lane
Franklin, Va. 23851

Dear Mr. Whitley:

Your application for a change in zoning classification to Conditional General Commercial of .73 acre of land was considered and approved by the Isle of Wight County Board of Supervisors at its Public Hearing on April 15, 1999, subject to the attached proffered conditions.

Please be advised that commercial site plan review is required prior to utilizing the property for any of the approved commercial uses. If you have questions regarding these requirements please call me at 562-3275.

Sincerely,


Jonathan W. Hartley
Director of Planning and Zoning

JWH/sww

*32424
over one
year*

69-01-004
200
200

Whitley-Hawkins Holdings, LLC.

Phone 757-569-8104
Fax 757-569-8807

33030 Green Oaks Lane
Franklin, VA 23851-4033

RECEIVED

MAR 22 1999

DEPARTMENT OF
PLANNING AND ZONING

March 19, 1999

Isle of Wight County Board of Supervisors
P.O. Box 80
Isle of Wight, Virginia 23397

Dear Board Members,

I, E. Carson Whitley, Jr., am proffering the following uses as listed in the Table of Permissible Uses of the Zoning Ordinance, as part of my application to rezone to Conditional General Commercial:

2.111.1	3.210	10.110
2.112.1	3.220	10.120
2.112.2	4.210	14.133
2.120	8.100	14.510
2.210.1	8.510	19.200
2.230	9.300	
3.120	9.400	

Thank you for your consideration of this request.

Sincerely,



E. Carson Whitley, Jr.

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
1.520 Bed and breakfast inns and tourist homes	C			C	C	C	P	P				C	C			P	
1.535 Hotels, motels, convention centers and similar business, or institutions providing overnight accommodations							C	P	C						P	C	C
1.600 Home Occupations	P	P	P	P	P	P						P	P	P		P	
2.000 COMMERCIAL SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT																	
2.100 No Storage or Display of Goods Outside Fully Enclosed Building																	
2.110 Retail Sales																	
2.111 High Volume Traffic Generation																	
2.111.1 Automobile parts, supplies and tire stores, drug stores, and food and beverage stores							P	P	P			C			P	P	P
2.111.2 Convenience stores, general stores, or similar uses	C						P	P	P			C		P	P	P	P
2.111.3 Neighborhood centers							P	P						C	P	P	
2.111.4 Community or specialty centers								P							P	P	
2.111.4 Convenience stores with motor vehicle fuel sales	C						C	P	P			C		C	P	P	P

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CG	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
2.112 Low Volume Traffic Generation																	
2.112.1 Retail sales such as appliances, books, furniture, gifts, hardware, wearing apparel, photographic and art supplies, and flowers							P	P				C			P	P	
2.112.2 Antique shops	C						P	P				C			P	P	
2.120 Wholesale sales							P	P	P			C			P	P	
2.200 Storage and Display of Goods Outside Fully Enclosed Building							P	P	P			C			P	P	
2.210 High Volume Traffic Generation																	
2.210.1 Building materials and supplies, garden supplies, boat sales, and heavy equipment sales and service							P	P	C	C					P	C	P
2.210.2 Farm and forestry implement storage, sales and service, and feed and grain storage and sales	P											C					
2.220 Low Volume Traffic Generation																	
2.230 Wholesale sales and similar uses							C	P	P	C		C			P	C	P
3.000 OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED SALE OF GOODS OR MERCHANDISE																	
3.100 All Operations Conducted Within Fully Enclosed Building																	
3.110 Operations Designed to Attract and Service Customers or Clients On Premise																	
3.111 Offices of attorneys, architects, engineers, or other similar professions and insurance and stock brokers, travel agents, government offices							P	P				C			P	P	

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
3.112 Banks and financial institutions, barber and beauty shops, dry cleaning/laundry retail businesses, and laundromats							P	P				C			P	P	
3.120 Operations designed to attract little or no customer traffic other than employees of the entity operating the principal use such as a shoe repair							P	P				C			P	P	
3.130 Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area							P	P				C			P	P	
3.200 Operations Conducted Within and/or Outside Fully Enclosed Building																	
3.210 Operations designed to attract and serve customers or clients on the premises such as plumbing and mechanical contractors and automobile glass repair							C	P	P			C				C	P
3.220 Operations designed to attract little or no customers or client traffic other than the employees of the entity operating the principal use such as furniture repair shops and sign painting							P	P				C				C	P
3.230 Child day centers or programs	C						C	C	P	P	P	C	C	C	P	C	C
4.000 MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS MERCHANDISE, AND EQUIPMENT																	
4.100 All Operation Conducted Entirely Within Fully Enclosed Building																	
4.110 High-volume traffic business with walk-in trade such as a bakery							C	P	P	P					C	C	P
4.120 Low-volume traffic business with walk-in trade such as printing and publishing, dry cleaning plants, and electronic assembly							C	P	P	P					C	C	P

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
4.200 Operations Conducted Within or Outside Fully Enclosed Building																	
4.210 Welding shops, ornamental iron works, machine shops and sheet metal fabrication shops								C	C	P		C			C	C	P
4.200 Bottling, confectionery, and food processing									C	P						C	P
4.230 Sawmills									C	P	P						
4.231 Temporary sawmills		C							C	P							
4.240 Alcoholic beverage manufacturing								C	C	P							P
4.250 Fertilizer mixing plants									C	P							P
4.260 Brick or block manufacturing, sand and gravel crushing, washing and screening									C	P							C
4.270 Livestock processing or abattoir		C								C							
4.280 Paper and/or paper product manufacturing and other accessory and/or support uses										P	P						C
4.290 Particleboard and similar wood product manufacturing										P	P						

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
5.000 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES																	
5.100 Schools																	
5.110 Public and private elementary and secondary (including, preschool, kindergarten, associated grounds and athletic and other facilities)	P		P	P	P	P						P	P			P	
5.120 Trade or vocational schools	C					C	C	P				C	C			C	C
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	C			C	C	C		C				C	C			C	
5.200 Places of Worship																	
5.210 Churches, synagogues, temples and other places of worship (including associated residential buildings for religious personnel and associated buildings, but not including elementary school buildings)	P		C	C	C	C		P				C	C			C	
5.300 Libraries, Museums, Art Galleries, Art Centers, and Similar Uses (including associated educational and instructional activities)																	
5.310 Located within a building designed and previously occupied as a residence or institutional use			C	C	C	C	C	P				C	C			C	
5.320 Located within any other structure				C	C	C	C	P				C	P			P	

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
6.400 Social, fraternal clubs and lodges, union halls and similar uses	C	C	C	C	C	C	C	P				C	C			C	C
6.000 RECREATION, AMUSEMENT, ENTERTAINMENT USES																	
6.100 Activity Conducted Entirely Within Enclosed Building or Structure																	
6.110 Bowling alleys, skating rinks, and similar uses							C	P				C	C		P	C	
6.111 Tennis courts, handball/racquetball/squash courts, athletic and exercise facilities, and similar uses						C	P	P				C	C		P	C	
6.112 Rifle and pistol ranges and similar uses							C	P	P							C	
6.113 Billiard/pool halls, video arcades, game rooms, dance halls, and similar uses							C	C				C			C	C	
6.120 Movie and Stage Theaters																	
6.121 Seating capacity of not more than 300 persons							C	P				C			P	C	
6.122 Seating capacity of up to 1,000 persons							C	P							P	C	
6.130 Coliseum, stadiums, and all other facilities not listed in 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people	C						C	P							P	C	

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
6.200 Activity Conducted Primarily Outside Enclosed Buildings or Structures																	
6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, hunt clubs, etc.	C		C	C	C	C	C	P				C	C		P	P	
6.210.1 Archery, rifle and pistol ranges	C						C	C				C	C		C	C	
6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc. (not constructed pursuant to a permit authorizing the construction of another use such as a school)	C		C	C	C	C	C	P				C	C		P	P	
6.230 Golf driving ranges not accessory to golf courses, Par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses	C			C	C	C	C	P				C	C		P	P	
6.240 Horseback riding and stables (not constructed in conjunction with a residential development)	P		C	P	C							C	P			P	
6.250 Automobile, boat, or motorcycle racing complex	C							C							C		
6.260 Drive-in movie and open-air theaters, amphitheaters	C							C							C		
6.270 Amusement, theme parks								C									

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CO	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
7.000 INSTITUTIONAL RESIDENCES OR CARE OR CONFINEMENT FACILITIES																	
7.100 Hospitals, clinics, other medical uses (including mental health treatment facilities in excess of 10,000 square feet of gross floor area)							C	P				C	C		C	C	
7.200 Nursing care institutions, handicapped or infirm institutions, child care institutions	C					C		P				C	C			C	
7.300 Institutions for mental health care and treatment other than halfway houses, handicapped or infirmed homes	C					C		P				C					
7.400 Penal and correctional facilities	C							C							C		
8.000 RESTAURANTS, BARS, NIGHTCLUBS, DINNER THEATERS																	
8.100 Restaurant, standard							C	P				C			P	C	
8.200 Restaurant, fast food							C	P				C			P	C	
8.300 Restaurant, fast food cafeteria							C	P							P	C	
8.400 Restaurant, carry-out							C	P							P	C	
8.500 Restaurant, drive-in or drive-through												C			P	C	
8.510 With direct highway access to individual parcel							C	P								P	C
8.520 Part of a shopping center with no direct highway access								P							P	C	

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LG	GC	LI	GI	GIC	CC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
9.000 MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS																	
9.100 Motor vehicle sales or rental and mobile home unit sales																	
9.200 Sales with installation of motor vehicle parts or accessories (tires, mufflers, etc.)							C	P							P		
9.300 Motor vehicle repair and maintenance (not including body work)								P	P						P		
9.400 Motor vehicle painting and body work								C	P						C		C
9.500 Motor vehicle fuel sales							C	P				C			P		
9.600 Car wash							C	P				C			P		
10.000 STORAGE AND MOTOR VEHICLE PARKING																	
10.100 Storage of goods not related to sale or use of those goods on the same lot where such goods are stored																	
10.110 All storage of goods within completely enclosed structures such as a mini-warehouse or similar use							C	P	P	P	P			C	P	C	P
10.120 Outside storage of goods								P	P	P	P						
10.200 Automobile parking garages or parking lots not located on a lot or parcel on which there is another principal use to which the parking is related							C	C	C	P	P				P	C	P
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned by the person making use of the such vehicles or equipment and (ii) parking or storage occupies more than 75% of the developable area (contractor's yard)							C	C	C	P	P				P	C	

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GH	CIC	CC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
14.000 AGRICULTURAL, SILVICULTURAL, MINING, QUARRYING, OPERATIONS																	
14.100 Agricultural operations, farming																	
14.100 Excluding livestock-horticultural, hydroponic, chemical, or general farming, truck gardens, cultivation of field crops, orchards, groves or nurseries for growing or propagation of plants, shrubs, and trees, including the use of heavy cultivating machinery, spray planes, or irrigation machinery	P	P										P					
14.120 Including livestock-dairy farming, keeping or raising for sale large or small animals not confined in a feed lot, compound of 10 acres or less, reptiles, fish, birds, or poultry, and including structures for buying, processing and selling related products	P	C	*									C					
14.130 Uses Located Greater Than 200 Feet From The Nearest Property Line																	
14.131 Grain dryers and related structures	P											C					
14.132 Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building	P											C					P
14.133 Commercial assembly and repair of all equipment normally used in agricultural, silvicultural, and horticultural operations	P								P	P	P	C				C	P

*Refer to section 3703(a)

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	CG	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
14.134 Accessory petroleum storage, not to exceed 20,000 gallons and subject to safety all applicable local, state, and federal codes and regulations	P																
14.200 Commercial poultry houses	P											C					
14.300 Commercial animal feedlots	P											C					
14.400 Livestock auction markets	P							C	P	P		C				C	P
14.500 Commercial greenhouse operations																	
14.510 No on-premises sales	P	C					C	P				C			P	C	
14.520 On-premises sales	C						C	P				C			P	C	
14.600 Stables																	
14.610 Private	P	P	C	C								C	P			C	
14.620 Commercial	P											C			C	C	
14.700 Aquaculture operations	P	C	C									C			C		
14.800 Silvicultural, forestry, or timbering operations	P	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C
14.900 Extraction of natural resources, borrow pits and other mining or quarrying operations, including the on-site sale of products	C									C	C						

TABLE OF PERMISSIBLE USES (continued)

DESCRIPTION OF PERMISSIBLE USES	RAC	RR	NC	SE	SR	UR	LC	GC	LI	GI	GIC	OC	PD-R	PD-MH	PD-CP	PD-MX	PD-IP
17.300 Water supply and production, preparation, distribution systems, facilities and appurtenances designed to use 50,000 gallons or more per day	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
18.000 TOWERS AND RELATED STRUCTURES																	
18.100 Noncommercial towers or antennas 70 feet or more in height including associated structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
18.200 Commercial towers or antennas including associated structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
19.000 OPEN-AIR MARKETS AND HORTICULTURAL SALES																	
19.100 Open-air markets (farm and craft markets, and produce markets)	P						P	P	P			C				C	
19.200 Horticultural sales with outdoor display	P						P	P	P	P		C				C	
19.300 Roadside stand for produce raised on premises	P	C										P					
19.400 Flea market									C	C							
20.000 FUNERAL HOME OR MORTUARY																	
	C						C	P	P			C	C		P	C	

EZploy LLC
1657 Powhatan Street
Norfolk, VA 23511

RE: Revised Community Impact Statement-TP#69-01-093 (32424 Green Oaks Lane, Franklin)

The intention of this project is to develop the +/- .73-acre parcel (TP-69-01-093) located on 32424 Green Oaks Lane south of BUS-58, into a Construction Yard as a permitted use. The parcel is currently zoned Conditional-General Commercial (C-GC) and site is a cleared level field with trees surrounding parcel and bounded by the privately owned street Green Oaks Lane. The proposed development will consist of an enclosed equipment storage building to house a crane / semi-tractor, and the incidental storage of flatbed trailers. The concept plan calls for a front setback of 35' and 5' setbacks for the side and rear of property.

The land and facility improvements will be designed to meet current technical criteria for both storm water quality and quality management. Existing site drains to the south; erosion/sediment control plan requirement does not disturb surrounding community development for this project. The proposed intensity of land use will be minimal and only in use when picking up or dropping off the incidental storage equipment and equipment upkeep.

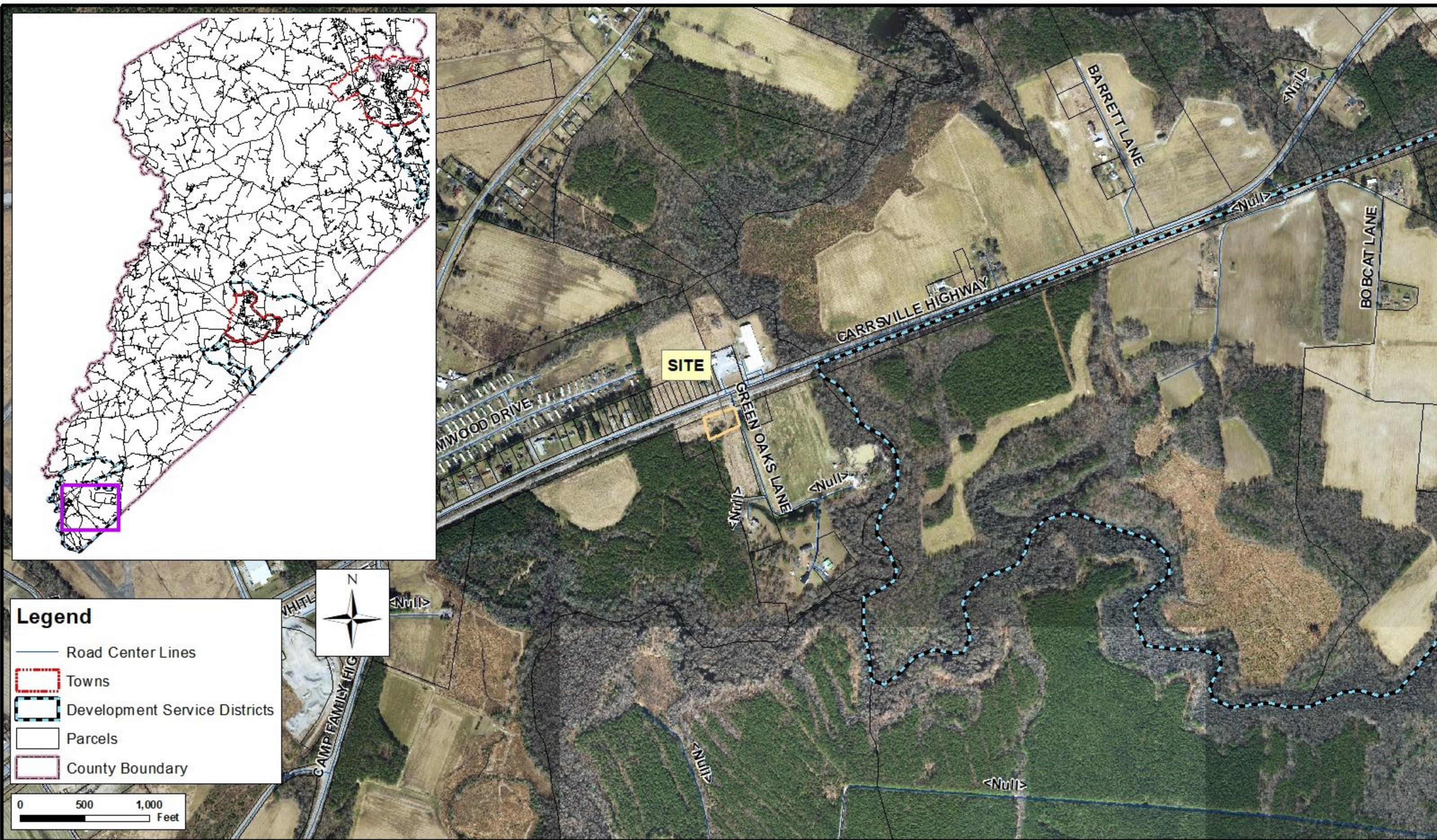
Adequacy of existing public facilities and services intended to serve the propped development are not impacted to include public water, sewer, and electricity grid as the project is a low impact operation only being accessed on the weekends Saturday and Sunday. There will be no Hazardous materials stored on the property, but will have a Hazardous material spill kit, floor catch pans, and fire extinguishers in the event of equipment leaks. The existing entrance off BUS-58, with the adjacent rail crossing will not impact roadway traffic as egressing of property contains a suitable setback for full field of view to any oncoming traffic giving right of way to any and all vehicular movement. Carrsville Elementary School is the closest school to property and will not be affected as the school is 3.5 miles away.

Landscape buffers of varying width will remain or be installed at the perimeter of the site. A minimum parking space for .73 acres is six (6) totaling 31,799 sq. ft for the General Commercial zoning district. This area will be paved recycled asphalt at the front setback of property as illustrated in the Concept Plan 20DEC2022. Police, fire, and emergency services are already in place to serve the surrounding communities and businesses. Fire and Rescue projects this development and existing facilities will not be impacted and/or need to be expanded to serve the proposed development.

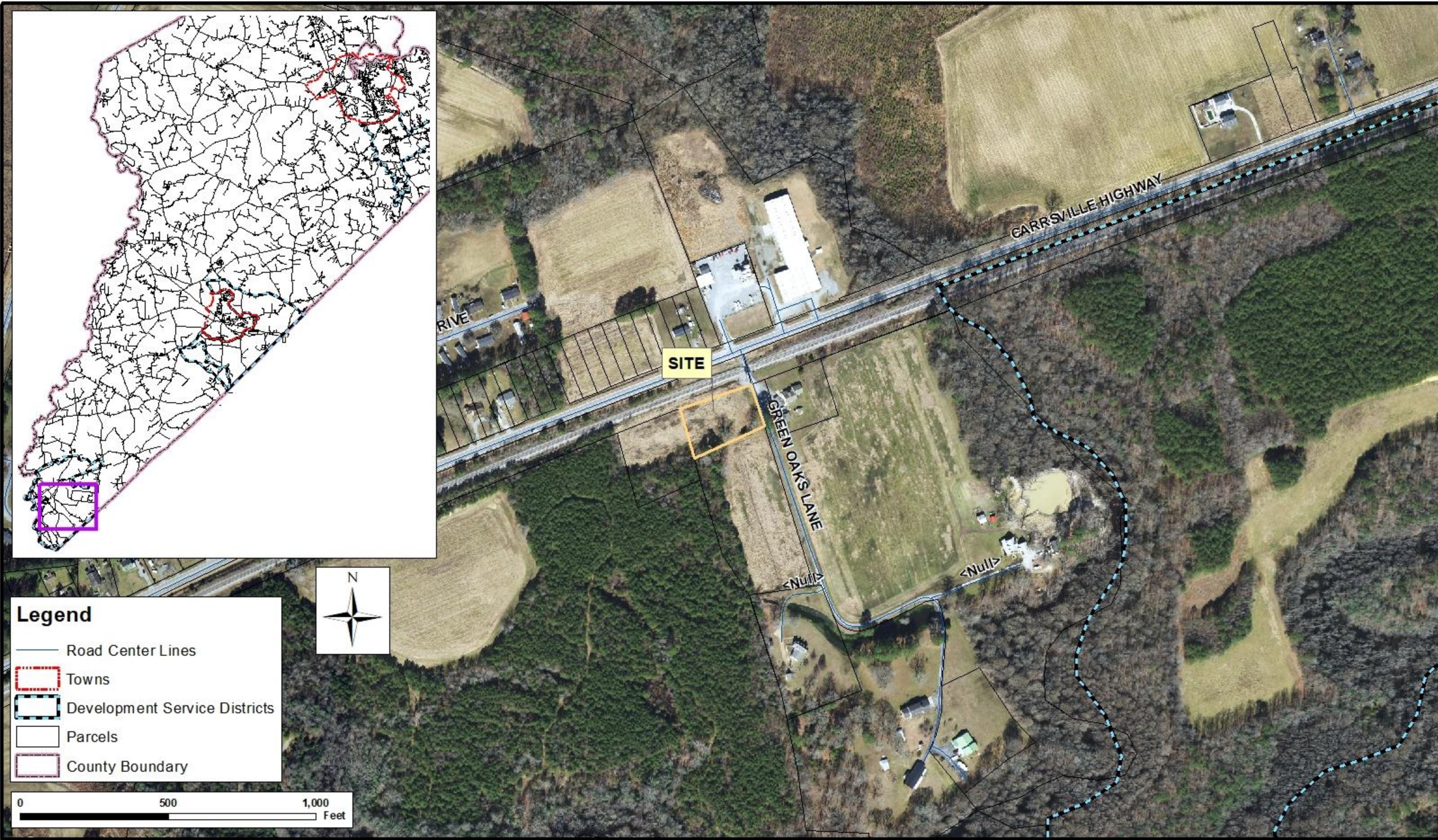


Sincerely,
Corey Depaula
619-977-7782

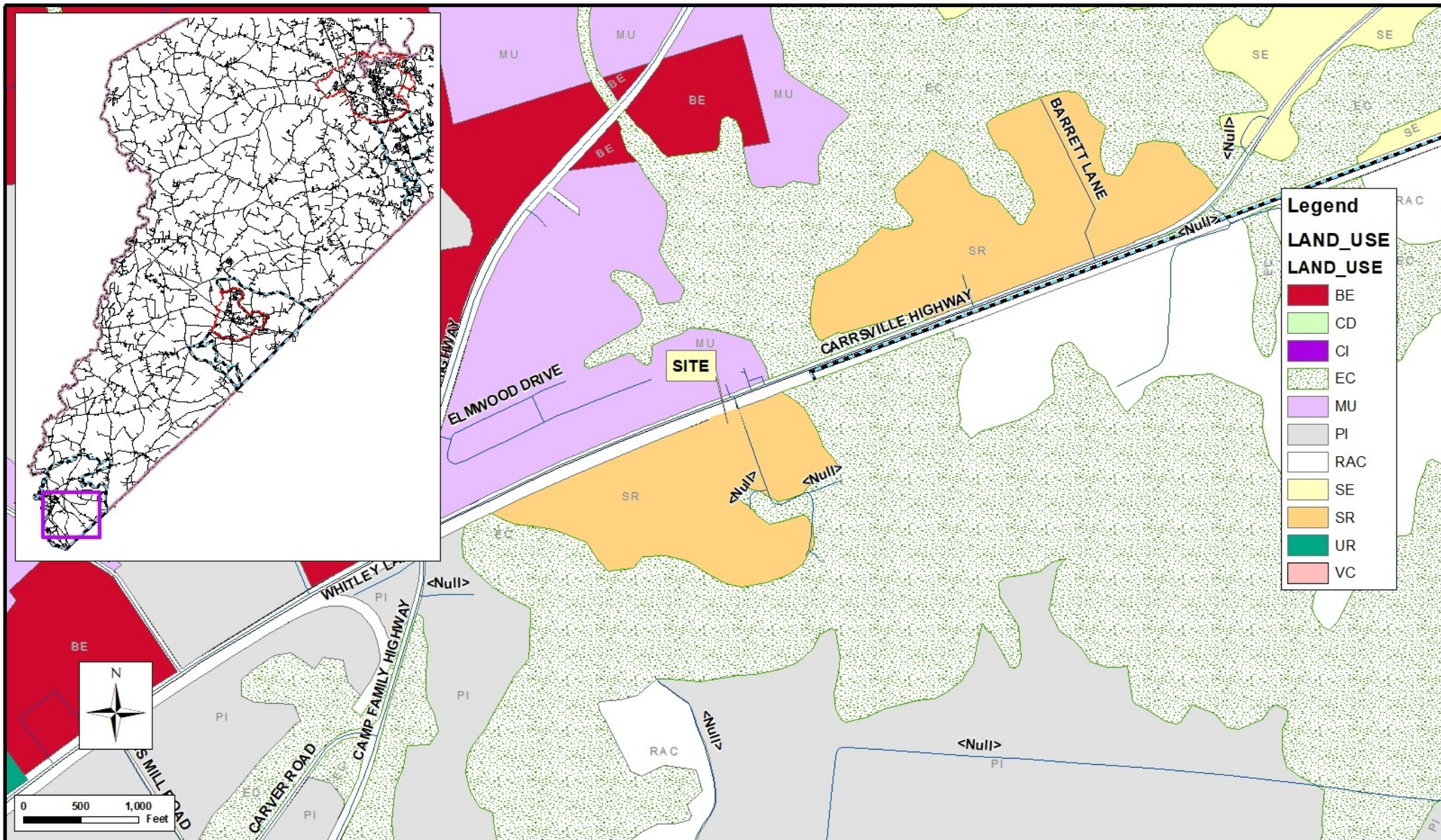
ZA-4-22 Amendment to Conditional Zoning- Location Map



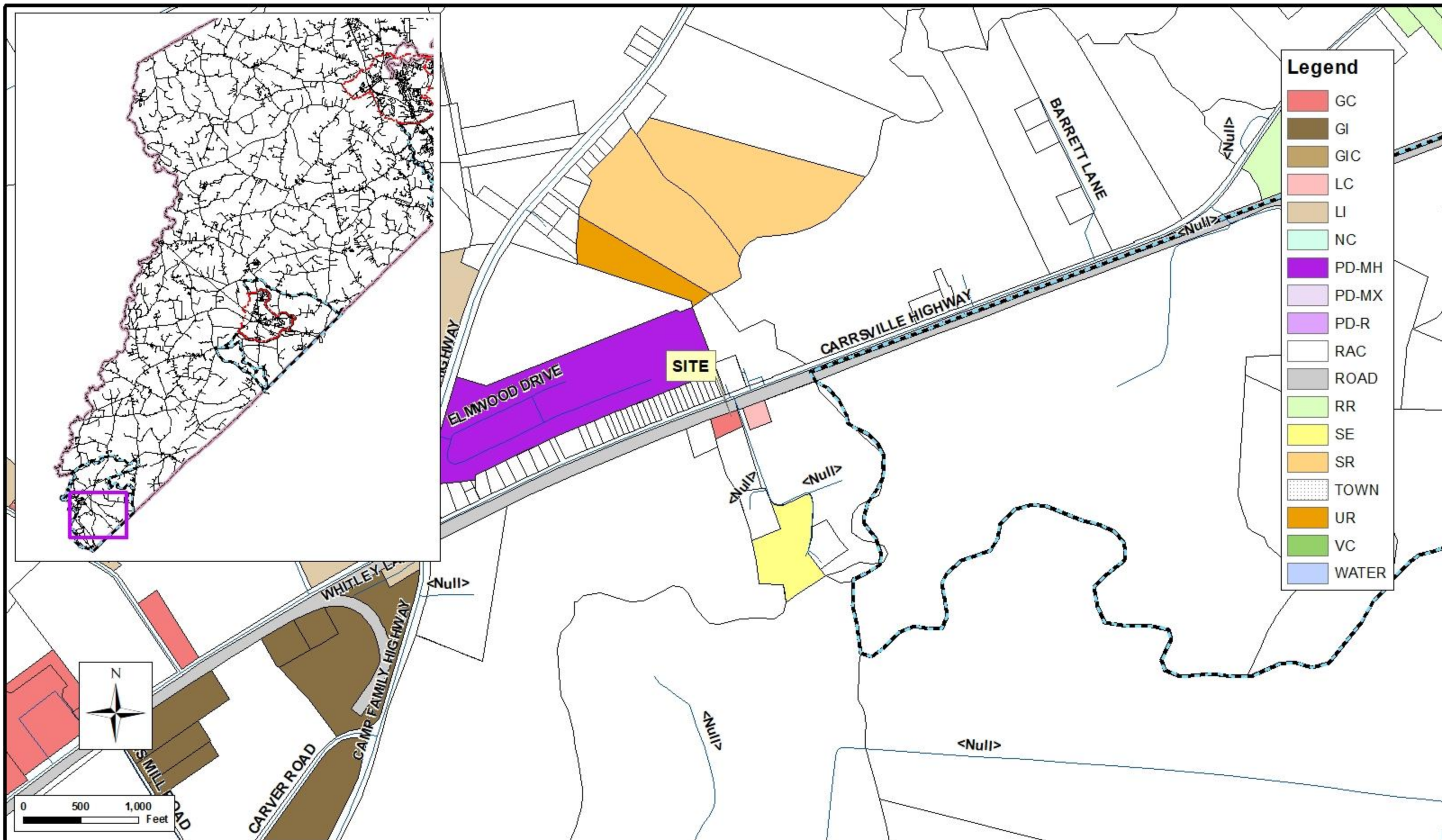
ZA-04-22 - Amendment to Conditional Zoning Location Closeup Map



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



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



**ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO THE BOARD OF SUPERVISORS FOR AN AMENDMENT TO CONDITIONAL ZONING
REQUEST ZA-04-22 TO ALLOW FOR THE CONSTRUCTION YARD USE ON .73 ACRES OF
PROPERTY WITH TAX MAP PARCEL 69-01-093**

WHEREAS, Corey D. Depaula, owner and applicant, has requested an amendment to Conditional General Commercial zoning on property with tax map number 69-01-093 in order to allow for the Construction Yard use; 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 amendment to conditional zoning is reasonable and warranted due to a change in circumstances affecting the property and has considered the following factors and finds that the proposed rezoning does not conflict with:
1. the existing use and character of property within the County;
 2. the Comprehensive Plan;
 3. the suitability of the property for various uses;
 4. the trends of growth or change;
 5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
 6. the transportation requirements of the community;
 7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
 8. the conservation of natural resources;
 9. the preservation of floodplains;
 10. the preservation of agricultural and forestal land;
 11. the conservation of properties and their values; and

12. the encouragement of the most appropriate use of land throughout the County.

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

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, ZA-04-22, 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 modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: _____

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

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

Robert W. Jones, Jr., County Attorney

**COUNTY OF ISLE OF WIGHT
VOLUNTARY PROFFER STATEMENT**

Applicant's Name(s): Corey D. Depaula

Project Name: Application for Conditional Zoning Amendment for .73 acres of property located at 32424 Green Oaks Ln, Franklin, VA

Date: June 20, 2023

Parcel-Tax Map Number(s) and Deed Book Reference: 69-01-093

RE: Revised Voluntary Proffer Statement –TP#69-01-093 (32424 Green Oaks Lane, Franklin)

These proffers are made as of the 20th day of June, 2023, by Corey D. Depaula (“Owner”) for Tax Map Number 69-01-093, containing approximately .73 acres of land, which is referred to herein as the “Property”. Owner has filed an application for Conditional Zoning Amendment with the Isle of Wight County Planning and Zoning Department requesting an amendment to conditional zoning, C-GC (Conditional – General Commercial) to allow additional use on the property, but not a change in existing zoning classification; it is proposed to remain C-GC. Owner voluntarily proffers that the development of the property proposed for amendment to conditional zoning shall be in strict accordance with the conditions set forth below.

These proffered conditions (“Proffers”) are the only conditions offered on this amendment to conditional zoning and any prior proffered conditions on the Property are hereby superseded by these proffers.

All improvements, land, easements, dedications, gifts, proffers, and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

Development of the Property associated with this amendment to conditional zoning shall be generally consistent as determined by the reviewing authority with the “Concept Plan” and narrative description prepared by the applicant/Owner and submitted the application, as determined during preliminary and final site plan approval.

The owner shall maintain the approximate 150’ paved section of Green Oaks Lane which adjoins TP 69-01-093 to the east to include, but not limited to, promptly repairing any deterioration or damage to Green Oaks Lane.

II. Land Use

1. The Property shall be used as permitted under the C-GC, Conditional – General Conditional zoning district and more specifically ONLY for the following use:

- a. Construction yard.\ Establishments housing facilities of businesses primarily engaged in construction activities, including the outside storage of materials and equipment used for the business operations. Typical uses may include site work companies to include excavating and grading activities, roadway construction and utility infrastructure companies, and other heavy construction companies.

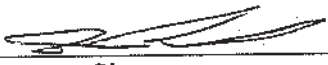
III. Water and Sewer Improvements

The parcel will not require water or sewer improvements as property doesn’t have employees working on site for the duration of a workday.

IV. General

1. Successors and Assigns- This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability- In the event of any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.
3. Void if Application is not approved- In the event that the Application is not approved by the County, these Proffers shall be null and void.

Applicant/Owner: COREY DEPAULA
Printed or Typed Name

Applicant/Owner:  Date: 21 JUN 2023
Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me _____.

A Notary Public in and for the County of Isle of Wight, Commonwealth

of Virginia, this _____ day of _____, 20 _____.

Notary Public

My Commission Expires _____

**ROAD MAINTENANCE AGREEMENT**

THIS ROAD MAINTENANCE AGREEMENT, made and entered into this 17th day of June, 2013, by and between **MARGARET G. WHITLEY**, hereinafter called "Whitley", party of the first part; and **WHITLEY-HAWKINS HOLDINGS, LLC**, hereinafter called "WH", party of the second part; and **BRUCE W. HAWKINS and SANDRA W. HAWKINS**, hereinafter called "Hawkins", parties of the third part; and **ANDREW E. PERKINS and DENISE V. PERKINS**, hereinafter called "Perkins", parties of the fourth part; and **WHITLEY-KEETER HOLDINGS, LLC**, hereinafter called "WK", party of the fifth part; and **RONALD LEE SAUNDERS and JUDITH E. SAUNDERS**, hereinafter called "Saunders", party of the sixth part.

WHEREAS, that whereas, on that certain plat entitled "PLAT SHOWING MINOR SUBDIVISION OF THE PROPERTY OF CARSON WHITLEY ESTATE LOCATED AT 33030 GREEN OAKS LANE, WINDSOR MAGISTERIAL DISTRICT, ISLE OF WIGHT COUNTY, VIRGINIA SCALE 1" = 100' OCTOBER 10, 2002", which plat is of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia in Plat Cabinet 2 - 111 - 9, there is an existing road named Green Oaks Lane on which all parties hereto depend for access to their respective properties; and

WHEREAS, Whitley is the owner of that certain land designated as Tax ID Number 69-01-092 on the aforesaid plat; and

WHEREAS, WH is the owner of that certain land designated as Tax ID Number 69-01-091 on the aforesaid plat; and

WHEREAS, Perkins is the owner of that certain land designated as Tax ID Number 69-01-092D on the aforesaid plat; and

WHEREAS, Hawkins is the owner of that certain land designated as Tax ID Number 69-01-092C on the aforesaid plat; and

WHEREAS, WK is the owner of that certain land designated as Tax ID Number 69-01-092A on the aforesaid plat; and

WHEREAS, Saunders is to become the owner of that certain land designated as Tax ID Number 69-01-092B on the aforesaid plat; and

WHEREAS, the parties desire to enter into agreement in order to provide for the maintenance, repair and upkeep of said Green Oaks Lane as shown on the aforesaid plat.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. The parties of the first, second, third, fourth, fifth and sixth part shall have the right to jointly use the road known as Green Oaks Lane as shown on the aforesaid plat.

2. The parties of the first, second, third, fourth, fifth and sixth part shall share equally in the cost of all road maintenance and upkeep of said Green Oaks Lane from where the southern end of the 50' right of way portion meets the northern end of the 30' right of way portion in a southerly direction to where the property of Hawkins commences, all as shown on aforesaid plat.

3. The parties of the first, second, third, fourth, and sixth part shall share equally in the cost of all road maintenance and upkeep of the portion of said Green Oaks Lane from the northern boundary of the property of Hawkins 104.16' in a southerly direction to where the road leaves the property of Hawkins.

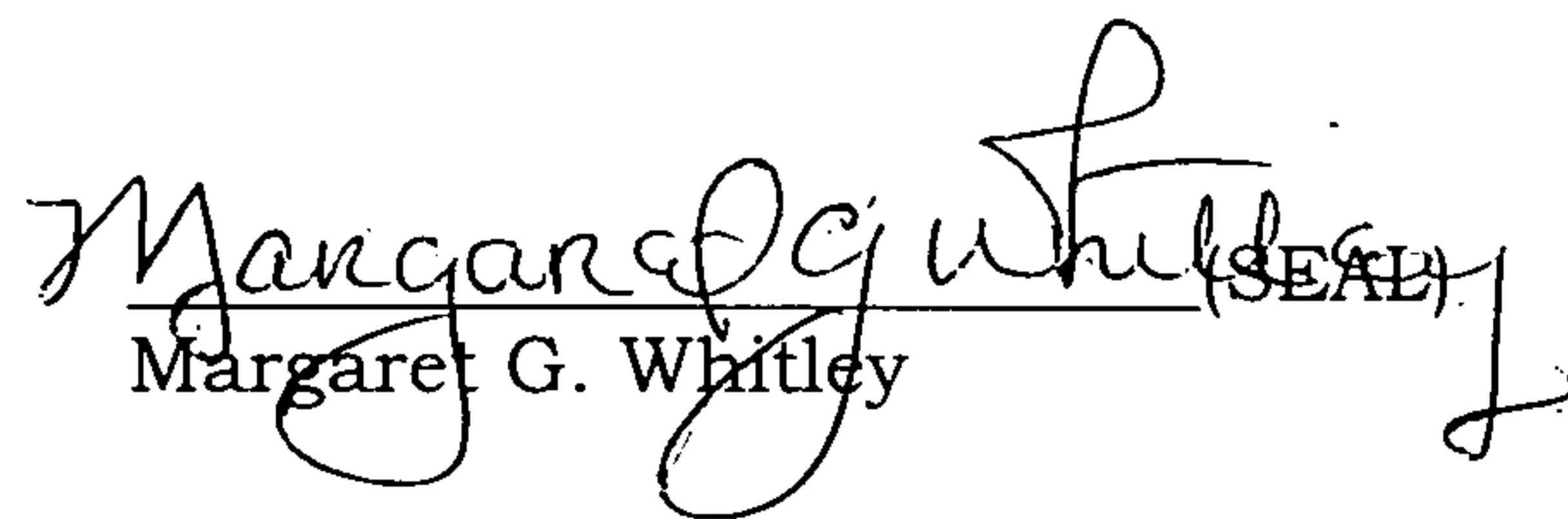
4. Whitley, Saunders and Perkins shall share equally in the cost of all road maintenance and upkeep of the portion of said Green Oaks Lane from where the

road leaves the property of Hawkins to where the road leaves the property of Saunders.

5. Whitley and Perkins shall share equally in the cost of all road maintenance and upkeep of the portion of said Green Oaks Lane from where the road leaves the property of Saunders to where it is bounded solely by Whitley.

6. The covenants set forth in this Road Maintenance Agreement shall run with the land described above and owned by the parties hereto and shall be perpetual in nature and binding on the heirs, personal representatives, successors and assigns of the parties hereto.

WITNESS the following signatures and seals:

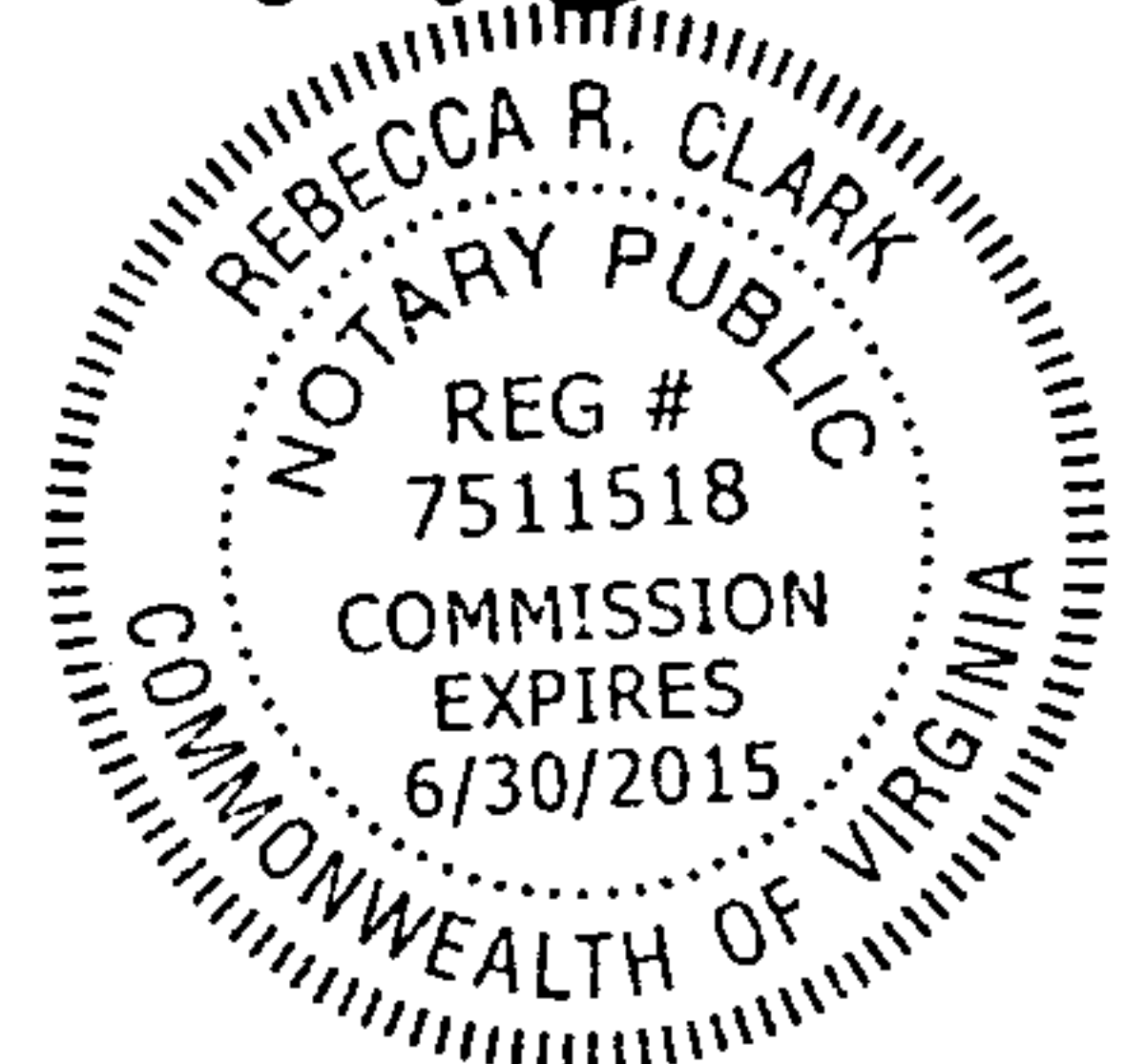

Margaret G. Whitley

STATE OF VIRGINIA
COUNTY OF SOUTHAMPTON, to-wit:

~~June~~ ^{July} The foregoing document was acknowledged before me this 1st day of July, 2013 by Margaret G. Whitley.

My commission expires: 6/30/2015.


Notary Public



WITNESS the following signatures and seals:

Whitley-Hawkins Holdings, LLC

By: Sandra W. Hawkins (SEAL)

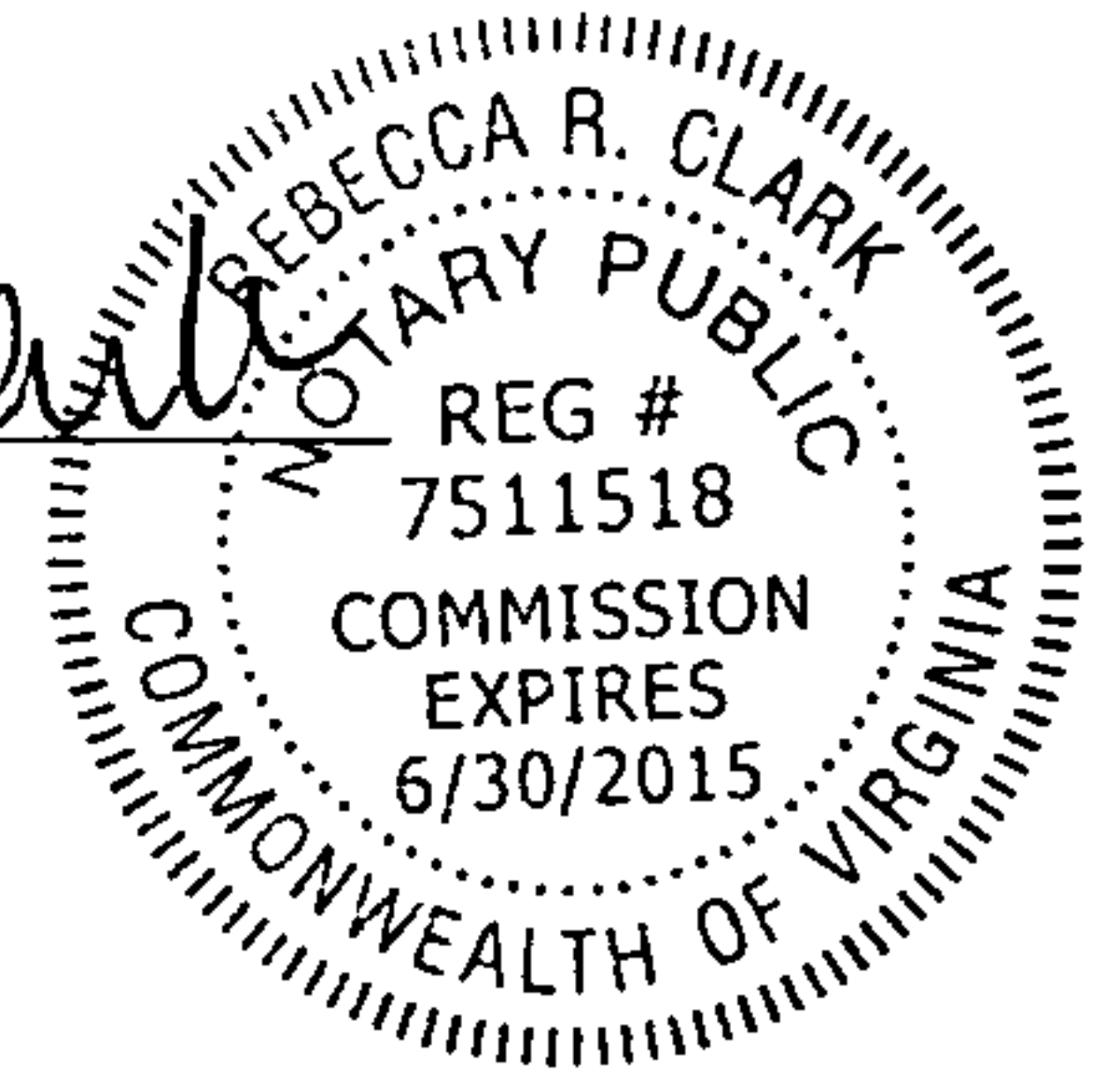
STATE OF VIRGINIA

COUNTY OF SOUTHAMPTON, to-wit:

The foregoing document was acknowledged before me this 28th day of June, 2013 by Sandra W. Hawkins, on behalf of Whitley-Hawkins Holdings, LLC.

My commission expires: 6/30/2015.

Rebecca R. Clark
Notary Public



WITNESS the following signatures and seals:

Bruce W. Hawkins (SEAL)
Bruce W. Hawkins

Sandra W. Hawkins (SEAL)
Sandra W. Hawkins

STATE OF VIRGINIA
COUNTY OF SOUTHAMPTON, to-wit:

The foregoing document was acknowledged before me this 28th day of June, 2013 by Bruce W. Hawkins and Sandra W. Hawkins.

My commission expires: 6/30/2015



Rebecca R. Clark
Notary Public

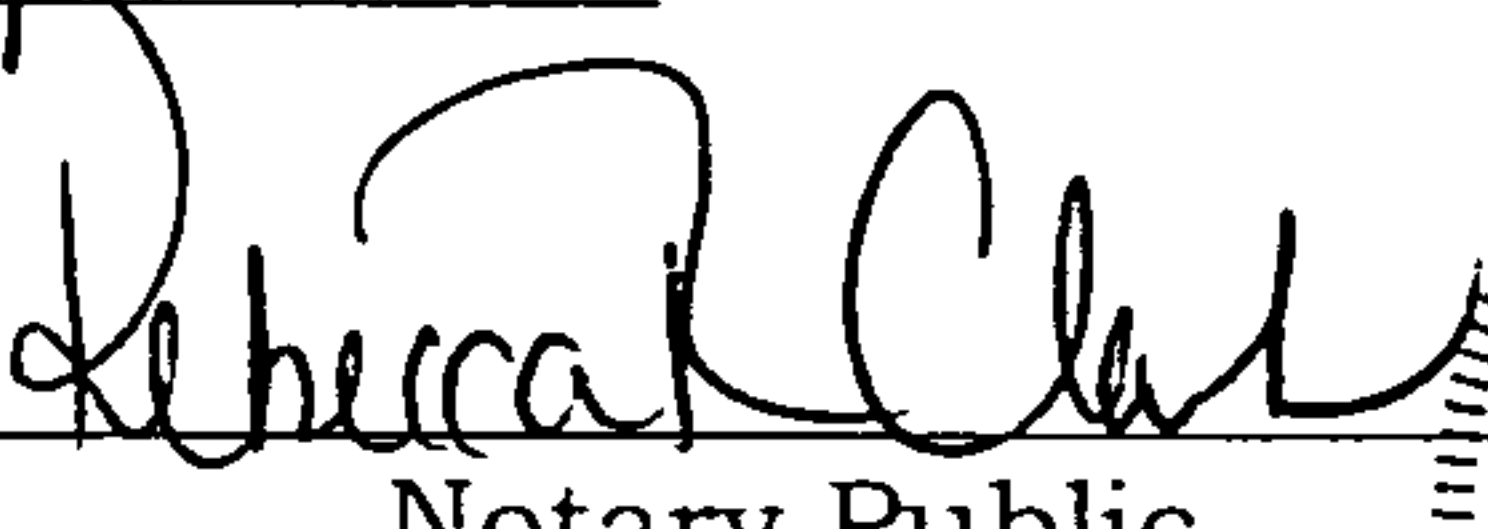
WITNESS the following signatures and seals:

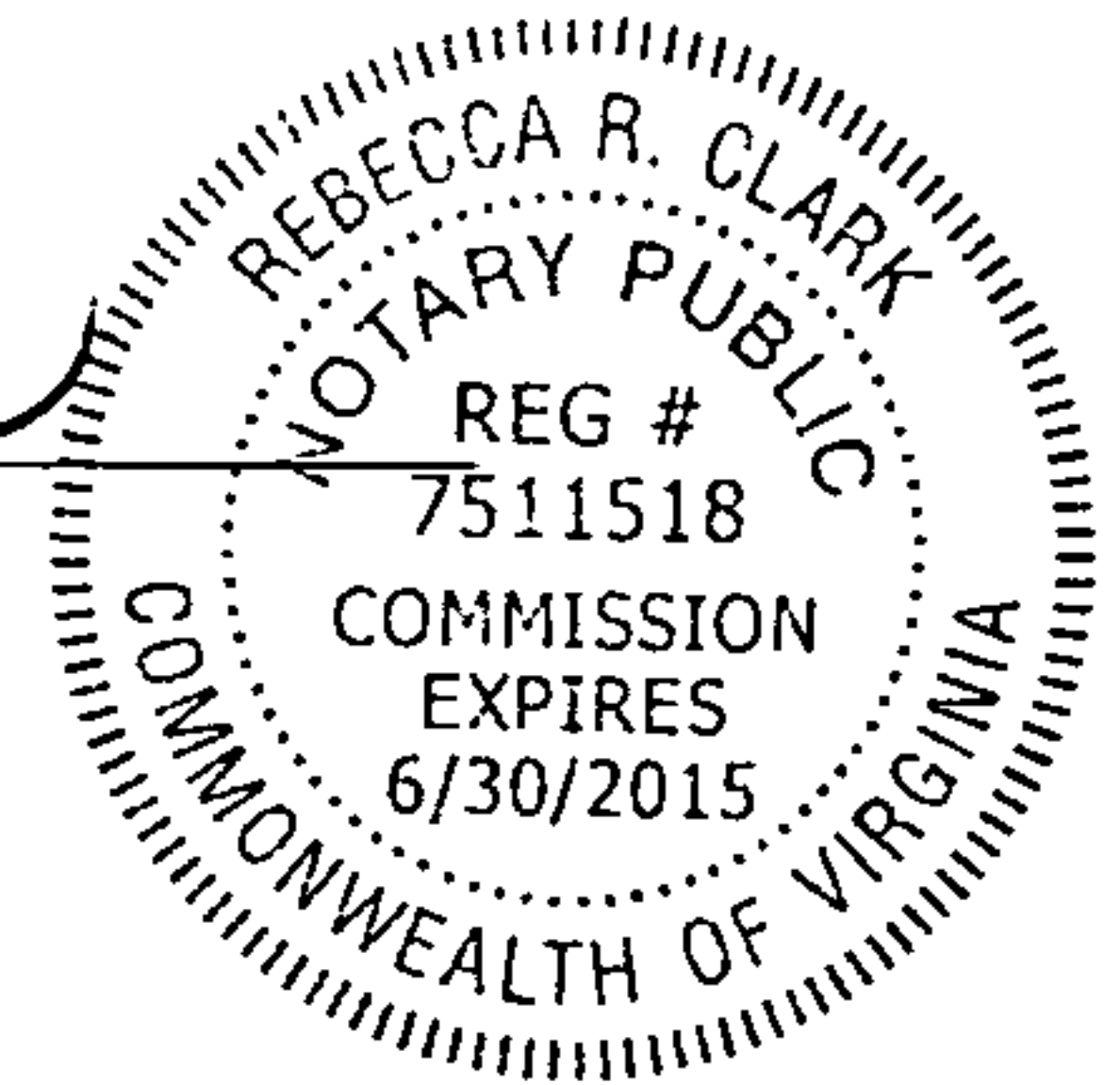
 (SEAL)
Andrew E. Perkins
 (SEAL)
Denise V. Perkins

STATE OF VIRGINIA
COUNTY OF SOUTHAMPTON, to-wit:

The foregoing document was acknowledged before me this 29 day of
June, 2013 by Andrew E. Perkins and Denise V. Perkins.

My commission expires: 6/30/2015.


Notary Public



Witness the signatures and seals:

Whitley-Keeter Holdings, LLC

By: Susan Whitley Keeter

STATE OF VIRGINIA

CITY/COUNTY Franklin to-wit:

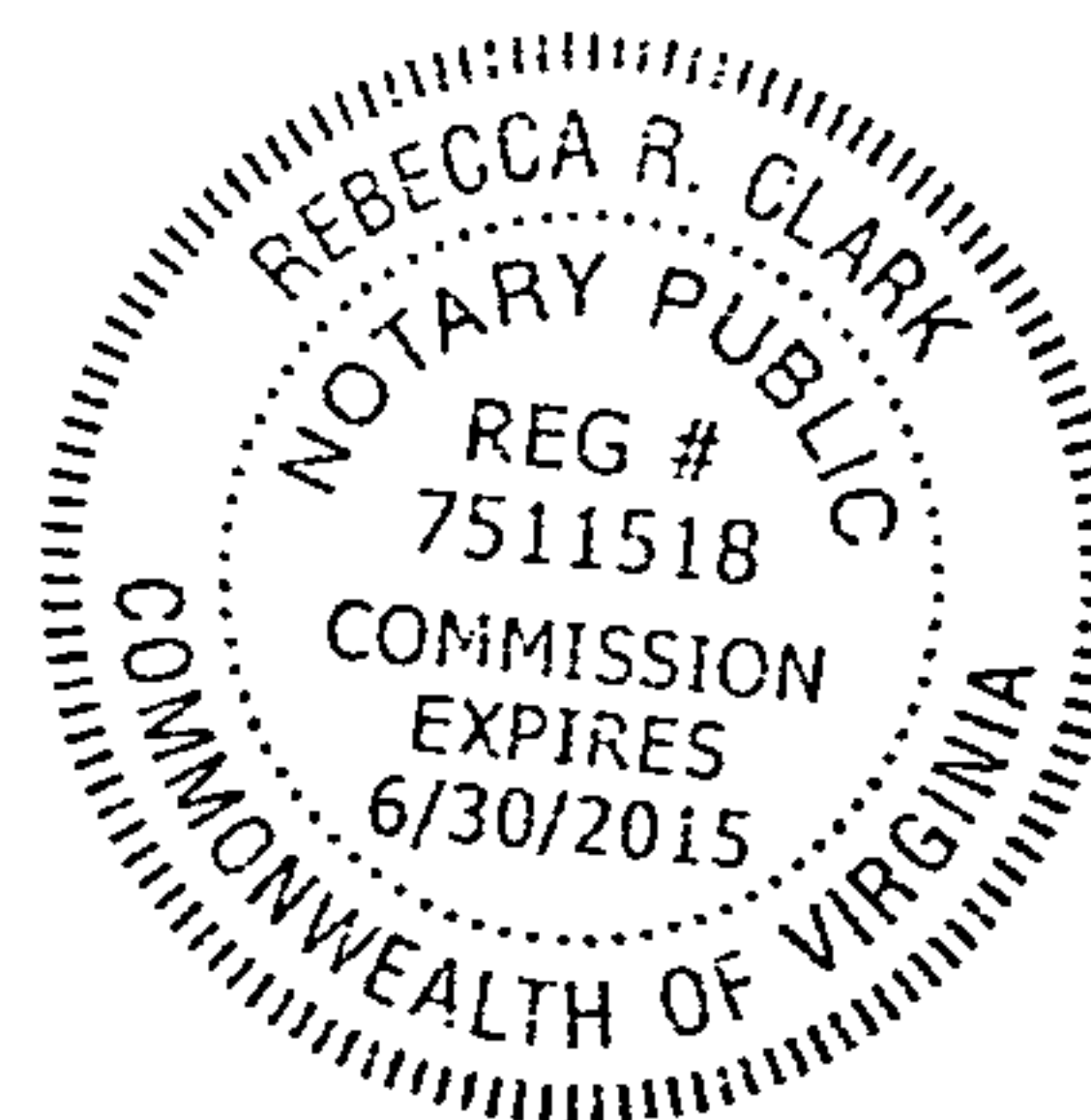
The foregoing document was acknowledged before me this 17th day of June, 2013 by Susan Whitley Keeter on behalf of Whitley-Keeter Holdings, LLC.

My commission expires:

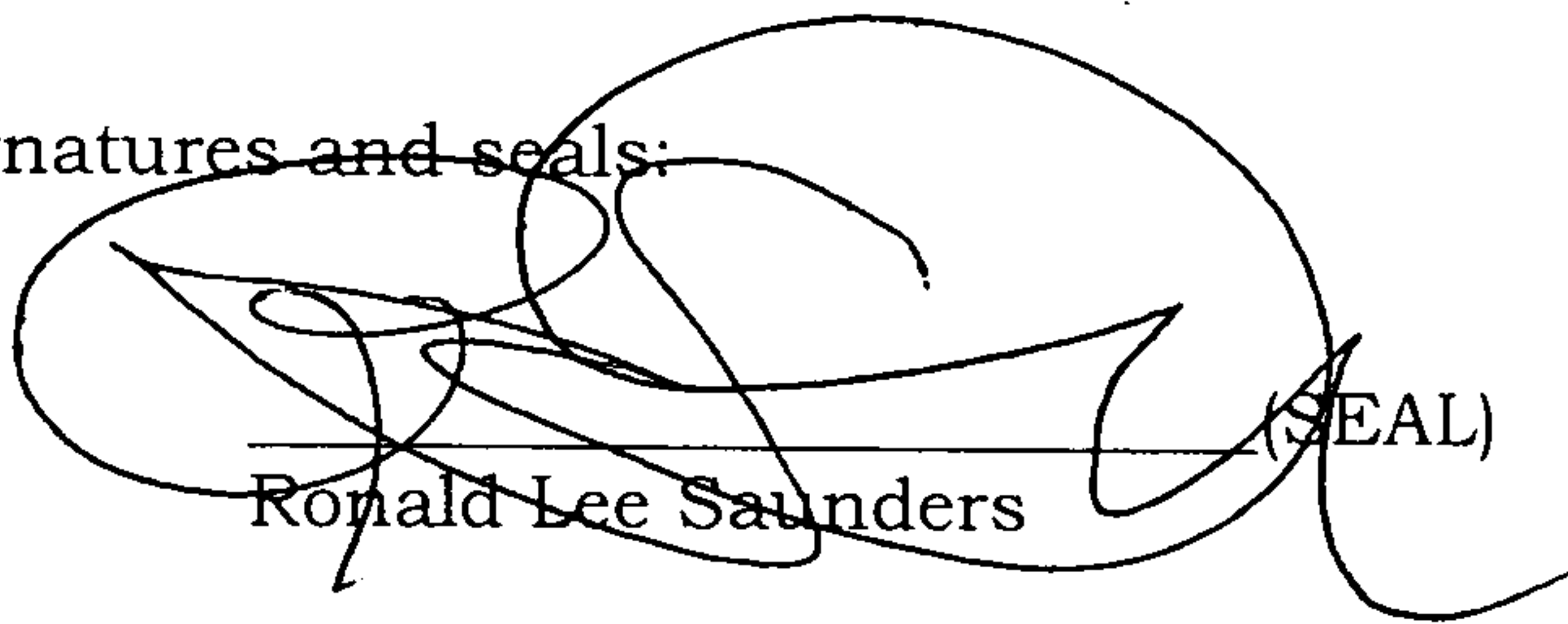
6/30/2015

Rebecca Clark

Notary Public



WITNESS the following signatures and seals:

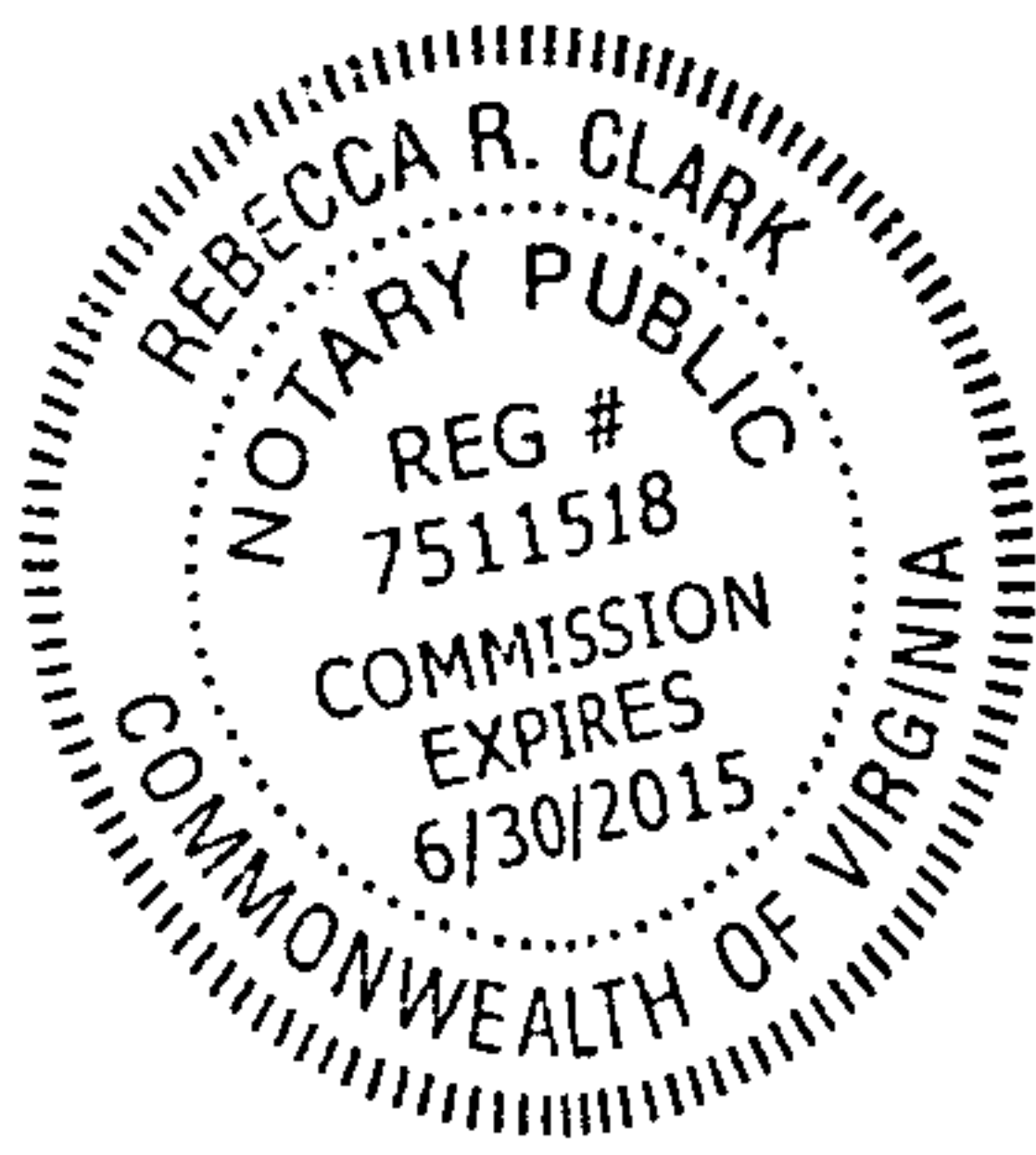
 (SEAL)
Ronald Lee Saunders

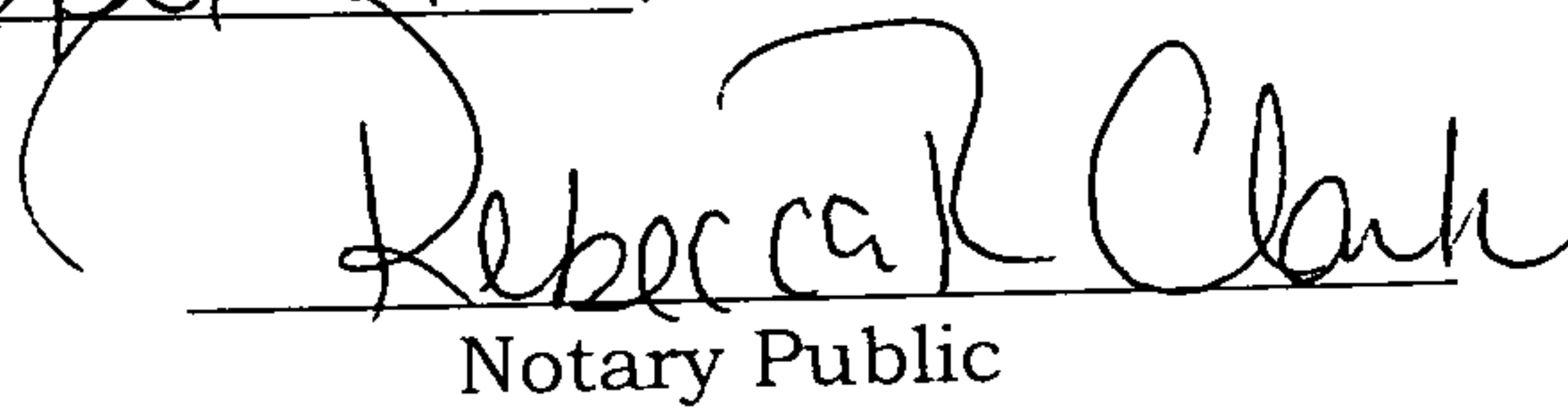
 (SEAL)
Judith E. Saunders

STATE OF VIRGINIA
COUNTY OF SOUTHAMPTON, to-wit:

The foregoing document was acknowledged before me this 27th day of June, 2013 by Ronald Lee Saunders and Judith E. Saunders.

My commission expires: 6/30/2015.




Notary Public

8 INSTRUMENT #130003858
RECORDED IN THE CLERK'S OFFICE OF
ISLE OF WIGHT COUNTY ON
JULY 16, 2013 AT 12:29PM

SHARON N. JONES, CLERK
RECORDED BY: DDS



PLANNING REPORT

APPLICATION:

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

ELECTION DISTRICT:

D4

LOCATION:

The subject property is located immediately south of the Town of Windsor in the Windsor Development Service District (DSD) on the east side of Walters Highway (Route 258) in Phase III of the Shirley T. Holland Intermodal Park and is further identified as Tax Map Parcels 53-01-080A and 53-01-081. The property is also located in the Route 258 Highway Corridor Overlay (HCO) District, which extends 500 feet on both sides of Route 258/Walters Highway.

BACKGROUND:

The applicant has contracted to purchase the property from the Isle of Wight County Economic Development Authority (EDA) to construct a 130,000 square-foot, state-of-the-art, cross-dock warehouse facility and container staging operation. Both sides of the warehouse facility are served by elevated dock loading doors (i.e., cross-dock). Specific products arrive at the Port of Virginia on one container and are trucked by drayage logistics contractors to the facility. The container is unloaded, and the products are scanned for inventory, and the applicable quantities are directed to waiting containers across the warehouse to be delivered to end-user fulfillment centers.

The upland area of the irregularly-shaped site consists of approximately 35 acres. The function of the facility for the end cross dock operator is dependent upon the 120 foot depth, single-building warehouse, with substantial dock door installations and abundant land area for truck movement and on-site container management. The container storage area will be located to the rear of the site behind the main building. A concept plan is attached for illustrative purposes.

DESCRIPTION:

The applicant requests an exception to the architectural and design guidelines of the HCO District for non-residential uses, because the cross-dock warehouse design and placement on the site cannot be configured and designed to meet the following ordinance requirements:

- Section 6-1010.A.5: Not less than sixteen percent (16%) of the total area of any facade visible from a public way (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.

The building orientation and truckways configuration on the property is dictated by the geography of the site. The development area is surrounded by adjacent wetlands. These environmental constraints limit the development to the delineated uplands area on which the facility is to be constructed. The applicant asserts that the cross-dock shipping model makes any other building placement impossible on the site, such that the building's front facade and cross-dock loading bays must face the public roadway.

The applicant contends that the installation of glass inserts in the active shipping/receiving areas is not practical for physical plant management and safety. In order to mitigate this, the applicant proposes that, 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 facade at intervals. The front elevation calculations for doors, windows and architectural accents combined measures 22.25%.

In order to mitigate the visual impact of loading bays along the front facade, the applicant has proposed six-foot (6') high vinyl privacy fencing with landscaping in front along the Route 258/Walter's Highway frontage, which is intended to limit the view of the overhead doors facing Route 258 and the associated truck movement.

The site layout, building elevations, and concept for proposed screening fencing and landscaping along the site frontage are attached for reference.

COMPREHENSIVE LAND USE PLAN:

The Comprehensive Plan's Future Land Use Designation for this property is the Windsor Development Service District (DSD) and, more specifically, Planned Industrial (PI) and Environmental Conservation (EC).

DSDs are specific areas in the County identified for development to occur. Outside of the DSD boundaries all land is intended to stay in rural and agricultural uses and environmental protection. Within the boundaries of the DSD, the County has installed or has plans for water and sewer infrastructure and road improvements.

The Planned Industrial (PI) designation is where manufacturing, warehousing, and distribution is planned to occur. It consists of some light industrial and all heavy industrial and manufacturing uses, as well as warehousing, distribution, and uses which may negatively impact surrounding development. Preservation of environmental features still occurs, and development is connected to residential uses with vehicular and pedestrian access but should be buffered. Example of PI include the Shirley T. Holland Intermodal Park and International Paper.

The Environmental Conservation (EC) designation includes all of the important environmental features of the County that we want to protect. It encompasses familiar wetland types such as marshes, rivers, streams, and their tributaries resource protection areas and buffers, as well as forested wetlands.

ORDINANCE REVIEW:

The subject property is zoned Conditional - Light Industrial (C-LI) and is part of the Shirley T. Holland Intermodal Park, Phase III. The conditional rezoning proffers for Phase III were reviewed, and the proposed warehousing and distribution use is consistent with the uses permitted.

Section 6-1015 of the Zoning Ordinance outlines the procedure for exception requests in the HCO District. A request for an exception must be made in writing to the Zoning Administrator for consideration by the Board of Supervisors following a recommendation by the Planning Commission. In formulating their decision, the Board of Supervisors shall consider the following:

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

Finding: The current regulation affords greater visual and noise relief than the exception would, because it prohibits truck bays and loading areas along the public road frontage; however, the proposed privacy fencing and landscaping screening should help to mitigate both the visual impact and noise to neighboring property and the highway corridor.

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

Finding: The 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.

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 Inspections, Utilities, VDOT and Planning and Zoning.

AGENCY REVIEW:

The application did not require other agency review.

STAFF CONCLUSIONS:

Strengths:

1. The proposed use is consistent with the Comprehensive Plan future land use designations and C-PI zoning of the property.
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 the truck loading bays and truck movement area.

Weaknesses:

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

STAFF RECOMMENDATION:

Staff recommends approval of this request with the following condition: 1. Retain existing tree and shrub vegetation along the entirety of the site frontage in the fifty-foot (50') HCO District front setback, factoring in site entrances, and incorporate this into the landscape screening design for visual and noise attenuation.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	6/20/2023
Application Narrative	Backup Material	6/20/2023
Supplemental Narrative	Backup Material	6/20/2023
Conceptual Site Plan	Backup Material	6/20/2023
Building Floor Plans, Elevation, and Site Schematics	Backup Material	6/20/2023
STH Intermodal Park Ph III Proffers	Backup Material	6/20/2023
Site Photo1	Backup Material	6/20/2023
Site Photo2	Backup Material	6/20/2023
Site Photo 3	Backup Material	6/20/2023
Site Photo 4	Backup Material	6/20/2023
Site Photo 5	Backup Material	6/20/2023
Site Photo 6	Backup Material	6/20/2023
Site Photo 7	Backup Material	6/20/2023
Site Photo 8	Backup Material	6/20/2023
Site Photo 9	Backup Material	6/20/2023
Site Photo 10	Backup Material	6/20/2023
Site Photo 11	Backup Material	6/20/2023



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) _____ of the Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or the Isle of Wight County Subdivision Ordinance.

Proposed Use or Activity: 130,000 SF Cross Dock Distribution Warehouse and Container Staging

B. APPLICATION INFORMATION:

Applicants Name: Air Station General, LC

Address: 1206 Laskin Road, Suite 150 Virginia Beach, VA 23451

Email: klefcoe@davlef.com

Phone: Office: 757-425-7977 Cell: 757-576-4708

Property Owners Name: Isle of Wight County EDA

Address: 17140 Monument Circle, Suite 100 PO Box 80 Isle of Wight, VA 23397

C. PROJECT DESCRIPTION:

Project Name: Air Station Cross Dock Warehouse

Property Address (if any): Parcel 53-01-080A, 53-01-080C, 53-01-081 Walters Highway

Comprehensive Plan Designation: N/A

The exception will apply to 38 acres out of 135 total acres

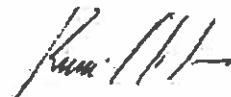
Tax Parcel Identification # See above Number of acres to be effected: 38

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

 May 12, 2023

Applicant Signature Date

 6/12/23

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: _____

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

Applicant: Air Station General, LC

Address: 1206 Laskin Road, Suite 150, Virginia Beach, VA 23451

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
25427 WALTERS HWY, WINDSOR	Tax ID #53-01-081

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.)

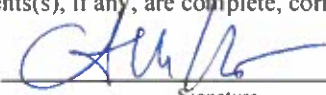
Name of Individuals Corporation/Partnership Business Association	Address
Economic Development Authority of Isle of Wight County	17146 Monument Circle, Box 80, Isle of Wight, VA 23397

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.

Owner: Christopher A. Morello
Printed or Typed Name

Owner: 
Signature

Date: 6/12/23

(on behalf of Applicant)

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Gloria Banks Spratley
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 12th day of June, 2023.


Notary Public

My Commission Expires June 30, 2025





SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

****Both checklist and application required upon submission to central permitting or application will not be accepted****

In accordance with Section 5002, *Exceptions*, of the Chesapeake Bay Preservation Area Ordinance, and in accordance with Section 6-1015, *Exceptions*, Section 6-2011, *Exceptions*, and Section 9-1013, *Exceptions*, of the Isle of Wight County Zoning Ordinance, the following information shall be submitted for an exception 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 an exception shall be certified as complete unless the following information is provided. **The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

- ☐ **Ten (10) copies of the following**
 - ☐ original, executed application
 - ☐ a statement of the reasons for seeking an exception
 - ☐ narrative description of the property which shall include the tax parcel identification number
 - ☐ full size concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be used on a given parcel or parcels, and information defining the requested exceptions. The plan shall be prepared by the appropriate authorized design professional licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. 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), including tax map number(s) and owner(s)

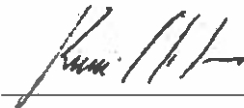
- Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
- Street names including route number and width(s) of the right-of-way(s)
- ☐ **One (1) original executed application**
- ☐ **One (1) digital copy of ALL application documents**
- ☐ **One (1) reduced 11"x17" copy of concept 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.

Kevin C. Lefcoe

Printed or Typed Name

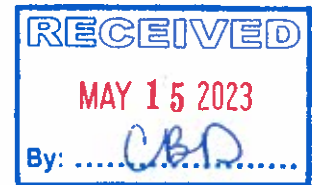


Signature

May 12, 2023

Date

Air Station GENERAL



May 11, 2023

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

#28076
Exc-8-23

Reference:

**ISLE OF WIGHT COUNTY, VIRGINIA
APPLICATION FOR EXCEPTIONS**

**HIGHWAY CORRIDOR OVERLAY DISTRICT EXCEPTIONS
AIR STATION GENERAL, LC
130,000 SF CROSS DOCK FACILITY AND CONTAINER STAGING OPERATION
US 258 – WALTERS HIGHWAY
Tax Map Parcel numbers:
Parcel 53-01-080A (0.43 +/- Acres)
Parcel 53-01-080C (3.52 +/- Acres)
Parcel 53-01-081 (131.41 +/- Acres with 34.4 +/-Acres Uplands)**

Attached please find one (1) original application and supporting exhibits for the referenced matter. A digital file has been sent via electronic mail to planreview@iwus.net.

Please contact me by email klefcoe@davlef.com or by cell 757-576-4708, as practical for further comment, addition, and/or approval processing.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin C. Lefcoe".

Kevin C. Lefcoe

Attachments

**ISLE OF WIGHT COUNTY, VIRGINIA
APPLICATION FOR EXCEPTIONS**

**HIGHWAY CORRIDOR OVERLAY DISTRICT EXCEPTIONS
AIR STATION GENERAL, LC
130,000 SF CROSS DOCK FACILITY AND CONTAINER STAGING OPERATION
US 258 – WALTERS HIGHWAY
Tax Map Parcel numbers:**

Parcel 53-01-080A (0.43 +/- Acres)

Parcel 53-01-080C (3.52 +/- Acres)

Parcel 53-01-081 (131.41 +/- Acres with 34.4 +/- Acres Uplands)

Port related distribution warehousing is expanding. Hampton Roads container transportation demands are increasing, due in a large part to the area's geographic advantages, along with current and planned harbor access upgrades.

CROSS DOCK WAREHOUSE is a specialized hub for primary market goods distribution. Both sides of the warehouse facility are served by dock level loading doors (i.e cross dock). Summarized briefly, specific products (for example, 50 refrigerators) arrive at the Port of Virginia on one container, and are trucked by drayage logistics contractors to the facility. The container is unloaded and the product (refrigerators) are scanned for inventory and the applicable quantities are directed to awaiting containers across the warehouse. to be delivered to end user fulfillment centers.

Air Station General, LC, a Hampton Roads based Real Estate Development Partnership, ("Air Station") has contracted to purchase the Subject property from Isle of Wight County Economic Development Authority. The development team includes Kevin Lefcoe, CEO, Lefcoe' Development Company, W. Keith Woodard and Brian Bolger, Woodard Group General Contractors, Scott Courtney, PE, Resource International Engineers, and Jonathan Covington, Covington Hendrix Architects.

The Subject facility is a state of the art 130,000 SF cross dock warehouse facility (See attached elevation and site plan exhibits). The upland area of the irregular shaped Walters Highway site consists of approximately 35 acres. The function of the facility for the end cross dock operator is dependent upon the 120' depth, single building warehouse, with substantial dock door installations, and abundant land area for truck movement and on site container management.

Air Station is requesting a waiver in the "Proposed Use or Activity" section in County Zoning Code Sec. 6-1010 - Architectural and development guidelines for all nonresidential uses"

https://library.municode.com/va/isle_of_wight_county/codes/code_of_ordinances?nodeId=APXBZO_ARTVIOVDI_S6-1010ARDEGUALNOUS

The specific exceptions are due to the nature of the use (cross-dock storage facility). The facility cannot meet the requirements in the ordinance regarding number of windows and bay doors facing the highway. In order to mitigate the applicable exceptions:

- 1) Privacy fencing and landscaping will be installed along the development property fronting US 258, which is intended to limit the view of the overhead doors facing US 258 and the associated vehicular movement.
- 2) The exception for modifying the window requirement is - the installation of glass inserts in the active shipping/receiving areas is not practical for physical plant management and safety. The alternative - 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
- 3) The building and truckways' configuration on the property is dictated by the geography of the site. The Subject development area is surrounded by adjacent wetlands. These environmental constraints hem the development in to the delineated uplands area on which the facility is to be constructed. The cross-dock shipping model makes any other building placement impossible.

NOTE: (Architectural concept renderings, sample fence and lighting cut sheets are attached).

For additional consideration,

1. A Preliminary Site Plan review application is being submitted contemporaneously with this Special Exceptions Application.
2. The Virginia Port Authority Port Centric Logistics team endorses the project and is supporting marketing to logistics company operators.
3. The Subject is an economic development project intended to employ 250+
4. Virginia Department of Transportation ("VDOT") has been consulted. The site plan (attached) includes VDOT comments for US 258 improvements to be included in the developer's plan, pursuant to Air Station's Traffic Turn Lane Access Warrant & general impact analysis (copy attached).



June 14, 2023

Jeryl Rose Phillips, AICP
Assistant Director/Planning & Zoning
Department of Community Development
Isle of Wight County, VA

Supplemental Memorandum
Specific Exceptions per County Code

ISLE OF WIGHT COUNTY, VIRGINIA
APPLICATION FOR EXCEPTIONS

HIGHWAY CORRIDOR OVERLAY DISTRICT EXCEPTIONS
AIR STATION GENERAL, LC
130,000 SF CROSS DOCK FACILITY AND CONTAINER STAGING OPERATION
US 258 – WALTERS HIGHWAY
Tax Map Parcel numbers:

Parcel 53-01-080A (0.43 +/- Acres)
Parcel 53-01-080C (3.52 +/- Acres)
Parcel 53-01-081 (131.41 +/- Acres with 34.4 +/- Acres Uplands)

Dear Ms. Phillips:

In follow to our May 11, 2023 submittal for HIGHWAY CORRIDOR OVERLAY DISTRICT EXCEPTIONS, please include the specific Code exceptions AirStation General, LC is requesting pursuant to Isle of Wight County Code Sec. 6-1010. - Architectural and development guidelines for all nonresidential uses.

Sec. 6-1010 A

5. Not less than sixteen percent (16%) of the total area of any facade visible from a public way (excluding work areas) shall consist of windows and doors.

6. Large work area doors or open bays shall not open toward or face the highway.

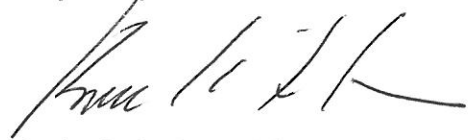
11. Fencing along the highway right-of-way is discouraged, but if used, such fencing shall be landscaped to minimize visibility from the highway or be of a style which is harmonious with the rural, agricultural and historical character of the county. Chain link fences shall be prohibited.

Sec. 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.

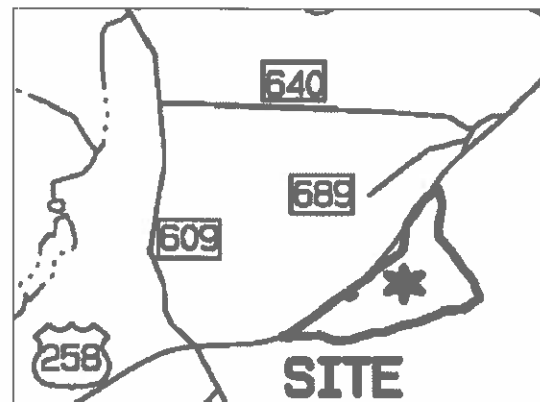
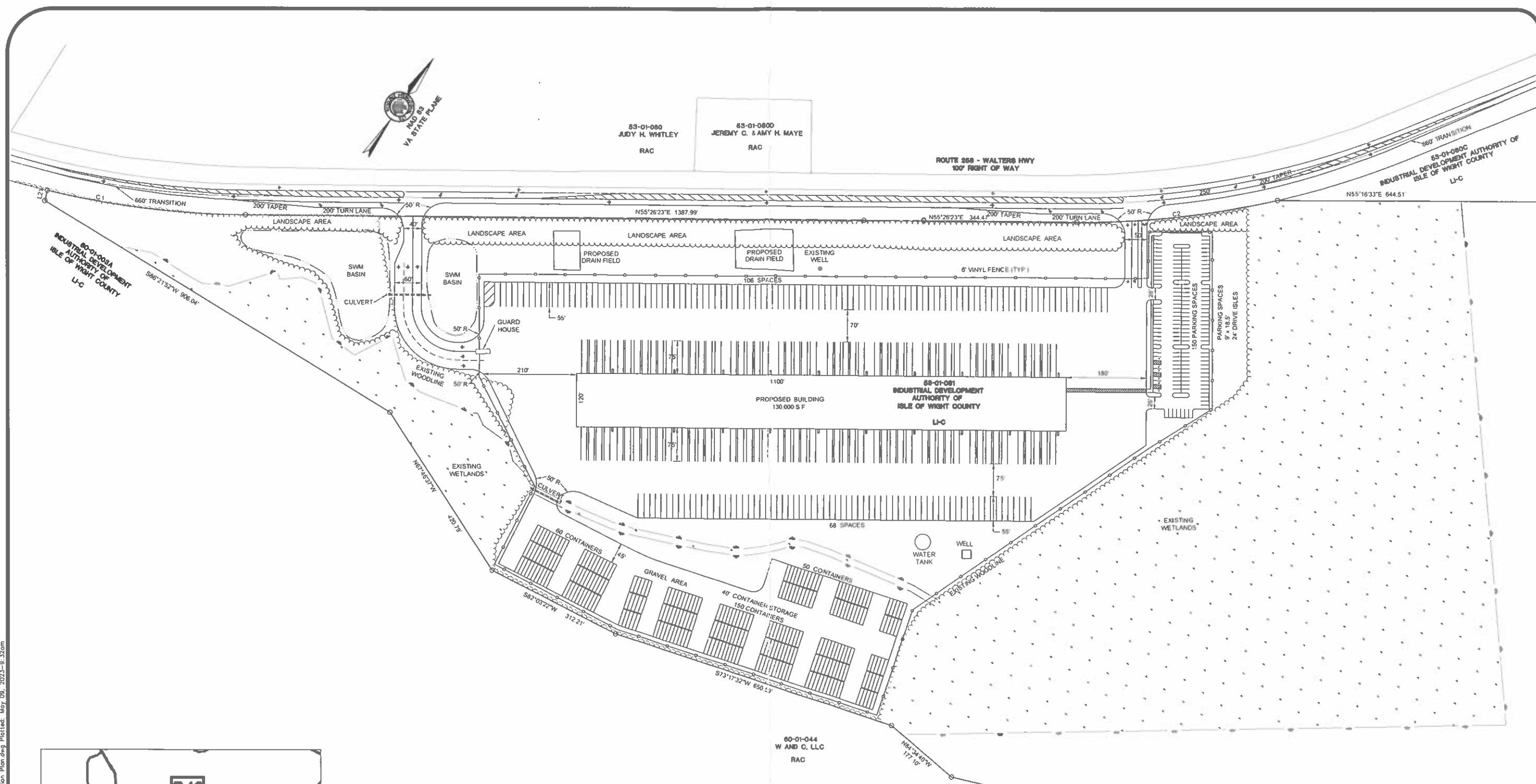
Please contact me as needed for further clarity. Thank you for your assistance.

Very Truly Yours,

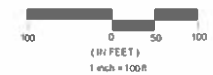
A handwritten signature in black ink, appearing to read 'Kevin C. Lefcoe', written in a cursive style.

Kevin C. Lefcoe, Manager
Air Station General, LC
1206 Laskin Road, #150
Virginia Beach, Virginia, 23451
757-425-7977 office
757-576-4708 cell

H:\2023016.01 AIR STATION GENERAL\CONCEPT PLAN\Special Exception Plan.dwg Plotted: May 09, 2023-9:32am



COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE #20901106
1" = 2000'



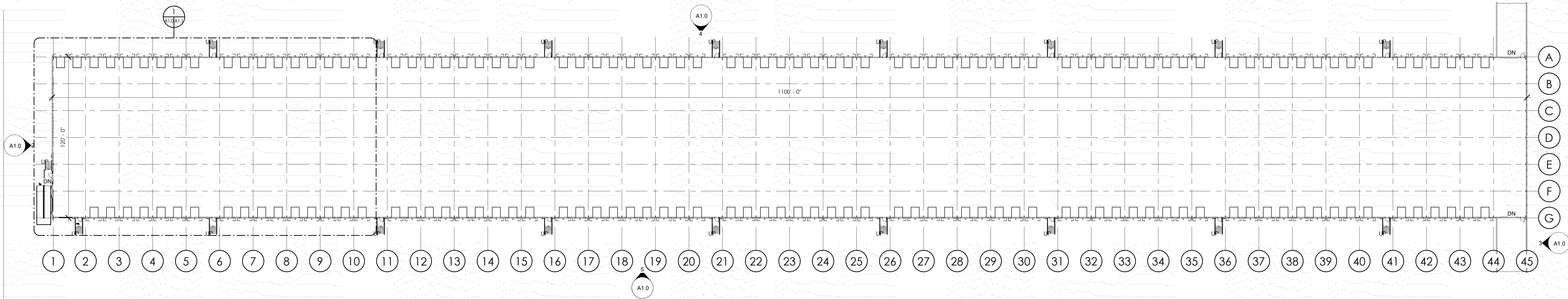
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CROSS DOCK FACILITY
PRELIMINARY PLAN
AIR STATION GENERAL
WALTERS HIGHWAY (ROUTE 258)
ISLE OF WIGHT COUNTY, VIRGINIA

MAY 2023

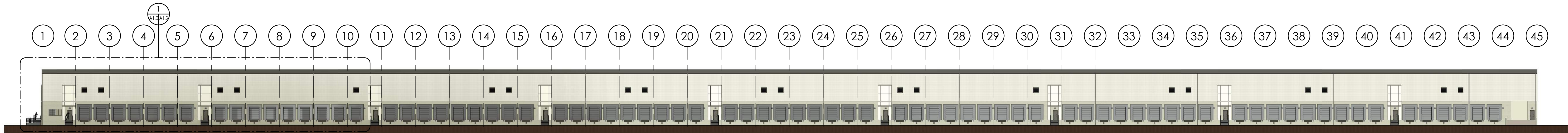


resource
INTERNATIONAL
P.O. Box 6160 • 9560 Kings Charter Drive • Ashland, VA 23005
(804) 550-9200 • FAX (804) 550-9259



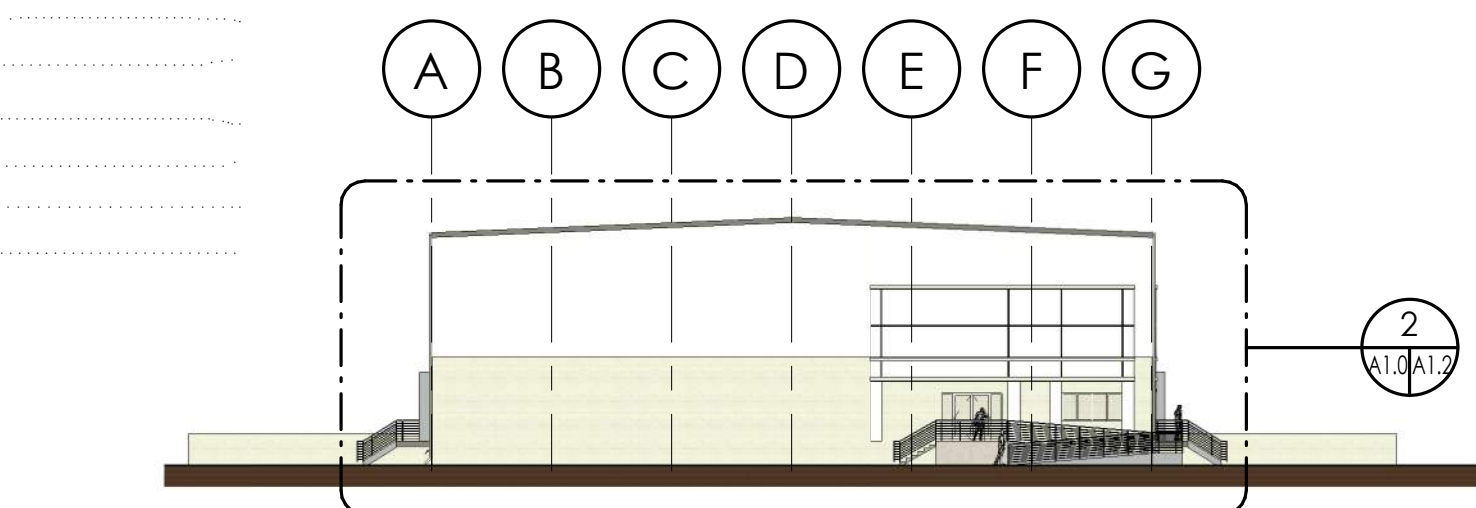
OVERALL FLOOR PLAN

1/32" = 1'-0"



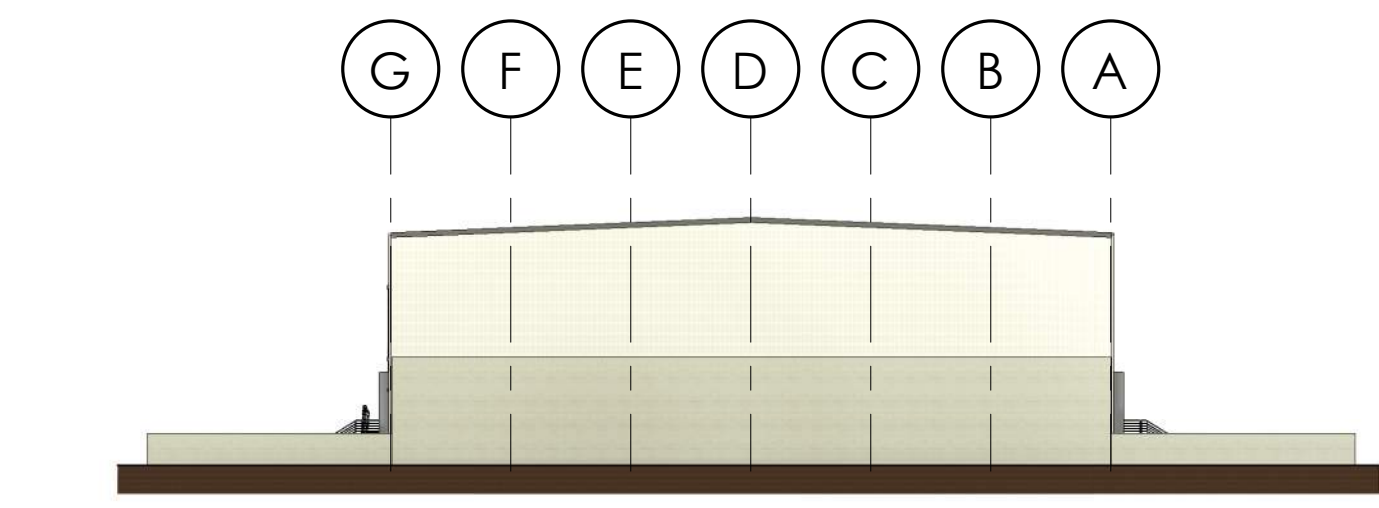
OVERALL FRONT ELEVATION

1/32" = 1'-0"



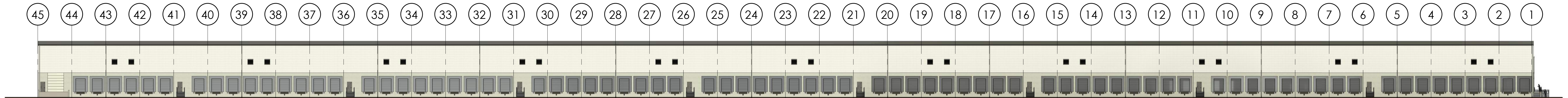
OVERALL LEFT SIDE ELEVATION

1/32" = 1'-0"



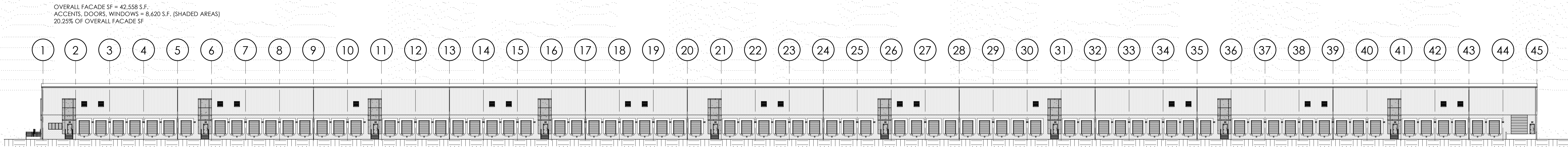
OVERALL RIGHT SIDE ELEVATION

1/32" = 1'-0"



OVERALL REAR ELEVATION

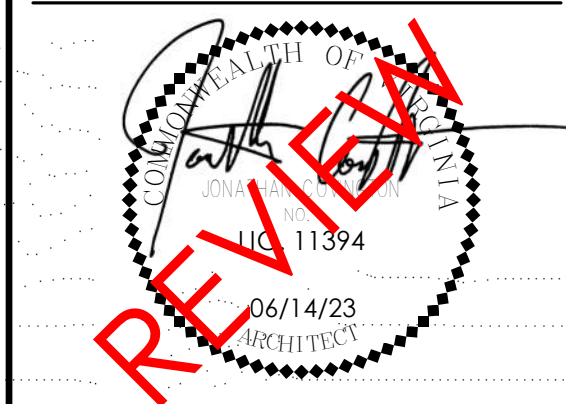
1/32" = 1'-0"



OVERALL FRONT ELEVATION - CALCULATIONS

1/32" = 1'-0"

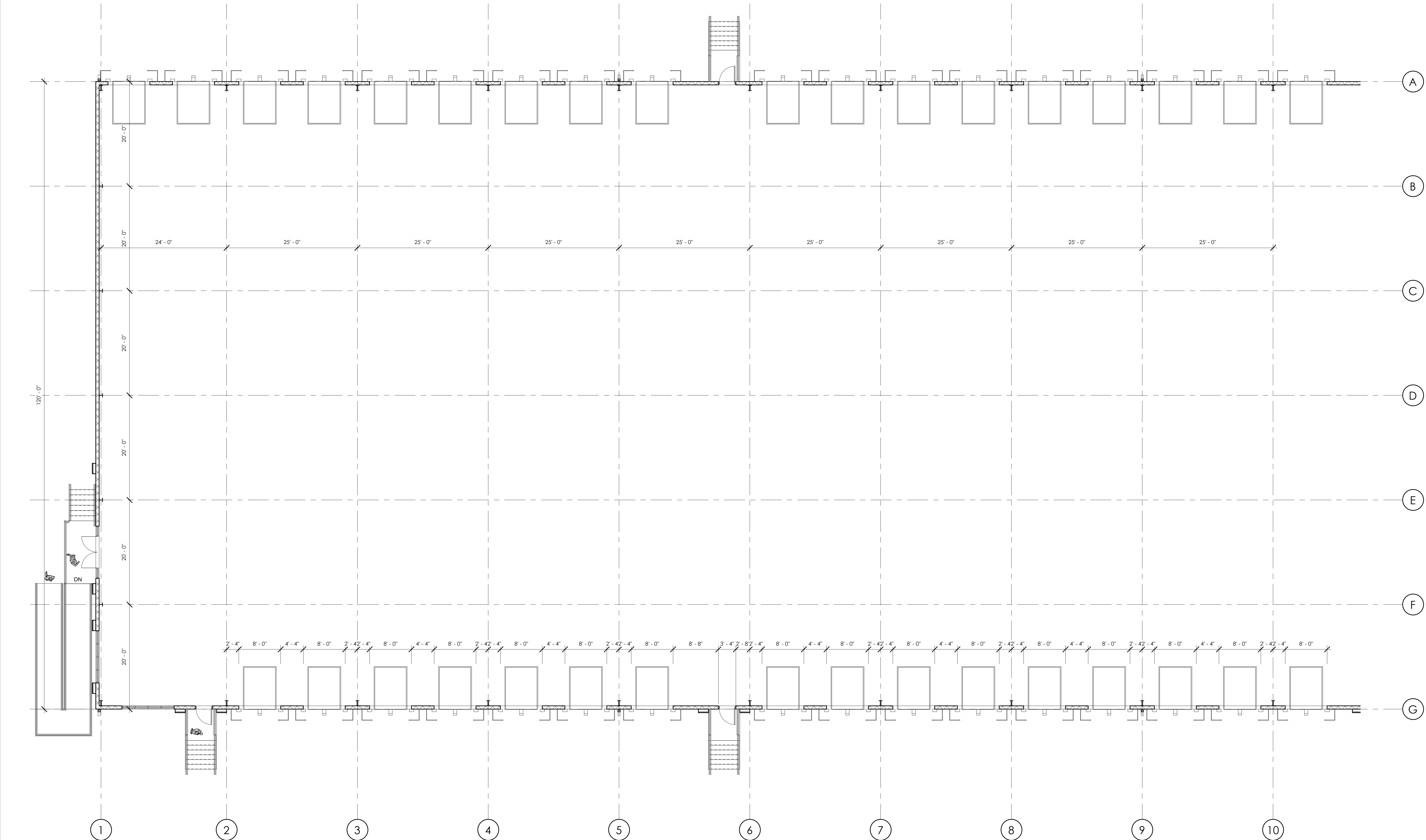
NEW FACILITY FOR
KEVIN LEFCOE
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA



CHA PROJECT	22154
ISSUE DATE	06/14/23
REVISION NO.	DATE

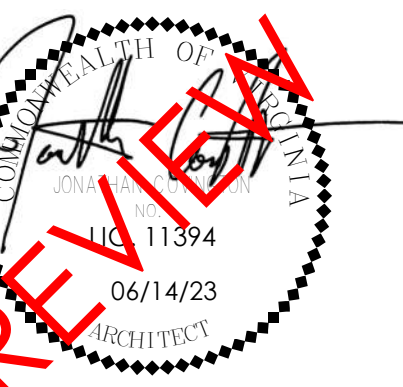
OVERALL FLOOR PLAN,
OVERALL EXTERIOR
ELEVATIONS

A1.0



1 PARTIAL ENLARGED FLOOR PLAN
1/8" = 1'-0"

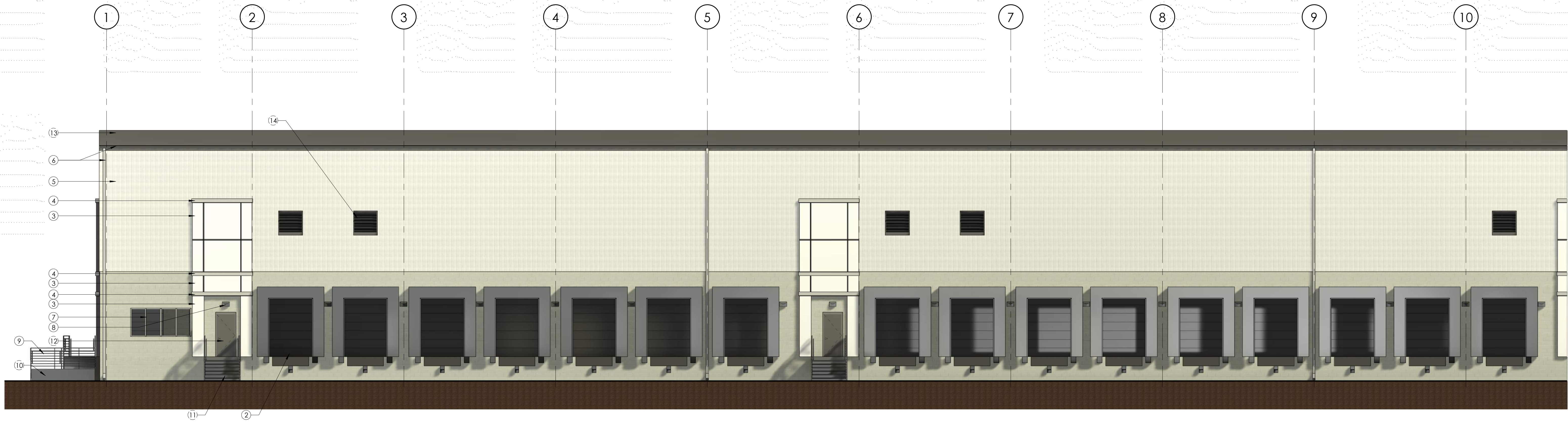
NEW FACILITY FOR
KEVIN LEFCOE
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA



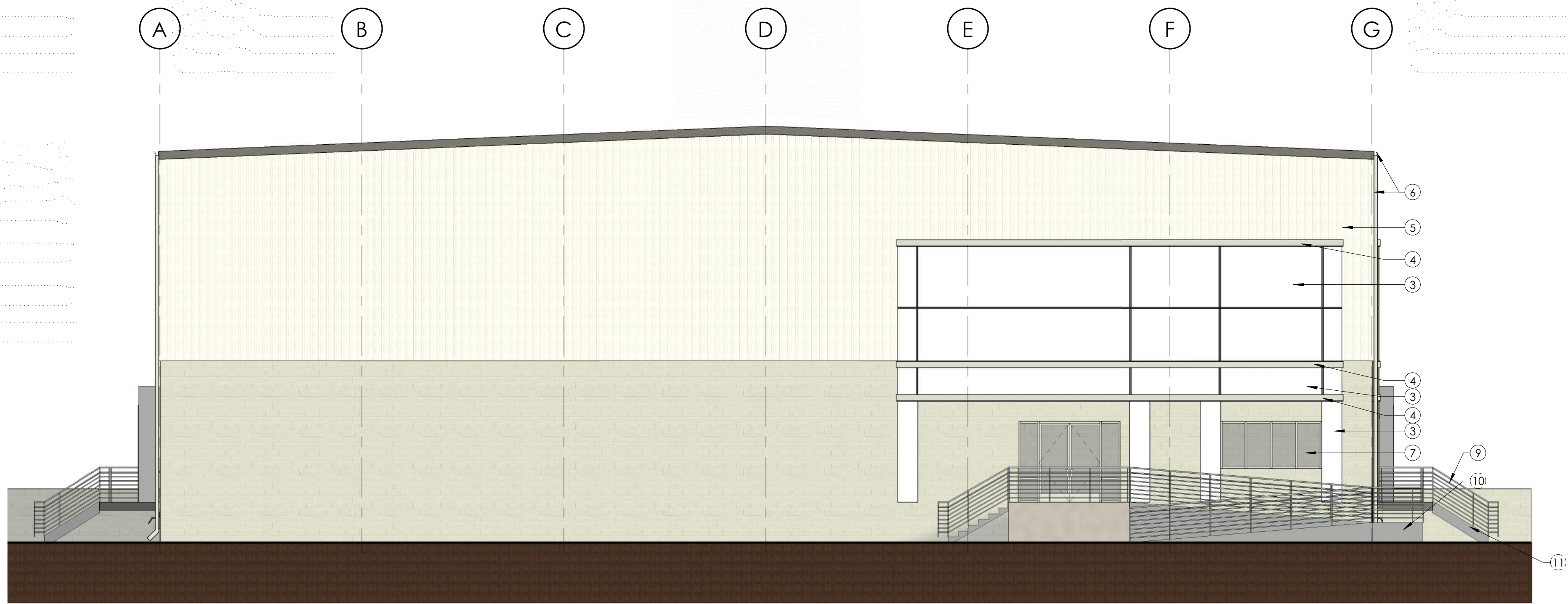
CHA PROJECT	22154
ISSUE DATE	06/14/23
REVISION NO.	DATE

ENLARGED PARTIAL FLOOR
PLAN

A1.1



1 PARTIAL ENLARGED FRONT ELEVATION
1/8" = 1'-0"



2 ENLARGED LEFT SIDE ELEVATION
1/8" = 1'-0"

EXTERIOR MATERIALS

- 1 CMU - INTEGRALLY COLORED OR FIELD FINISHED W/ INTEGRAL WATER REPELLENT - NITTERHOUSE NM-196 (BEIGE) OR EQUAL W/ TINTED MORTAR
- 2 PREFINISHED INSULATED OVERHEAD DOORS W/ DOCK SEALS, LEVELERS, AND BUMPERS - DOORS PREFINISHED WHITE
- 3 EXTERIOR INSULATION AND FINISH SYSTEM (FIELD COLOR) W/ DRAINAGE SYSTEM - DRYVIT SUPER WHITE 101 OR EQUAL
- 4 EXTERIOR INSULATION AND FINISH SYSTEM (ACCENT COLOR) W/ DRAINAGE SYSTEM - DRYVIT PEARL ASH 106 OR EQUAL
- 5 PEMB METAL PANEL - PREFINISHED MS METAL SALES PARCHMENT W74 OR EQUAL
- 6 PEMB EAVE TRIM, GUTTER, AND DOWNSPOUT - MS METAL SALES OLD TOWN GREY W25 OR EQUAL
- 7 THERMALLY BROKEN CURTAINWALL / STOREFRONT W/ 1" INSULATED GLAZING - CLEAR ANODIZED STOREFRONT W/ GRAY TINTED GLAZING
- 8 FULLY SHIELDED WALL MOUNTED LIGHTING - LITHONIA TWR1S OR EQUAL
- 9 GALVANIZED RAILING SYSTEM
- 10 CONCRETE FINISHED RAMP / STAIR - SMOOTH FINISH
- 11 MANUFACTURED METAL STAIR - PAINTED GRAY
- 12 INSULATED METAL PERSONNEL DOOR - COLOR TO MATCH EIFS ACCENT COLOR
- 13 PEMB ROOF PANELS - MS METAL SALES OLD TOWN GREY W25 OR EQUAL
- 14 PREFINISHED WALL LOUVERS - FINISH TO MATCH WALL PANELS

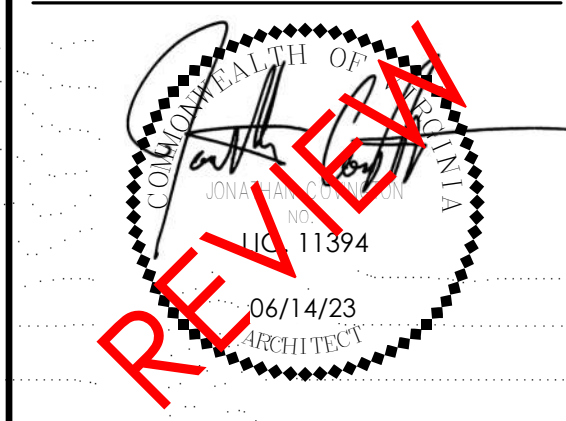
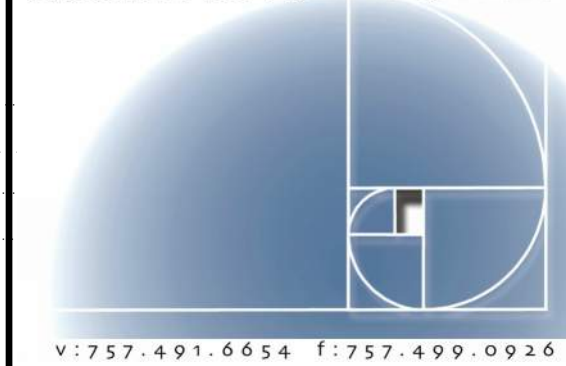
**SITE FENCING TO BE WHITE PVC FENCING - 6'-0" TALL. GATES TO BE PREMANUFACTURED SLIDING GATE SYSTEMS.

**PROVIDE MASONRY CONTROL JOINTS @ MAX. 30'-0" SPACING

NEW FACILITY FOR
KEVIN LEFCOE
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA

COVINGTON
HENDRIX
ANDERSON
ARCHITECTS

360 Southport Circle
Suite 100
Virginia Beach, VA 23462
www.covingtonhendrixanderson.com



CHA PROJECT	22154
ISSUE DATE	06/14/23
REVISION NO.	DATE

ENLARGED PARTIAL EXTERIOR
ELEVATIONS

A1.2



3D VIEW APPROACH FROM EAST ON 258



3D VIEW APPROACH FROM WEST ON 258



3D VIEW FACILITY MAIN ENTRANCE

NEW FACILITY FOR
KEVIN LEFCOE
258 DEVELOPMENT ISLE OF WIGHT COUNTY, VA

COVINGTON
HENDRIX
ANDERSON
ARCHITECTS

360 Southport Circle
Suite 100
Virginia Beach, VA
www.covingtonhendrix.com



V: 757.491.6654 F: 757.499.0926

REVIEW

11394
06/14/23
ARCHITECT

CHA PROJECT	22154
ISSUE DATE	06/14/23
REVISION NO.	DATE

SCHEMATIC 3D VIEWS

**COUNTY OF ISLE OF WIGHT
AMENDED PROFFER STATEMENT**

Applicant's name(s): Economic Development Authority of Isle of Wight County

Owner's name(s): Economic Development Authority of Isle of Wight County

Project name: Shirley T. Holland Intermodal Park, Phase III

Date: January 18, 2023

Parcel-Tax Map Numbers and deed book reference: See Table Following Proffer Statement

These amended proffers are made as of the 18th of January, 2023, by the Economic Development Authority of Isle of Wight County (collectively "Owner"), of Tax Map Numbers 53-01-080A, 53-01-080B, 53-01-080C, 53-01-081, 54-01-070A, 60-01-045, 61-01-002, containing approximately 889.57 acres of land which is referred to herein as the "Property". Isle of Wight County approved a change in the zoning of the Property from Rural Agriculture Conservation (RAC), to Conditional - Limited Industrial (C-LI) in 2013. The rezoning application was associated with a larger effort to rezone approximately 969.13 acres, of which the above 889.57 acres is a part of and of which the remaining 79.56 acres (Tax Map Number 53-01-082B) is located within the Windsor Town Limits. The rezoning application was for the purposes of developing an industrial park heretofore known as the Shirley T. Holland Intermodal Park, Phase III. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with the Conceptual Master Plan prepared by Moffatt & Nichol dated December 2012, as determined during preliminary and final site plan approval and/or preliminary and final subdivision construction plan approval. The Owner reserves the right to subsequently modify the Master Plan subject to the following provisions, as determined by the reviewing authority:
 - i. Proposed modifications adhere to the restrictions listed in the Land Use section below.
 - ii. Impacts of the proposed modifications are documented and are not more adverse than those presented in the Environmental Assessment included within the rezoning application for the Conceptual Master Plan, unless accompanied by mitigation measures subject to approval by both the County and / or the Town of Windsor (as applicable).

- iii. The proposed modifications remain consistent and in accordance with all other provisions of this Proffer Statement.
 - iv. The proposed modifications are approved in writing by both the County and Town of Windsor prior to any preliminary site plan review.
2. All buildings shall be in accordance with the design criteria as follows:
- No company signs shall be allowed on the rear of buildings facing Buckhorn Drive, or on the rear of other buildings with visibility from Buckhorn Drive. (other than markers for businesses/addresses on rear doors and similar directional signage). No signage shall be located on the face of the building facing Buckhorn Drive, unless a principal customer entrance is located on such face. The only signs allowed along Buckhorn Drive, shall be the "Shirley T. Holland Intermodal Park" entrance signs.
- No company signs shall be allowed on US Route 258 frontage. No signs shall be allowed on the rear of buildings facing US Route 258 or on the rear of other buildings with visibility from US Route 258 (other than markers for businesses/addresses on rear doors and similar directional signage). The only signs allowed along US Route 258 shall be the "Shirley T. Holland Intermodal Park" entrance signs.
3. The total impervious footprint (buildings, paved parking lots, roadways) shall not exceed 60% of the total subject property area.

II. Land Use

1. The Property shall be used as permitted under the Conditional - Limited Industrial zoning designation and more specifically for the following uses:
- a. Custom manufacturing
 - b. Industry, Type I
 - c. Warehousing and distribution
 - d. Industry, Type II
 - e. Reconstructed Wetland
2. The following uses shall be expressly prohibited on the Property:
- a. Agricultural Uses
 - i. Fertilizer Storage
 - ii. Assembly and Repair of Storage Equipment
 - iii. Forestry, Silvicultural
 - iv. Agricultural Farming Operation
 - v. Timbering
 - vi. Sawmill
 - b. Civic Uses
 - i. Adult Care Center
 - c. Commercial Uses
 - i. Adult Entertainment Establishment
 - ii. Laundry
 - iii. Lawn and Garden Services
 - iv. Mini Warehouse
 - v. Motor Vehicle Repair Service/Major

- d. Industrial Uses
 - i. Construction Yard
 - ii. Convenience Center
 - iii. Meat Packing
 - iv. Recycling Center
 - v. Abattoir or Livestock Processing
 - vi. Asphalt Plant
 - vii. Industry, Type III
 - viii. Landfill, Industrial
 - ix. Landfill, Rubble
 - x. Transfer Station
 - xi. Resource Extraction
 - xii. Scrap and Salvage Service
 - xiii. Petroleum Storage for resale purposes
 - xiv. Manufacture or production of aluminum
 - xv. Sand, gravel, or brick operations
- e. Miscellaneous Uses
 - i. Aviation Facility, General

III. Environmental Protection

1. The Property shall meet or exceed all applicable federal and state regulations pertaining to environmental protection.
2. Prior to development, the Owner shall survey the property for endangered or threatened species. The Owner shall take action to avoid or mitigate impact to any endangered or threatened species and their habitats observed during this survey, as approved by the Department of Conservation and Recreation and/or the Army Corps of Engineers.
3. Low Impact Development (LID) measures, such as permeable pavement/pavers/rain gardens, bio-retention filters, and/or rainwater harvesting shall be the preferred stormwater management techniques unless the Owner demonstrates such measures are inappropriate for site conditions, infeasible or economically impractical. These LID measures serve as enhanced stormwater techniques appropriate for increasing opportunity through development for providing groundwater recharge to the degree feasible as agreed upon by the Owner and Isle of Wight County.
4. Except where impacts to existing wetlands are noted on the Planned Setbacks figure by Moffatt & Nichol, dated December 2012, or future impacts are approved subject to other provisions, 100-ft buffers of natural vegetation shall be maintained around existing wetlands and streams.
5. The approximately 26-acre tract of the former Eure property that was not initially analyzed in the Environmental Assessment (See Section 12) shall be reanalyzed if any development is to occur on this 26-acre tract.
6. An update to the Phase 1 Environmental Site Assessment shall be completed 6 months prior to construction activities to confirm that there have been no changes to site conditions. Construction activities include any site disturbing activities over 2,500 square feet.

IV. Archaeology

A Phase I Archaeological Study for each building site shall be submitted to the Zoning Administrator for their review and approval prior to final site plan approval. A treatment plan shall be submitted to, and approved by, the Zoning Administrator for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Zoning Administrator and a treatment plan for said sites shall be submitted to, and approved by, the Zoning Administrator for sites that are determined to be eligible for inclusion on the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Zoning Administrator prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

V. Transportation

Each development exceeding 250,000 square feet shall submit a traffic impact analysis as part of the construction permitting and approval process. Traffic impact analysis submitted will be reviewed by the County and the Town of Windsor.

The primary access to the site for ingress and egress will be via a Park entrance at US Route. 258. The owner will construct the entrance at US Route 258 before all others. Details of this entrance are described in the improvements below.

The Owner, at its sole cost and expense, shall cause to be constructed the following transportation improvements in accordance with the recommended improvements contained in the Traffic Impact Analysis for Shirley T. Holland Intermodal Park Phase III dated July 2012:

<u>Total Developed S.F.</u>	<u>Improvement</u>
500,000	Intersection Improvements at US Route 258 and Park Entrance Intersection, including turn lanes described below: a) 200' right turn lane with 200' taper on northbound US Route 258 b) 300' left turn lane with 200' taper on southbound US Route 258 c) 200' left turn lane with 200' taper existing the site at US Route 258 d) Construct two lanes of the STHIP Phase III site road on the four-lane right-of-way from US Route 258 to access buildings 1,2, & 3.
2,500,000	Second Entrance to park along Buckhorn Drive, including the improvements described below: a) 200' right turn taper on southbound Buckhorn Drive

- b) Construct the two-lane spine road that connects US Route 258 with Buckhorn Drive
- c) At the intersection of the access road and the spine road, install a 125' left turn lane with a 200' taper on the spine road eastbound
- d) At the intersection of the access road and the spine road, install a 100' left turn lane with a 100' taper on the access road southbound

VI. Easements, Rights-of-Way and Buffers

1. The Owner shall observe existing easements and right-of-ways on the subject property unless modifications are agreed to in writing by the holder of the respective easements and right-of-ways.
2. The Owner shall provide a 30' wide easement to the City of Norfolk as agreed for by the Owner and The City of Norfolk for the future reconstruction of the segment of the "Portsmouth Branch" water pipeline within the property in exchange for the abandonment of the existing easement (City of Norfolk 30' Aqueduct Easement, D.B. 367, PG. 393).
3. The Owner shall provide access easements to all existing and future utility services for maintenance of facilities located within the property as agreed upon with the respective service providers.
4. The Owner shall provide access to the Griffin Properties retained by the Griffin families in the purchase agreement dated December 5, 2011.

VII. General

1. Successors and Assigns - This Proffer Statement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.
3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

Table of Parcel Tax-Map Numbers and Deed Book Locations

Tax Parcel	Owner	Previous Owner	Parcel Size¹ (Acres)	Deed Book & Page
53-01-080A	Ind. Dev. Authority IOW	Whitley	0.425	DB 179 Pg. 117
53-01-080B	Ind. Dev. Authority IOW	Whitley	0.446	DB 229 Pg. 246
53-01-080C	Ind. Dev. Authority IOW	Whitley	3.516	DB 229 Pg. 246
53-01-081	Ind. Dev. Authority IOW	Eure	134.411	DB-229 Pg. 248
54-01-070A ^{3,4}	Ind. Dev. Authority IOW	Griffin	231.019	Inst. # 110004903
60-01-045	Ind. Dev. Authority IOW	Sustainable Forests LLC ²	439.323	DB-85 Pg. 568 DB-105 Pg. 556 DB-138 Pg. 469
61-01-002 ³	Ind. Dev. Authority IOW	Sustainable Forests LLC ²	80.426	DB-162 Pg. 469

¹Parcel acreages totaling 898.81 acres were initially identified by the Virginia Mass Appraisal Network (VaMaNet) service, which is linked through the Isle of Wight County GIS mapping tools (VaMaNet acreages were used due to the inconsistencies of prevision and/or available acreage data contained within the actual deeds). Subsequent boundary surveys of subject properties indicate the total size of the parcels to be rezoned by the County is 911.02 acres, which is reflected in the table above. The 911.02 acres will be referenced throughout the zoning application except where appropriate to reference the acreages from VaMaNet. Unless noted otherwise, any reference to the 898.81 acres within the application is intended to represent the entire 911.02 acres and not exclude an area representing the difference in acreages between the two sources.

² Sustainable Forests LLC is a subsidiary of International Paper Company

³ Sections of these two parcels were sold back to Griffin in November / December of 2011. Acreage shown is after property sales were finalized.

⁴ Parcel 53-01-082A was combined with this parcel as part of the deed.

SIGNATURE PAGE

Applicant: Economic Development Authority of Isle of Wight County, Virginia

Printed or Typed Name

Applicant: Carroll E. Keen

Signature - Chairman

Date: 1/27/23

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Gloria Banks Spratley,
A Notary Public in and for the County of Isle of Wight, Commonwealth

of Virginia, this 27th day of January, 20 23.

Gloria Banks Spratley

Notary Public

My Commission Expires June 30, 2025



Owner: Economic Development Authority of Isle of Wight County, Virginia

Printed or Typed Name

Owner: Carroll E. Keen

Signature - Chairman

Date: 1/27/23

Commonwealth of Virginia
County of Isle of Wight

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Notary Public

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PLANNING REPORT

APPLICATION:

Recreational Vehicle (RV) Ordinance Discussion

ELECTION DISTRICT:

All

LOCATION:

County-wide

BACKGROUND:

During their April 25, 2023, regular meeting, the Planning Commission requested that a discussion on the County's existing ordinance requirements for RVs be included on the agenda for their next regular meeting.

The Board of Supervisors also began discussions of the potential use of RVs for short term stays at their June 1, 2023, worksession.

ORDINANCE REVIEW:

The Zoning Ordinance defines RVs in Article II as a "vehicle designed to be self-propelled or permanently towable; and not designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. This term shall also include watercraft and trailers."

The Ordinance provides specifically prohibits the use of RVs as a temporary or permanent residence in Section 5-1001 unless otherwise permitted. Instances where RVs are permitted as temporary living quarters include in permitted campgrounds, for farm stays where a water supply is provided as defined in Section 4-2A003.B and as temporary emergency housing which is defined in Article III as a "manufactured home, Class B or recreational vehicle used temporarily for a period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, acts of nature or used temporarily as housing relief to victims of declared disaster."

Section 5-2000.L states that RVs must be stored in the side or rear yards only on residential property at least five feet from any property line.

AGENCY REVIEW:

According to the Virginia Department of Health, permanent occupancy in an RV on private property would require a pump-out facility. This does not mean a person could simply modify their home's septic system or public sewer connection and connect an RV. With that said, a Professional Engineer can propose systems outside of the regulations and variances can be requested to any part of the regulations.

A camping event with three or more campsites requires a temporary campground permit from the state that allows up to fourteen days of camping in any one 60-day period. There must be pump-out facilities available if there are RVs present. A "camping unit" is defined as tents, tent trailers, travel trailers, camping trailers, pick-up campers, motor homes, yurts, cabins, or any other device or vehicular-type structure as may be developed marketed and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.

Because RVs do not meet the definition of a structure under the Uniform Statewide Building Code or as defined by the U.S. Department of Housing and Urban Development (HUD), they are not regulated under the building code and are not subject to the same standards for construction, utilities, fire safety, or occupancy as structures. RVs are classified as personal property covered by motor vehicle regulations and taxed accordingly.

In order to distinguish RVs from manufactured housing and definitively exempt RVs from its regulation, HUD released a final rule on November 16, 2018, that 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.

The revised HUD rule also required labeling that notifies consumers that Park Model RVs are designed only for recreational use and not for use as a primary residence. The rules governing where RVs may be parked and how they may be used are set at the state and local level.

STAFF CONCLUSIONS:

A comparison table is attached to this staff report for your information.

STAFF RECOMMENDATION:

The information provided in this staff report is for informational purposes only. No action is required.

ATTACHMENTS:

Description	Type	Upload Date
Comparison Table	Backup Material	6/20/2023

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