A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
May 23, 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. April 20, 2023 Board of Supervisors Regular Meeting Action List

B. April 25, 2023 Planning Commission Regular Meeting Minutes

6. CITIZENS' COMMENTS

7. PUBLIC HEARINGS

A. ZA-1-23 3Bs Land LLC Rezoning Request

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.

B. CBPA-2-23 Chesapeake Bay Preservation Area Exception for Gayle

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

C. CUP-1-23 Hampton Roads Classical, Inc. Conditional Use Permit Application

Application (CUP-1-23) of Hampton Roads Classical, Inc., applicant, represented by

P. A. Gist, President, and Benns 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 Benns Church Boulevard

D. Proposed Subdivision Ordinance Revisions

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

8. OLD BUSINESS

9. NEW BUSINESS

A. EXC-6-23 Vance Subdivision Ordinance Waiver Request

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

B. EXC-7-23 Gibson Accessory Structure Height Exception

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

C. COUNTY ATTORNEY'S REPORT

1. Proposed Planning Commission Bylaw Changes

D. PLANNING DIRECTOR'S REPORT

1. Recreational Vehicles Ordinance Discussion

10. CLOSED MEETING

11. ADJOURNMENT

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
April 20, 2023 Board of Supervisors Regular Meeting Action List	Cover Memo	5/17/2023

ACTION LIST
BOARD OF SUPERVISORS
APRIL 20, 2023

1. County Attorney Jones advised that under State Code and the Board's by-laws, a Board member can participate remotely in a meeting if a quorum is assembled and if the member has requested and notified the Chairman that he wishes to appear remotely/electronically. In that regard, Supervisor Grise will be participating electronically due to a personal reason which requires no Board vote for him to participate remotely but does require that he state the remote location from which he is participating.

   Supervisor Grice advised that he would be participating electronically from his home located at 415 Muirfield of Smithfield due to an illness. He thereafter joined the meeting.

2. *Approval of Agenda*

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

3. *Closed Meeting*

   No action was taken following the Closed Meeting.

4. *Citizens' Comments*

   A. Jim Henderson of District 2 advised that the Historical Society would like to publish approximately 2,000 copies of a third edition on the history of the County.

   B. Dale Jordan of Windsor advised the Board that she will be making an appeal for overpaid taxes. Chairman McCarty directed Ms. Jordan to contact the County Attorney's office for guidance about how to proceed.

   C. Greg Creswell of AES updated the Board on construction efforts at Caviliar Solar project and challenges being faced with regard to traffic management.

   D. Christopher Cavallo of Virginia Beach spoke about inadequate infrastructure.

5. *Consent Agenda*

On motion of Supervisor Jefferson, the Consent Agenda, as presented and follows, was adopted unanimously (5-0):

A. Resolution to Amend the FY2022-2023 Budget and Appropriate Funding for Asset Forfeiture ($17,737)

ASSIGNMENT: HUMPHRIES

B. Resolution to Amend the FY2022-23 Budget and Appropriate Funding for Children's Services Act ($350,000)

ASSIGNMENT: HUMPHRIES

C. Resolution to Amend the FY2022-23 Operating Budget and Appropriate Funding for Virginia Tourism Corporation Drive OUTDOOR Grant ($20,000)

ASSIGNMENT: HUMPHRIES

D. Resolution to Amend the FY2022-23 Operating Budget and Appropriate Funding for Repair of County Property from Insurance Proceeds ($7,838)

ASSIGNMENT: *HUMPHRIES*

E. Resolution to Establish an Opioid Abatement Special Revenue Fund

ASSIGNMENT: JONES

F. Resolution to Amend the FY2022-23 Operating Budget and Appropriate Donated Funds to the Instructional Category in the Schools' FY2022-23 Budget ($50,000)

ASSIGNMENT: HUMPHRIES

G. Resolution to Amend the FY2022-23 Operating Budget and Appropriate FY2021-22 Mentor Teacher Grant Funds to the Instructional Category in the Schools' FY2022-23 Budget ($11,596)

ASSIGNMENT: HUMPHRIES

H. Resolution to Amend the FY2022-23 Operating Budget and Appropriate FY2022-23 Mentor Teacher Grant Funds to the Instructional Category in the Schools' FY2022-23 Budget ($2,718)

ASSIGNMENT: HUMPHRIES

I. Resolution to Amend the FY2022-23 Operating Budget and Appropriate Title I and Title IV Grant Funds to the Instructional Category in the Schools' FY2022-23 Budget ($225,680)

ASSIGNMENT: HUMPHRIES

J. Resolution to Amend the FY2022-23 Budget and Appropriate Grant Funds for the DCJS Violence Against Women's Act Grant ($30,795)

ASSIGNMENT: HUMPHRIES

K. Resolution to Proclaim May 2023 as Business Appreciation Month

ASSIGNMENT: MORELLO

L. Resolution to Request Commonwealth Transportation Board Economic Development Access Funds ($850,000)

ASSIGNMENT: MORELLO

M. Minutes

March 2, 2023 Joint Work Session Minutes

ASSIGNMENT: STORM

6. *Regional and Inter-Governmental Reports*

Hampton Roads Transportation Planning Organization: Chairman McCarty shared that Virginia Tech is developing a program for battery powered autonomous trucks for use inside the Port of Virginia.

7. *Appointments*

Southeastern Tidewater Opportunity Project: Supervisor Jefferson moved to appoint Arleen Picott. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

ASSIGNMENT: STORM

8. *Special Presentations / Appearances*

Resolution to Recognize Ethan Swartz and Kadence DeStefano for Launching the Stop the Bleed Program: Vice-Chairman Acree moved to adopt the Resolution. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

9. *Public Hearings*

A. Proposed FY2023-24 Operating Budget, Capital Budget, Related Ordinances, and FY2024-33 CIP: The Code of Virginia requires that the Board wait at least seven days before acting on the proposed FY2022-23 Operating and Capital Budget which includes an advertised General Fund Operating Budget of $94,079,563 and a Capital Budget of $7,251,445. The proposed FY2023-24 Operating Budget for Isle of Wight County Schools is $88,124,334.

County Administrator Keaton was requested to invite the Sheriff and his key staff and the volunteer Fire Chiefs to next Thursday's work session.

ASSIGNMENT: KEATON

B. Proposed Solar Energy Facility Ordinance Changes: Chairman McCarty moved that the proposed changes be tabled for thirty days. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

ASSIGNMENT: RING

C. Proposed Solid Waste Franchise Ordinance: Vice-Chairman Acree moved that the Ordinance be adopted. The motion was adopted unanimously (5-0) with

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

ASSIGNMENT: JONES

D. An Ordinance to Set the Salary of the Isle of Wight County Board of Supervisors: Supervisor Grice moved that the Ordinance be adopted. The motion was adopted (3-2) with Supervisors McCarty, Grice and Rosie voting in favor of the motion and Supervisors Acree and Jefferson voting against the motion.

ASSIGNMENT: JONES

E. T-Mobile Lease Agreement for Space on the Brewer's Neck Water Tower: Vice-Chairman Acree moved that the Chairman be authorized to execute the renewal agreement. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

ASSIGNMENT: JONES

10. *County Administrator's Report*

Chris Morello, Director of Economic Development, distributed that Department's Annual Report for the Board's reference.

11. *Unfinished/Old Business*

No business was offered.

12. *New Business*

A. Troy Marine NDSO Exception: Chairman McCarty moved that the exception be approved. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

ASSIGNMENT: RING

B. Riverside Hospital Building Height Exception Request: Supervisor Jefferson moved that the exception request be approved. The motion was adopted unanimously (5-

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

ASSIGNMENT: RING

C. Riverside Hospital Sign Size Exception Request: Supervisor Jefferson moved that the exception request be approved. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

ASSIGNMENT: RING

D. Resolution to Express Appreciation to Congressman Bobby Scott for Congressionally Directed Spending Allocations: Chairman McCarty moved that the Resolution be adopted. The motion was adopted unanimously (5-0) with Supervisors McCarty, Acree, Grice, Jefferson and Rosie voting in favor of the motion and no Supervisors voting against the motion.

ASSIGNMENT: ROBERTSON

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
April 25, 2023 Planning Commission Regular Meeting Minutes	Minutes	5/17/2023

MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY PLANNING COMMISSION HELD ON THE TWENTY-FIFTH DAY OF APRIL 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 April 25, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

James Ford delivered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL/DETERMINATION OF A QUORUM

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

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
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 Ford 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 Ford 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 Carrol closed citizens' comment.

PUBLIC HEARINGS

Chairman Carroll stated there are no public hearings.

OLD BUSINESS

Chairman Carroll called for the following Old Business item:

> Conditional Use Permit Application (CUP-7-22) and Agricultural and Forestal District Withdrawal Request Application of Prairie Solar, LLC, a subsidiary of Energix, US, applicant, and Everets Properties, Inc., property owner, for a conditional use permit to establish a major utility service, specifically a 20 MWac utility-scale solar facility on 152 acres, located on private property located off of Longview Drive (Route 602) at 19604 Longview Drive with tax parcel numbers 41-01-018, 50-01-009, 41-01-019, 41-01-017, 50-01-007, and 50-01-006 in the Rural Agricultural Conservation (RAC) zoning district. The properties are agricultural and silvicultural uses and a portion of the property is used as a private hunt club. This request is also for withdrawal of approximately 103 acres of land owned by Everets Properties, Inc., from the Longview Agricultural/Forestal District.

Jeryl Phillips, gave the following presentation.

Prairie Solar Energy Generation Facility
Major Utility Service
Conditional Use Permit Request
CUP-7-22
and
A/F District Withdrawal Request

Local Roots, Global Reach

Planning Commission Regular Meeting

April 25, 2023

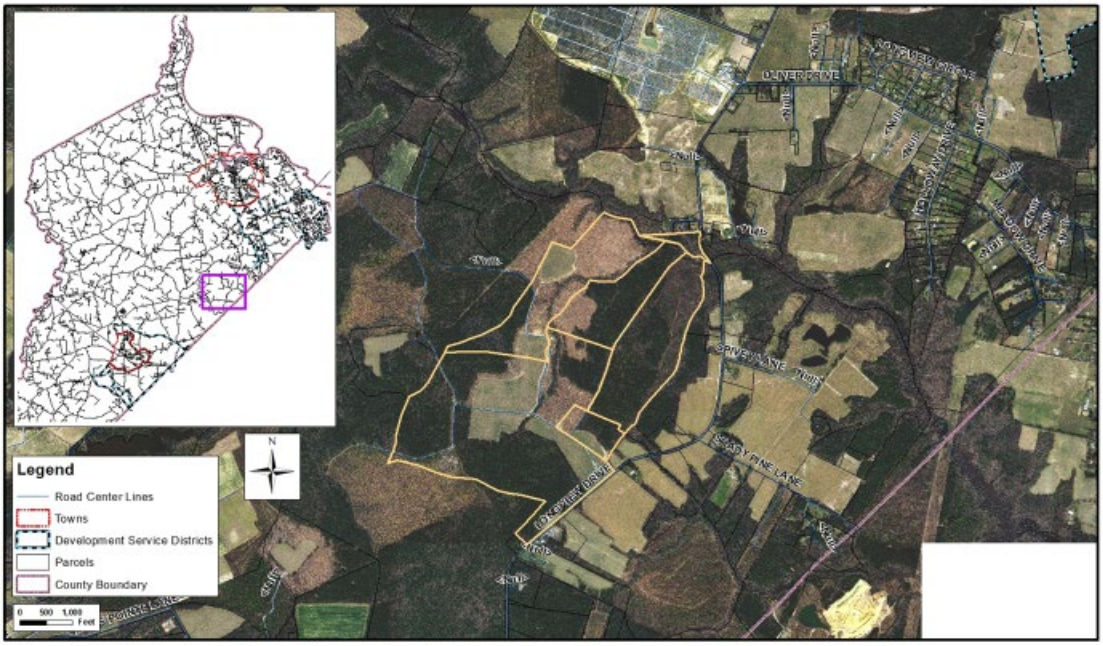
SITE DESCRIPTION

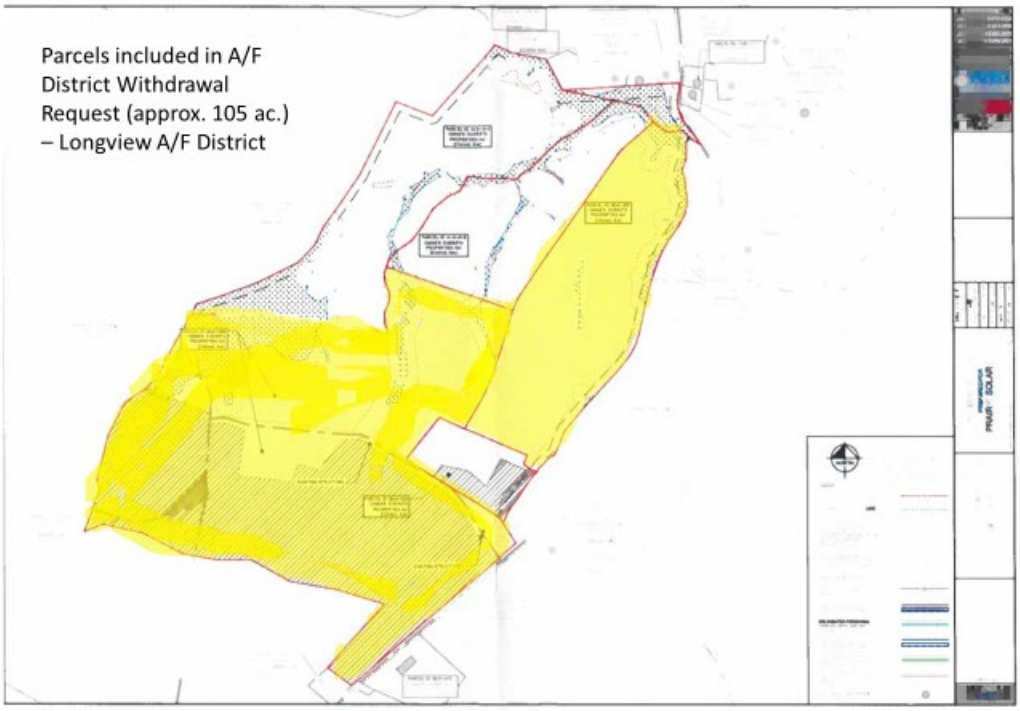
Tax Map ID#:	CUP: 41-01-017, 50-01-009, 41-01-019, 41-01-017, 50-01- 007, and 50-01-006 A/F District Withdrawal: 50-01-007 and 50-01-009
Location:	On a private farm lane, west of Longview Drive (Route 602)
Land Use Designation:	Rural Agricultural Conservation (RAC) and Resource Conservation (RC)
Current Zoning:	Rural Agricultural Conservation (RAC)
Election District:	D4
Request:	20 MWac utility-scale solar energy facility and substation on 153 acres and removal of approximately 105 acres from the Longview A/F District

Local Roots, Global Reach

CUP-07-22 Conditional Use Permit - Location Map

ISLE OF WIGHT COUNTY, VIRGINIA





BACKGROUND

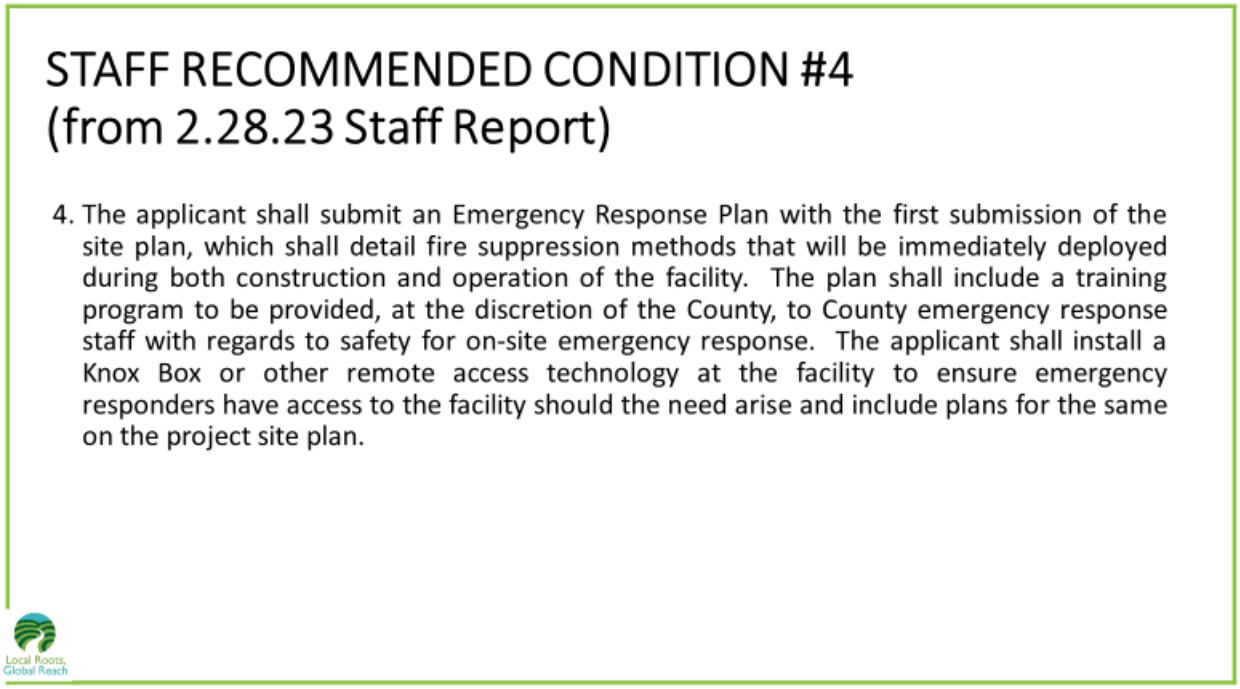
- Currently in agricultural, silvicultural, and hunt club uses
- Application filed June 2022
- Staff worked with property owners to design the project to conform to current ordinance with typical conditions requested by PC and BOS in mind for appropriate design, plus proposed ordinance revisions
- Applicant hosted a community meeting for public informational purposes and Q&A on February 1, 2023 at Christian Home Baptist Church, Planning Commission and BOS invited, low attendance
- The A/F District Advisory Committee recommended approval of a withdrawal request by Everets Properties, Inc. for two parcels of land totalling 103 acres from the Longview Agricultural/Forestal (A/F) District on February 1, 2023

Local Roots, Global Reach

BACKGROUND

- Hunt Club offered letter of support
- February 28, 2023: Public hearing conducted and closed on February 28, 2023. Action: Tabled for 30 days
- Planning Commission requested staff to obtain additional information from applicant regarding TCLP testing, which applicant provided
- March 28, 2023 - Old Business agenda item: Commissioner requesting TCLP test information indicated satisfaction with information provided. Questions regarding Emergency Responder Training and access to the site. Action: Tabled for 30 days
- Staff responded to Planning Commissioner requesting training and site access information, reviewed existing condition for preparation of Emergency Response Plan inclusive of annual training for emergency responders during Site Plan Review post-CUP approval (standard condition) and installation of KnoxBox for 24/7 site access

Local Roots, Global Reach



Ms. Phillips asked Captain Stephen Henson, Emergency Services, to answer any questions the Planning Commission may have.

Commissioner Boykin asked for more information regarding the solar farm fire in Surry.

Captain Henson stated he has not received any information back in response to his request to the Emergency Manager from Surry.

Commissioner Boykin stated she had spoken to Mr. Phelps, the Emergency Manager for Surry, and his main concern was the roads when you entered the site were like a maze and was unclear how to access the area.

Captain Henson stated that Cavalier Solar is providing GIS coordinates for the entry sites. Henson added they do not want to enter the site, until the site is secured and de-energized. Until that time, they will keep the fire contained inside the fence line.

Chairman Carroll asked if any training has been provided by the solar facilities to emergency staff.

Captain Henson stated no training has been provided, and there has been some confusion on the training source but hopes to get that corrected.

Commissioner Boykin asked about training prior to site plan approval.

Captain Henson stated he believes annual training would be best.

Allie Ondash, Energix, stated she had sent an email regarding safety and first responders. The site will have a ten-foot access around the perimeter for emergency vehicles, Knox box, 24/7 remotes access, and trainings scheduled.

Commissioner Boykin asked if Prairie would be willing to drop the Thursday morning hours, until the bridge work is complete.

Ms. Phillips stated the bridge work is anticipated to be complete before site plan review.

Ms. Ondash stated if the bridge is not complete, they can abide by that and restrict delivery until after one o'clock.

Commissioner Distefano made the motion to recommend approval to the Board of Supervisors with the recommended conditions. Commissioner Gibbs seconded the motion, which was adopted with Commissioners Bowser, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, and Smith voting in favor of the motion, and Chairman Carroll and Commissioner Boykin voting against the motion (9-1).

The motion passed, and the item will go to the May 18, 2023, Board of Supervisors meeting.

NEW BUSINESS

Chairman Carroll called for the following New Business item:

> Application (EXC-3-23) of Paul and Terri Krohn, 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 20-01-082 on a private thirty-foot ingress/egress easement not built to public standards which serves more than two lots.

Sandy Robinson, Zoning Coordinator, gave the following presentation:

APPLICATION EXC-3-23 OF PAUL AND TERRI KROHN FOR A WAIVER TO SECTION 3.2.4.A.4 AND SECTION 5.9.1.C OF THE SUBDIVISION ORDINANCE

Planning Commission Regular Meeting
April 25, 2023

Details

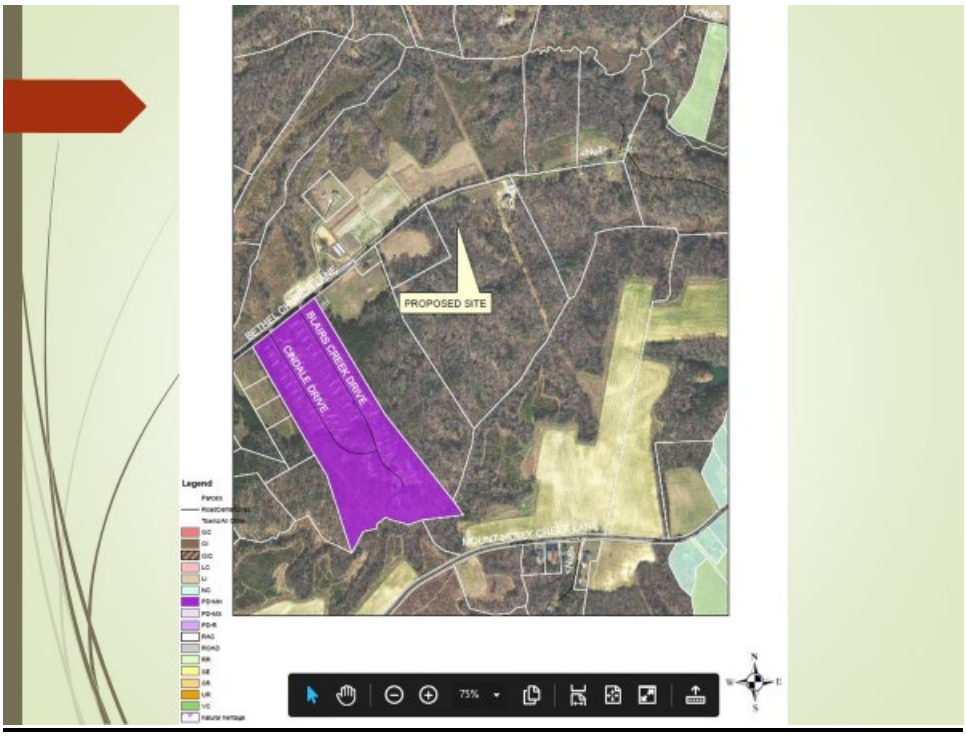
- Tax Map ID#: 20-01-082
- Location: Bethel Church Lane
- Current Zoning: RAC
- Election District: D3
- Purpose: To create a family member subdivision lot on a private easement that serves eight existing lots.

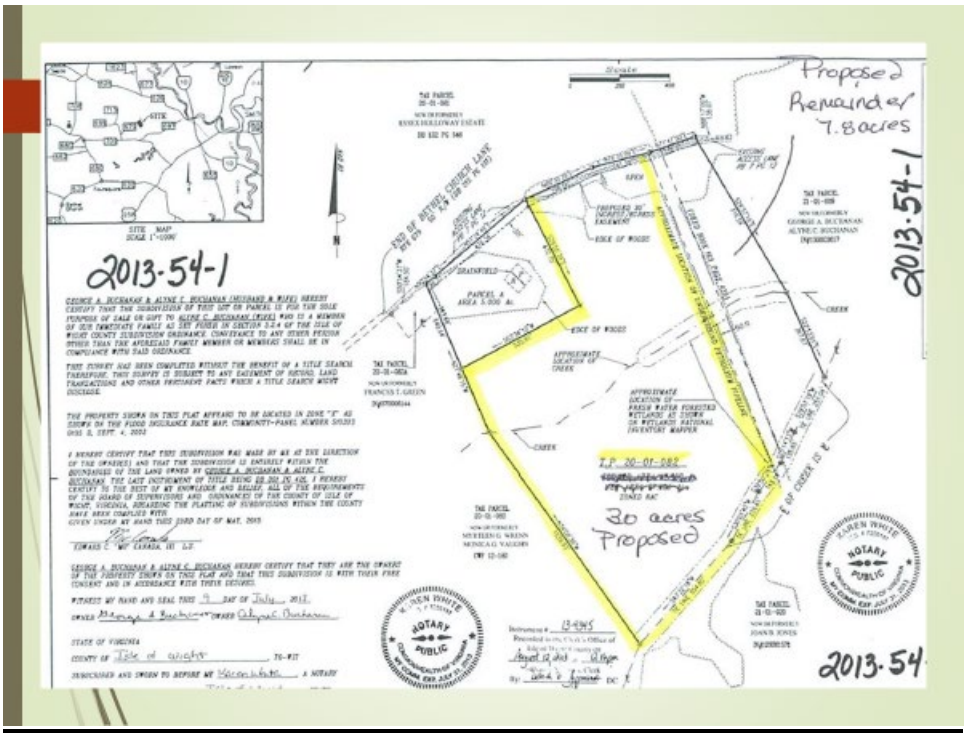
Background

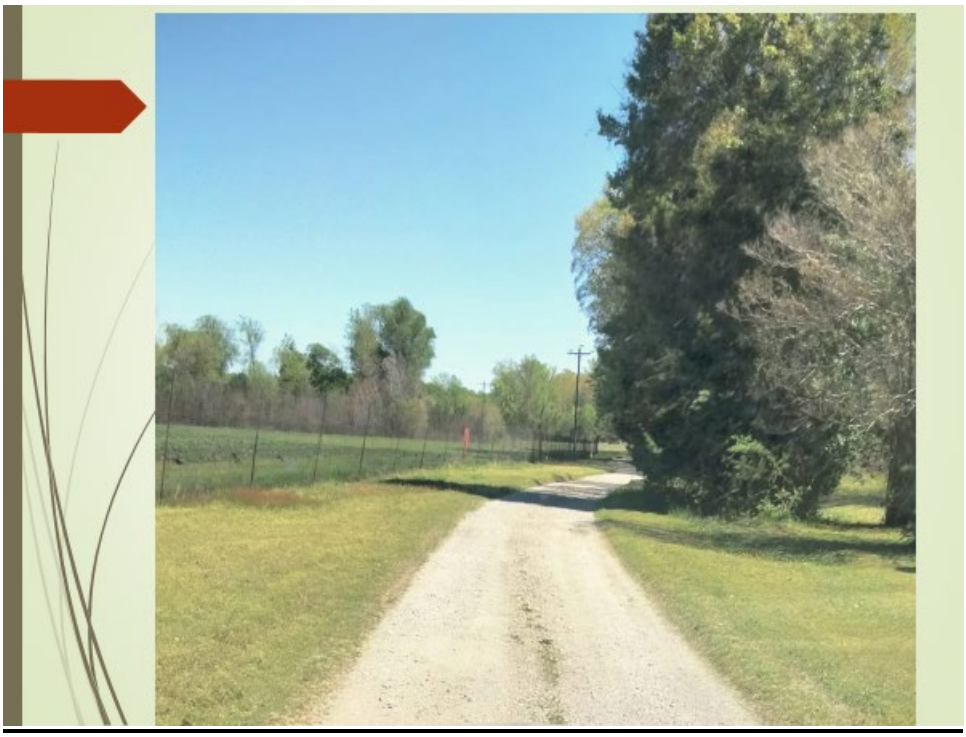
- Parent parcel established prior to the adoption of the Zoning and Subdivision Ordinances
- Contains 87.8 acres and fronts on a private ingress/egress easement extension of Bethel Church Lane (Rte. 679) which provides access to eight existing lots.
- One family member 5 acre lot subdivided by a previous owner.
- Staff previously advised property owners that their proposal does not meet the Subdivision Ordinance standards.

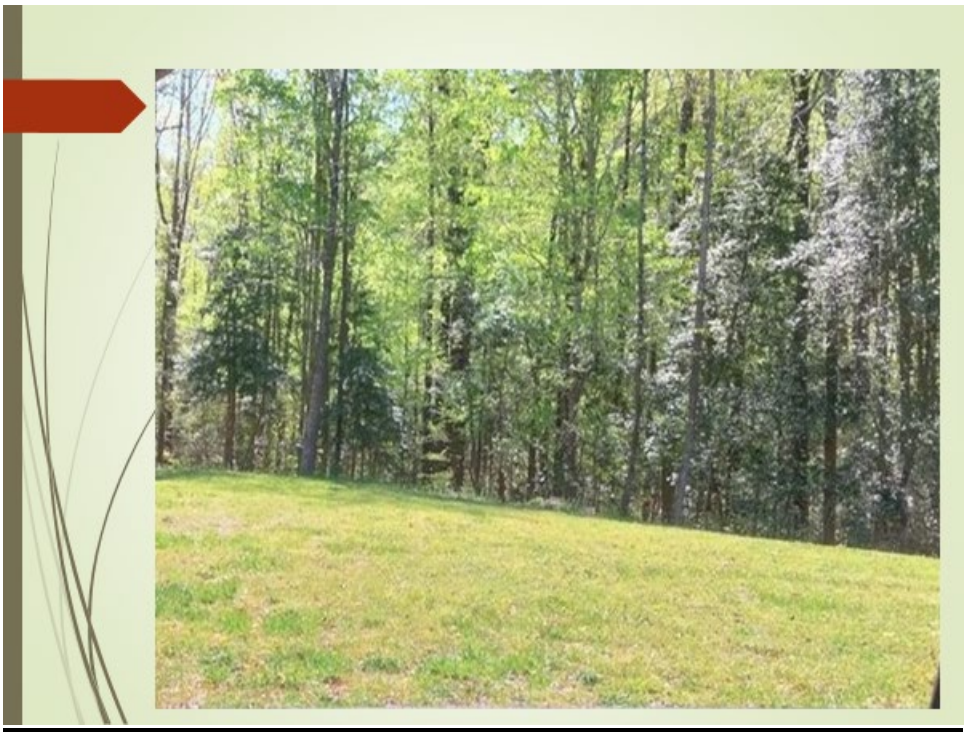
Background

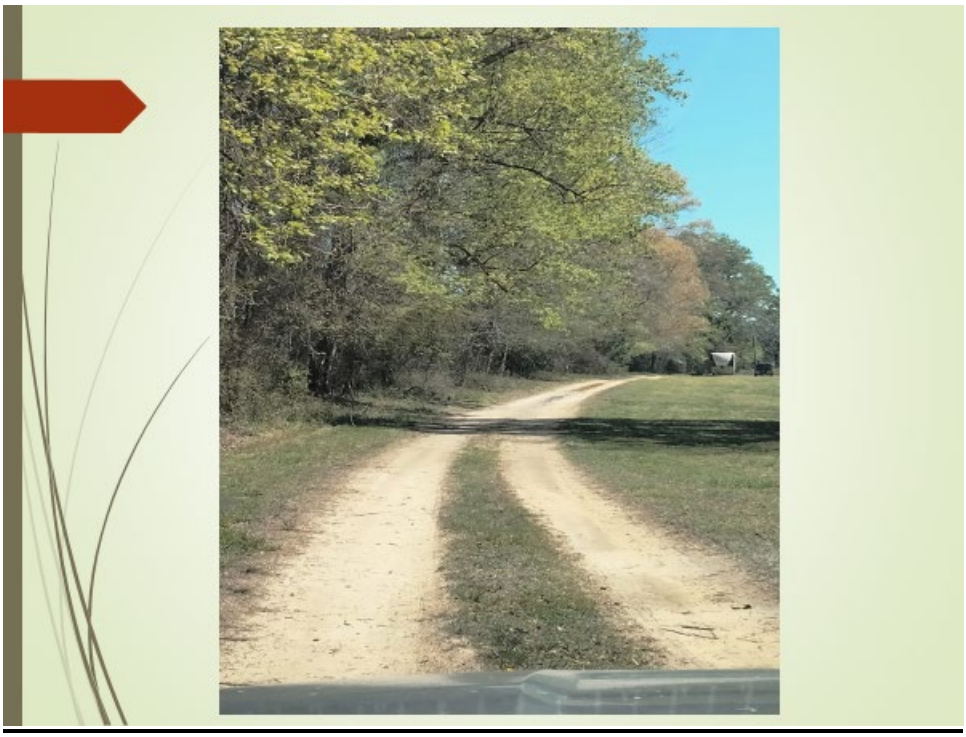
- The Subdivision Ordinance allows one lot from a tract to be accessed from a single easement of right-of-way unless approved by the Board of Supervisors and upon recommendation from the Planning Commission.
- Ordinance also stipulates that all roads, which provide access to three or more lots, must be public roads which meet VDOT construction standards.
- Proposed lot is approximately 700 feet from the publicly maintained road.
- Property owners and several adjacent property owners have recorded a road maintenance agreement. The new proposed lot will also be subject to the agreement.


PROPOSED SITE
BLAIRS CREEK DRIVE
CHIDALE DRIVE
Legend


Proposed Remainder 7.8 acres
2013-54-1
30 acres Proposed
2013-54







Comprehensive Land Use Plan Review

- Property is designated Rural Agricultural Conservation on the Future Recommended Land Use Map.
- Proposal is consistent with the future recommended land use plan designation.

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.

Agency Review

- VDOT as no comments regarding the request.
- Septic system and primary drainfield have been approved.
- Property has had a wetlands delineation as required.

Staff Analysis

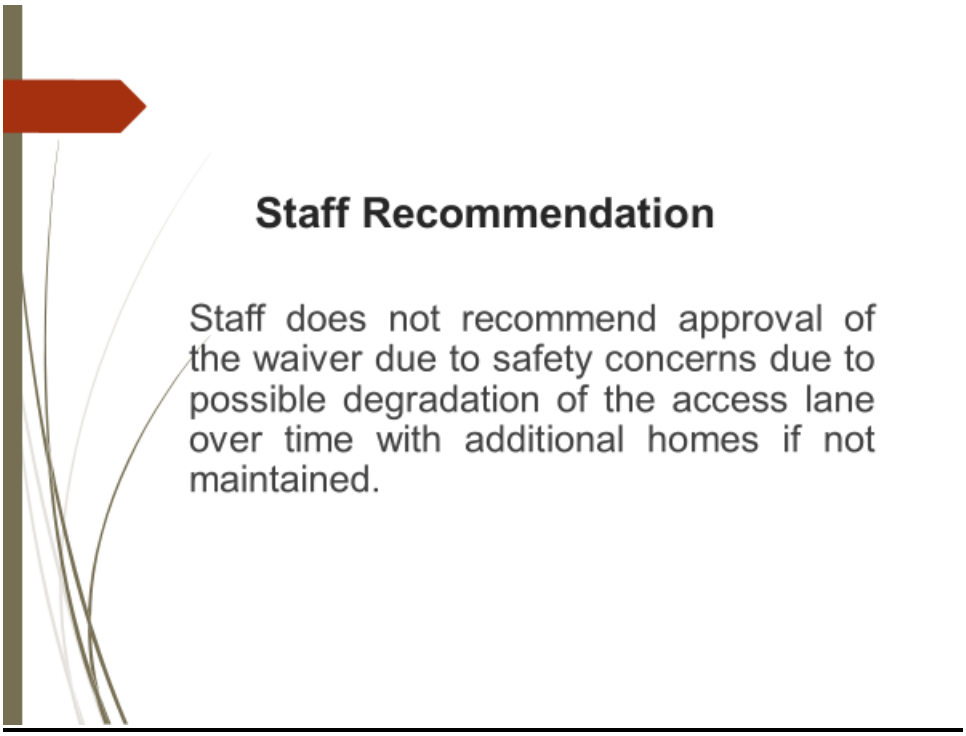
Section 3.2.10.E of the Subdivision Ordinance lists criteria for a waiver to be considered by the Board of Supervisors with a recommendation by Planning Commission:

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.



Commissioner Gibbs asked if everyone has signed the road maintenance agreement.

Mr. Krohn stated that everyone has signed up to the lot they are trying to get.

Commissioner Sienkiewicz asked if Mr. Browder had signed the road maintenance agreement and was still agreeing to the maintenance with the proposed addition of the new lot for a single-family dwelling.

Mr. Krohn stated Mr. Browder had signed a letter stating his responsibility for the road maintenance and was aware of the new lot.

Mr. Krohn added that the existing easement has been used for several decades by logging companies, pipeline companies, dump trucks, concrete trucks with little to no maintenance.

Commissioner Ford asked what the difference is between the letter that was signed by Mr. Browder and the road maintenance agreement, and what happens if he doesn't follow through with his commitment.

Mr. Krohn stated the letter has detailed tree work, grass cutting, culvert pipe maintenance where the agreement only addresses the easement itself. Mr. Krohn stated that Mr. Browder does not use the easement because he has public road frontage and wishes to maintain that portion, because it lies on his property. Mr. Krohn stated he would maintain that portion, if he did not.

Chairman Carroll stated the easement is in great shape and currently could handle emergency vehicles.

Commissioner Taylor made the motion to recommend approval to the Board of Supervisors. Commissioner Gibbs seconded the motion, which was adopted with Commissioners Bowser, Boykin, Distefano, Ford, Rawls, Taylor, Sienkiewicz, Gibbs, and Smith voting in favor of the motion, and Chairman Carroll and no commissioner voting against the motion (10-0).

The motion passed and will go to the May 18, 2023, Board of Supervisors meeting.

COUNTY ATTORNEY'S REPORT

Bobby Jones proposed the following amendment to the Planning Commission By-Laws.

Section VI-2. Objectivity.

Planning Commission members shall make every attempt to remain neutral and uncommitted on issues coming before the Commission until said issues have been presented to the Commission and the proponents and opponents concerning same have been heard. Additionally, Planning Commission members shall not represent any applicant before the Planning Commission.

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.

Section VI-4. Speaking.

All Commission members as well as staff and members of the public in attendance shall not be allowed to speak on any matter before the Commission without first gaining recognition from the Chairman.

Section VI-5. Training.

All current and future appointees to the Planning Commission shall be required to participate and successfully complete the Land Use Education Program, as offered in partnership by Virginia Tech's Center of Public Administration and Policy and the Virginia Cooperative Extension. Such participation shall, for current Planning Commissioners, be completed by December 31, 2017, or be completed within one (1) year of appointment for all future appointees to the Planning Commission. Failure to participate in and successfully complete said program shall be grounds for removal from the Planning Commission by the Board of Supervisors.

Section VI-6. Public Hearings.

The Chairman will make a brief statement identifying the matter to be heard and verify with the Secretary that all legal notification requirements have been met.

The Chairman will call upon the Zoning Administrator or his designee to speak to the issue and present the staff report.

The applicant may appear on his own behalf at the Public Hearing, or be represented by counsel or an agent, and speak to the issue. The applicant, his counsel or agents have a combined total of ten (10) minutes to speak.

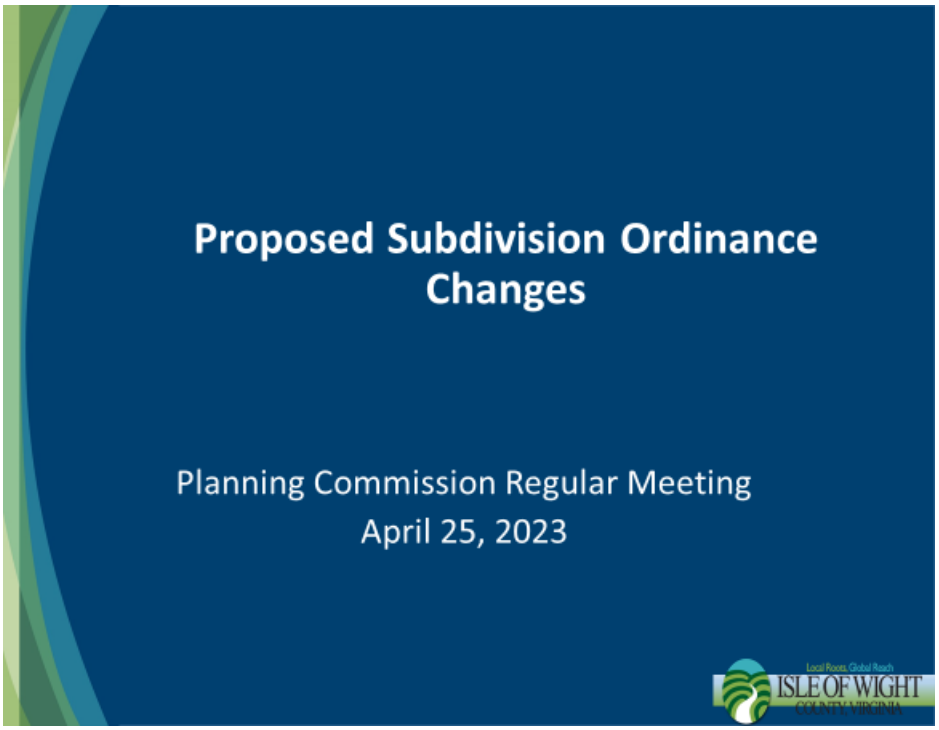
Page 8

Mr. Jones stated the current bylaws require this to be given thirty days prior to taking action, so this cannot be voted on tonight and will require a two-thirds vote at the next meeting for approval.

PLANNING DIRECTOR'S REPORT

Chairman Carroll called for the Proposed Subdivision Ordinance Revisions.

Amy Ring 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).

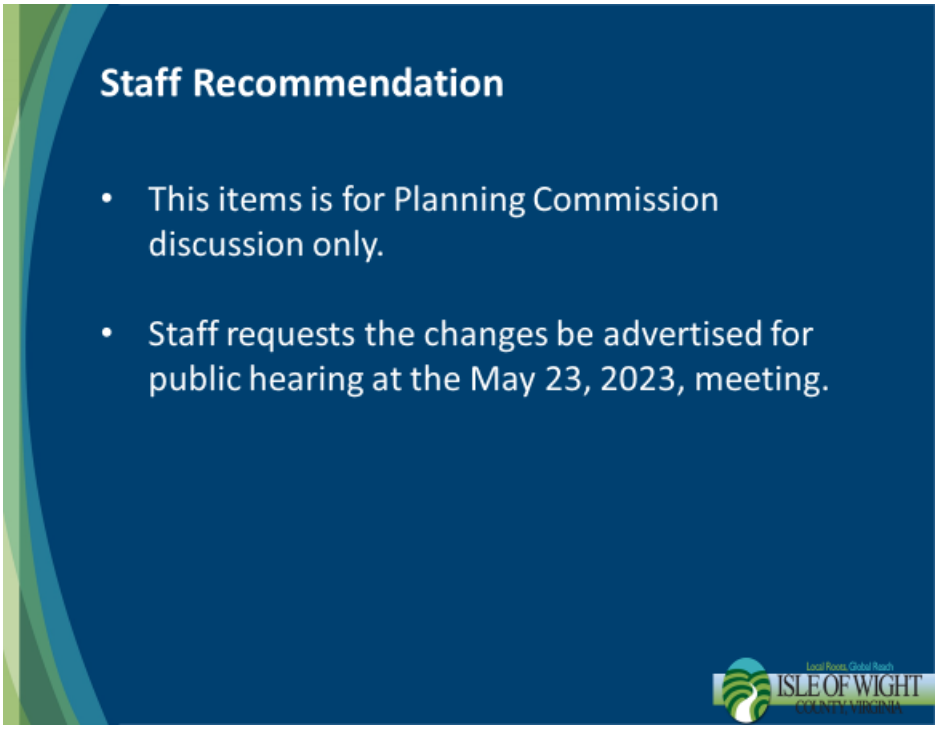
8. Landscaping and screening standards.

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.



Commissioner Taylor stated she agreed with the proposal and keeping the landscaping standards and allowing utilities to go in.

Chairman Carroll stated this was good to go to public hearing next month.

Chairman Carroll called for the Capital Improvement Plan Status Report.

Don Robertson, Assistant County Administrator, gave the following presentation.

Capital Improvements Program

- Provides for the orderly and systematic financing and acquisition of public improvements, based on the objectives of the comprehensive plan.
- Generally, a five-year plan for capital improvements.

Capital Improvements Program

- Capital improvements are generally considered to be nonrecurring projects of generally large size, fixed nature and long life that provide new, additional, or replacements for public facilities.
- Capital improvements may also include certain types of new major equipment (heavy equipment with a life expectancy of 10 years or more, such as fire apparatus, school buses, etc.)

Economic Development

PROJECT	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2024-28
Shirley T. Holland Ph II 44-Acre Permit Ready Site Development			$1,238,000	$ 400,000	$ 3,605,000	$ 5,243,000
Shirley T. Holland Phase III Site Development			$ 850,000	$ 400,000	$ -	$ 1,250,000
	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ -	$ -	$2,088,000	$ 800,000	$ 3,605,000	$ 6,493,000

Fire & Rescue

		(2) Medic		Medic, Engine		
	Ladder, Brush	Tanker	Medic, Tanker	Tanker	Engine, Brush	
PROJECT	**FY 2023-24**	**FY 2024-25**	**FY 2025-26**	**FY 2026-27**	**FY 2027-28**	**FY 2024-28**
Apparatus Replacement	$ 1,475,000	$ 945,000	$ 645,000	$ 1,245,000	$ 575,000	$ 4,885,000
	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 1,475,000	$ 945,000	$ 645,000	$ 1,245,000	$ 575,000	$ 4,885,000

Parks & Rec

PROJECT	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2024-28
Capital Maintenance	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 500,000
Bradby Park Development	$ 400,000	$ 100,000				$ 500,000
Heritage Park Amphitheater	$ 200,000					$ 200,000
Tyler's Beach Development	$ 750,000					$ 750,000
	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 1,450,000	$ 200,000	$ 100,000	$ 100,000	$ 100,000	$ 1,950,000

Public Schools

PROJECT	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2024-28
Hardy Elementary						$ -
Westside Elementary			$19,000,000	$19,000,000		$38,000,000
Fleet/Bus Garage						$ -
School Admin Bldg						$ -
SHS Football/Track			$ 1,500,000			$ 1,500,000
Band Renovations				$ 1,300,000		$ 1,300,000
Security Vestibules			$ 290,000			$ 290,000
	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ -	$ -	$20,790,000	$20,300,000	$ -	$41,090,000

Public Utilities

PROJECT	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2024-28
Water Projects:						
Capital Maint/Line Upgrades		$ 600,000	$ 300,000	$ 300,000	$ 300,000	$ 1,500,000
Benns Grant Water Tank	$ 1,600,000					$ 1,600,000
Sewer Projects:						
Capital Maintenance	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 500,000
TOTAL	$ 1,700,000	$ 700,000	$ 400,000	$ 400,000	$ 400,000	$ 3,600,000

Public Works

PROJECT	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2024-28
Capital Maintenance	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 250,000
Capital Projects	$ 320,000		$ 460,000	$ 480,000	$ 500,000	$ 1,760,000
Windsor Library	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 370,000	$ 50,000	$ 510,000	$ 530,000	$ 550,000	$ 2,010,000

Stormwater

PROJECT	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2024-28
Capital Maintenance	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 250,000
Enhanced Commercial Data Base	$ 50,000	$ 100,000				$ 150,000
SLAF Projects	$ 250,000	$ 250,000	$ 250,000	$ 250,000	$ 250,000	$ 1,250,000
	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 350,000	$ 400,000	$ 300,000	$ 300,000	$ 300,000	$ 1,650,000

Transportation

PROJECT	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2024-28
Rte 460/258 Turn Lane	$ 1,682,218					$ 1,682,218
Nike Park Extended	$ 2,200,000					$ 2,200,000
Woody Acres Paving		$ 439,220				$ 439,220
Rte 10/Rte 644 turner Dr			$ 500,000	$ 472,244		$ 972,244
Blairs Creek Paving			$ 364,160			$ 364,160
	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL	$ 3,882,218	$ 439,220	$ 864,160	$ 472,244	$ -	$ 5,657,842

5-Year Capital Impact

- Schools - $41.1 million
- Economic Dev - $6.5 million
- Public Utilities - $5 million
- Transportation - $3.9 million
- Fire & Rescue - $2.5 million

12

Chairman Carroll asked if the County could require solar developers to make contributions to CIP projects, specifically for Fire and Rescue.

Don Robertson stated he wasn't sure what provision would allow that.

Bobby Jones stated that provisions are being made under the siting agreement in other localities and does not specify what department.

Commissioner Taylor asked about the status of the library improvements.

Mr. Robertson stated they are currently on hold until prices come down.

Chairman Carroll called for the Development Activity Status Report.

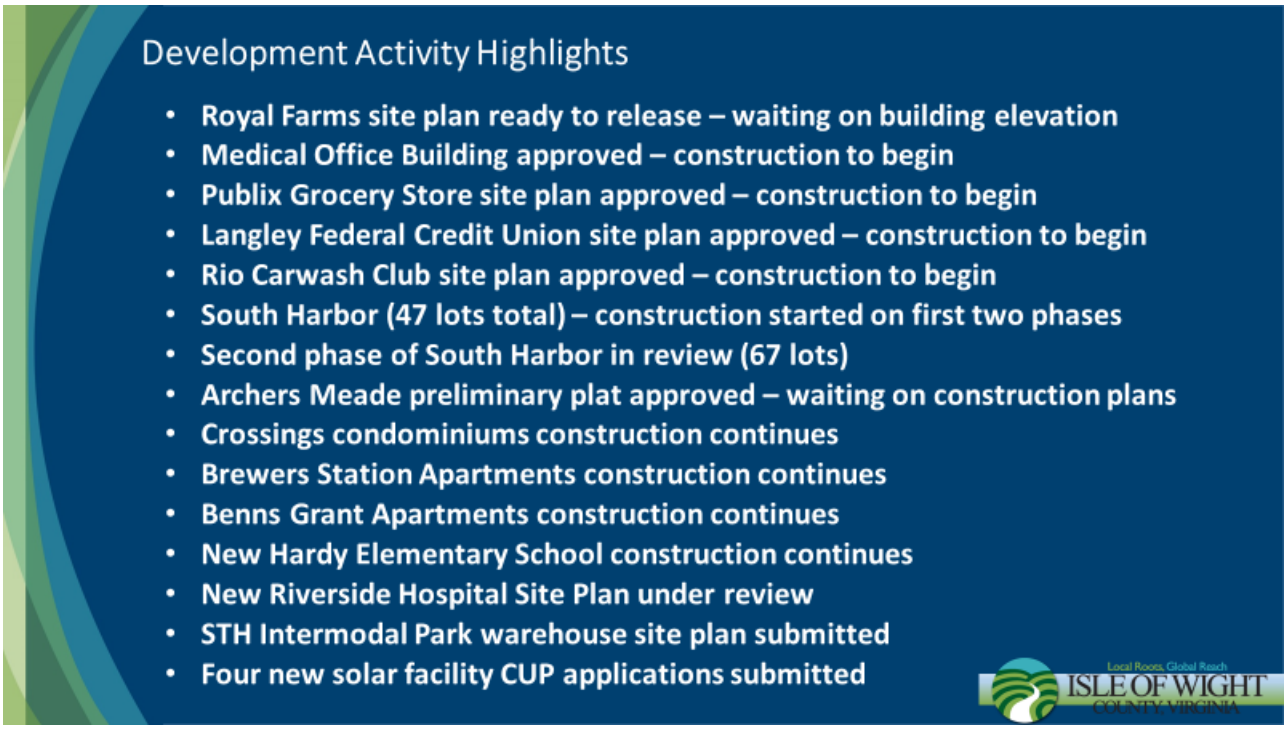
Amy Ring shared the following presentation.

2023 First Quarter
Development Activity Report

Planning Commission Regular Meeting
April 25, 2023

Building Permits & Development Applications

- Total building permits in first quarter of 2023 decreased over 2022
(-7%)
- Total of 25 single family dwelling units fewer than first quarter 2022
- Number of commercial and multifamily units same for both years
- Received a total of 55 development applications in first quarter of 2023 versus 37 in 2022 (+49%)



Commissioner Distefano asked what the application submittal requirements would be for solar projects submitted prior to the Board adopting the revised ordinance.

Ms. Ring stated the current submittal requirements would be required and any additional information deemed necessary to complete the review may be requested.

Commissioner Bowser asked if there is an update for Wawa.

Ms. Ring stated there have been several meetings between staff and their engineers trying to reach a mutual conclusion and were asked to bring a proposal to the next board meeting.

Commissioner Rawls asked if Brewers Station is required to mow the grass.

Ms. Ring responded that staff could do a site visit and follow up with a note, if necessary.

Commissioner Rawls stated he attended a recent Town Hall meeting where there was discussion about the County's RV ordinance and requested staff to provide the ordinance regarding RVs at the next Planning Commission 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 7:28 PM.

Adopted this _____day of _____, 2023.

_____

Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: _____

Amanda Landrus, Secretary

PLANNING REPORT

APPLICATION:

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.

ELECTION DISTRICT:

D4

LOCATION:

The proposed lot is part of tax map number 55-01-010 and will be located on Shiloh Drive (Rte. 603). 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.

BACKGROUND:

The applicants propose to change the zoning of the lot to Conditional- Surburban 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.

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 LAND USE PLAN:

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. Significant areas of open space should be provided in this district in order to maintain this 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.

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 CONCLUSIONS:

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.

STAFF RECOMMENDATION:

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

ATTACHMENTS:

Description	Type	Upload Date
Location Map	Exhibit	5/12/2023
Enlarged Location Map	Exhibit	5/12/2023
Zoning Map	Exhibit	5/12/2023
LAND USE MAP	Exhibit	5/12/2023
Rezoning Exhibit	Exhibit	4/28/2023
Pic 1	Exhibit	4/28/2023
Pic 2	Exhibit	4/28/2023
Pic 3	Exhibit	4/28/2023
Resolution	Resolution	5/17/2023

BABB LOCATION MAP

Legend

- Parcels
- RoadCenterLines
- natural heritage

N
W E
S

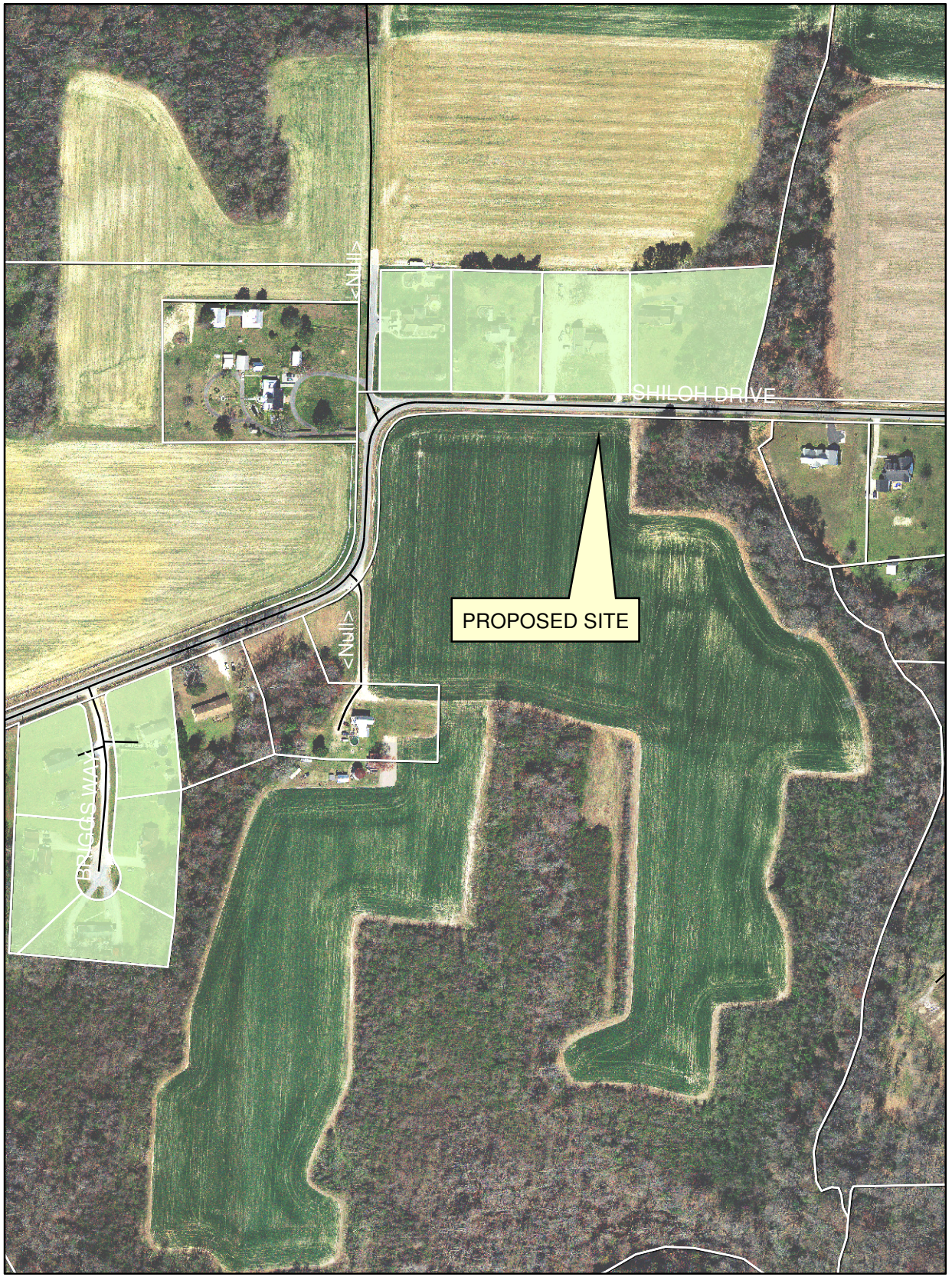
BABB ENLARGED LOCATION MAP

Legend

- Parcels
- RoadCenterLines
- natural heritage

N
W E
S

BABB ZONING MAP



Legend

- Parcels
- RoadCenterLines
- Towns/All Other
- GC
- GI
- GIC
- LC
- LI
- NC
- PD-MH
- PD-MX
- PD-R
- RAC
- ROAD
- RR
- SE
- SR
- UR
- VC
- natural heritage

N
W E
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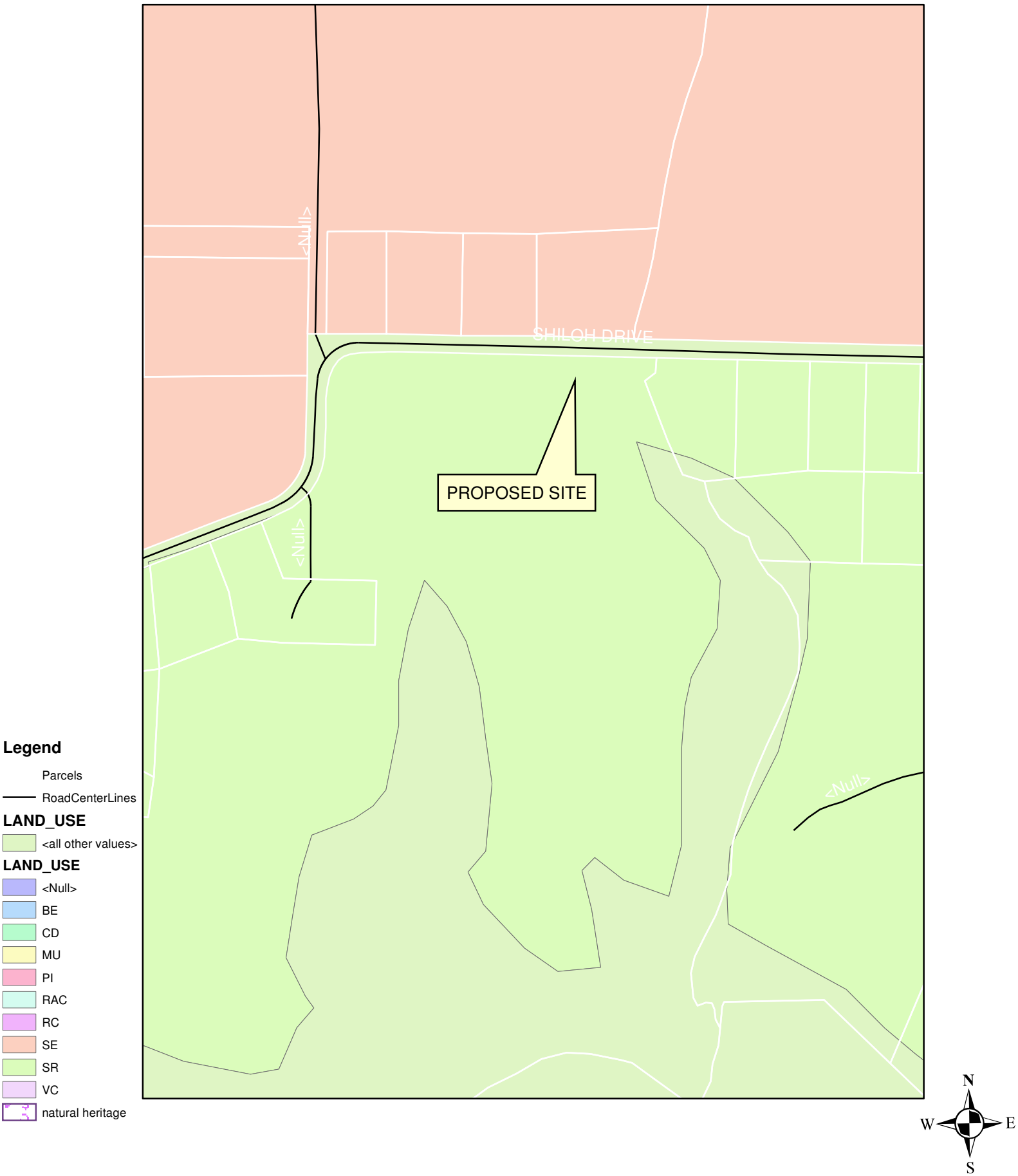
BABB LAND USE MAP



THIS SUBDIVISION OF PROPERTY AS IT APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

DATE _____ _____ OWNER.

DATE _____ _____ OWNER.

DATE _____ _____ OWNER.

STATE OF VIRGINIA
CITY/COUNTY OF _____ TO WIT:

I. _____. A NOTARY PUBLIC IN AND FOR THE CITY AND THE STATE AFORESAID DO HEREBY CERTIFY THAT THE ABOVE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.
GIVEN UNTO MY HAND THIS _____ DAY OF _____, 20 ____.
MY COMMISION EXPIRES _____

_____
NOTARY PUBLIC

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNERS AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THEM AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN AND THAT THE PLAT DETAILS MEET THE STANDARDS FOR PLATS AS ADOPTED UNDER VC 42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (42.1-76, ET. SEQ.).
SOURCE OF TITLE AND LAST PLACE OF RECORD: (INSTRUMENT NUMBER - 130004363
RECORDED IN THE CLERK'S OFFICE OF ISLE OF WIGHT COUNTY, VIRGINIA

DATE 01/18/23 F. Hunter Walters LAND SURVEYOR #2651

THIS SUBDIVISION PLAT HAS BEEN FOUND TO BE IN CONFORMANCE WITH THE ISLE OF WIGHT COUNTY SUBDIVISION ORDINANCE AND MUST BE RECORDED WITH THE OFFICE OF THE CLERK OF CIRCUIT COURT OF ISLE OF WIGHT COUNTY WITHIN SIX MONTHS OF THE DATE OF APPROVAL. APPROVAL WILL BE DEEMED VOID AFTER SIX MONTHS AND THE PLAT MUST BE RESUBMITTED FOR APPROVAL.

DATE OF APPROVAL: _____ SUBDIVISION AGENT: _____

DATE OF APPROVAL: _____ VDOT RESIDENT ENGINEER: _____

NOTES:

1. WHERE SEPTIC TANKS ARE TO BE INSTALLED ON INDIVIDUAL LOTS, THERE SHALL BE AN APPROVAL OF A PRIMARY DRAINFIELD AND 100% RESERVE DRAINFIELD BY THE HEALTH DEPARTMENT AT THE TIME APPLICATION IS MADE FOR A SEPTIC TANK PERMIT. APPROVAL OF THIS PLAT DOES NOT INDICATE THAT THE INDIVIDUAL LOT IS SUITABLE FOR APPROVAL OF A PRIMARY AND 100% RESERVE DRAINFIELD. ALL ON-SITE SEWAGE DISPOSAL SYSTEMS NOT REQUIRING A VIRGINIA POLLUTION DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT SHALL BE PUMPED OUT AT LEAST ONCE EVERY FIVE (5) YEARS.
2. THE ZONING OF THIS PARCEL IS "RR - RURAL RESIDENTIAL"
3. THE LOT SHOWN ON THIS PLAT IS NOT SERVED BY PUBLIC WATER OR SEWER.
4. NO ZONING PERMIT OR BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL A WELL OR WATER SOURCE HAS BEEN APPROVED BY THE COUNTY HEALTH DEPARTMENT.
5. THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.
6. THIS PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY PRESERVATION AREA (CBPA).
7. THERE ARE NO WETLANDS LOCATED ON THIS LOT HOWEVER, THE 100' RESOURCE AREA BUFFER LINE DOES EXTEND INTO THE LOT AS SHOWN HERE.

ACREAGE TABLE

92.27	Ac. Tax Parcel 55-01-010 (From Tax Records)
-1.983	Ac. To Lot "B"
-0.089	Ac. Dedicated From Centerline For Future Widening
90.198	Ac. Residue Tax Parcel 55-01-010
1.625	Ac. Net Developable Area (Lot "B")

NEW PARCEL "B" INCL. 0.000 AC. OF WETLAND CRITICAL AREA

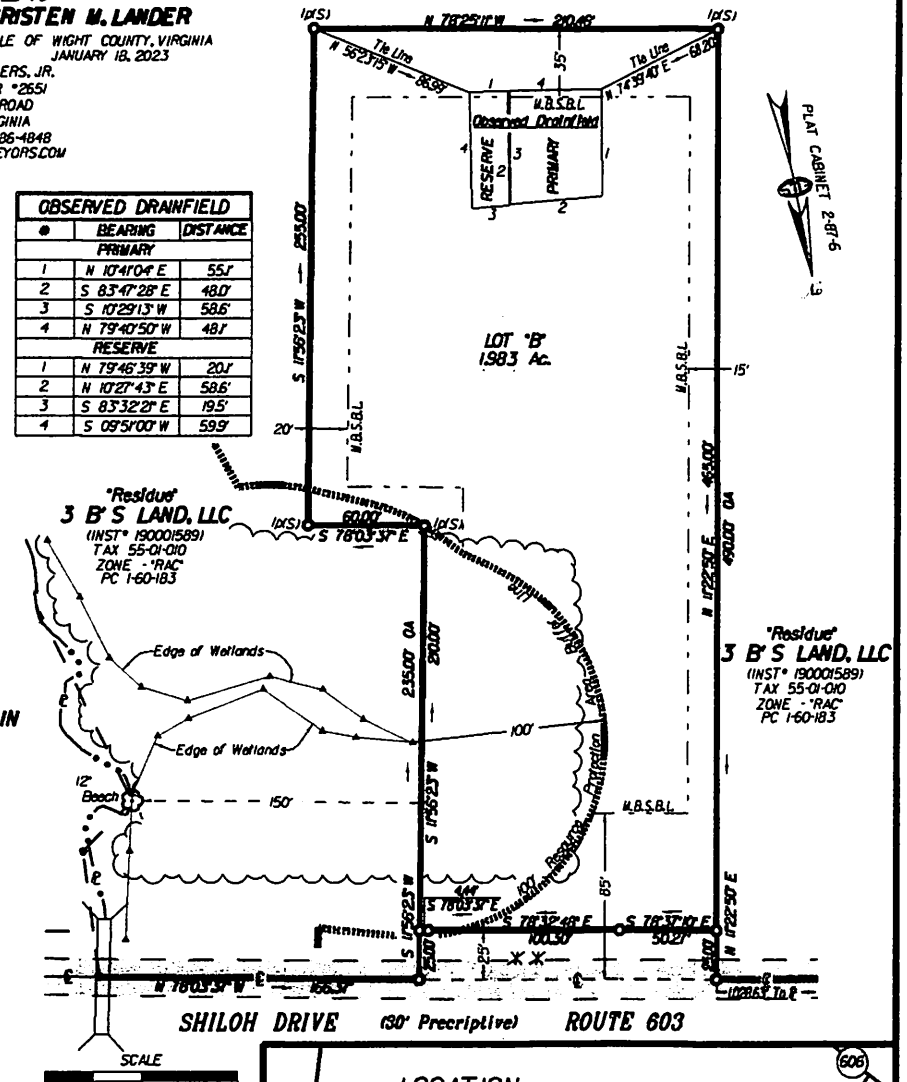
PLAT # 22-154

3 B'S LAND, LLC
TO BE CONVEYED TO
STEVEN J. LANDER AND KRISTEN M. LANDER
WINDSOR MAGISTERIAL DISTRICT ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1" = 50' JANUARY 18, 2023

F. HUNTER WALTERS, JR.
LAND SURVEYOR #2651
306 COLLINS ROAD
SUFFOLK, VIRGINIA
PHONE # (757) 986-4848
HUNTER@ECSURVEYORS.COM

THE PROPERTY SHOWN HEREON APPEARS TO BE IN FLOOD HAZARD AREA ZONE X AS SHOWN ON COMMUNITY PANEL NO. 5103C0255 F FLOOD INSURANCE RATE MAP FOR ISLE OF WIGHT COUNTY, VIRGINIA EFFECTIVE DECEMBER 02, 2015.

OBSERVED DRAINFIELD		
#	BEARING	DISTANCE
PRIMARY		
1	N 10°41'04" E	55.1'
2	S 83°47'28" E	48.0'
3	S 10°29'13" W	58.6'
4	N 79°40'50" W	48.1'
RESERVE		
1	N 79°46'39" W	20.1'
2	N 10°27'43" E	58.6'
3	S 83°32'21" E	19.5'
4	S 09°51'00" W	59.9'



ALLEN KEITH GRIFFIN
JANE M. GRIFFIN
(INST# 110005227)
TAX 55-01-010
PC 2-87-6
ZONE - "RAC"

LEGEND

- ● - IRON PIN SET - Ip(S) (5/8" X 2' REBAR)
- ● - IRON PIN FD. - Ip(F)
- ● - COMPUTED POINT
- ▲ - WETLAND FLAG
- ℄ - PROPERTY LINE
- R/W - RIGHT OF WAY
- — - - - MINIMUM BUILDING SET SET BACK LINE (M.B.S.B.L.)

OWNER(S) ADDRESS: 3 B'S LAND, LLC
P.O. BOX 491
WINDSOR, VIRGINIA 23487
TELEPHONE: (757) 353-0490

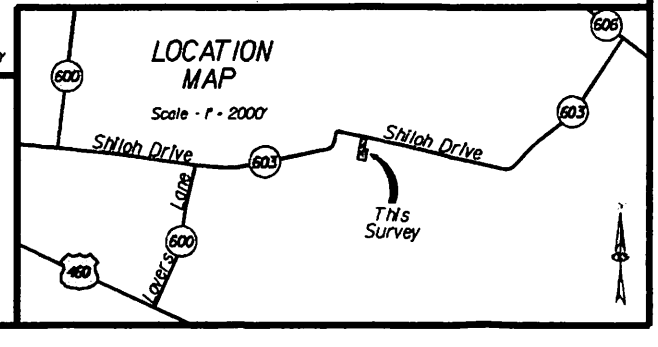
SUBJECT PARCEL: TAX MAP 55-01-010
GRANTOR(S): WAYNE C. BRIGGS, EVELYN B. ARTIS, SHERMAN HOLLAND, III, WILLIAM K. HOLLAND, BEVERLY H. WALKUP, GILBERT RAWLINGS, VELLA M. CAMERON, OTELIA CLARICE EL AMIN, VELLA BRIGGS GILLIAM, ROBIN A DELK, JACQUELINE DELK WILLIAM DELK, TRACEY R. DELK-HART, DION DAWSON DELK, CHERITA H. SEARS AND MILTON CARGILL, JR.
GRANTEE(S): 3 B'S LAND, LLC
DEED DATE: JANUARY 11, 2019
RECORD DATE: APRIL 30, 2019
LAND RECORD: INSTRUMENT # 190001589

XX - 25' DEDICATION OF RIGHT OF WAY FROM CENTERLINE FOR PUBLIC USE

SEAL

COMMONWEALTH OF VIRGINIA
F. Hunter Walters
F. HUNTER WALTERS, JR.
Lic. No. 2651
01/18/23
LAND SURVEYOR

LOCATION MAP



RESOLUTION NUMBER PC-23-5

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO A CONDITIONAL REZONING REQUEST ZA-1-23 TO CHANGE THE ZONING FROM RURAL AGRICULTURAL CONSERVATION TO CONDITIONAL SUBURBAN RESIDENTIAL OF 1.983 ACRES ON PROPERTY WITH TAX MAP PARCEL 50-01-010 FOR ONE RESIDENTIAL LOT

WHEREAS, 3Bs Land LLC, property owner, and Steven J. and Kristen M. Lander, applicants, have requested a change in zoning from RAC, Rural Agricultural Conservation, to C-SR, Conditional Suburban Residential for the purposes of creating one residential lot; 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 rezoning 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 flood plains;

10. the preservation of agricultural and forestal land;

11. the conservation of properties and their values;

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

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, ZA-1-23, be:

___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___b. Denied, and that Board of Supervisors do not adopt the proposed Ordinance.

___c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE:_____

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

TESTE:_____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

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

ELECTION DISTRICT:

D3

LOCATION:

The property is located at 1 Eagle Nest Lane on tax map parcel 14-12-001. The property is located off of Days Point Road and is directly adjacent to Summerwind Vineyard and Winery along with a few residential homes. Directly behind the home is Tormentor Creek, a tidal tributary of the Pagan River.

BACKGROUND:

When the current owners purchased the property in late 2020, there was a semi-cleared path down to an existing dock/pier in the rear yard. The owners indicated they hired a contractor to build a platform to connect to the existing dock to store and secure small boats from high tide events and allow ease of access to the boats as well as have a seating area. A cease and desist order to was issued to the property owner on October 11, 2022, due to the CBPA RPA Buffer Area violation of building a structure in the RPA without required approvals.

The house was built in 1943, before the effective date of the Chesapeake Bay Preservation Act and adoption of the local CBPA ordinance. The house itself does not encroach into the RPA Buffer Area, which is not permitted by the ordinance.

DESCRIPTION:

This request is for an exception to allow a 515 square foot platform, which includes a 145 square foot connection between the platform and the existing dock. The platform, if completed, would be within zero feet of the wetlands and would connect to the existing pier. The platform outline of 370 square feet was built

before the cease and desist was issued. The 145 square-foot connection between the platform and the dock has not been constructed.

The upland runoff sheet flows into the wetlands and then into Tormentor Creek, a tributary to the Pagan River, as described by the Water Quality Impact Assessment (WQIA). The purpose of the CBPA RPA Buffer Area is to provide for natural nonpoint source pollution attenuation and sediment control from upland areas adjacent to wetlands and riparian areas for Chesapeake Bay and tributary water quality management.

To compensate for the encroachment into the seaward portion of the RPA Buffer Area, the applicants have proposed compensatory landscaping consisting of one (1) canopy tree, three (3) understory trees, and three (3) small shrubs, with the plantings to be placed within the RPA Buffer Area as shown on the landscape plan.

The proposed landscaping is based on the total square footage of the platform and is in compliance with the state Riparian Buffers Modification and Mitigation Guidance Manual. The plantings proposed are native, including White Oak, Dogwood, and Wax Myrtle.

The WQIA observes the site is relatively flat and consists of Type B and D soils, indicating that water will not infiltrate into the soils and, therefore, will create off-site runoff. Soil conditions might be improved by creating planting beds using soil amendments to allow improved infiltration.

COMPREHENSIVE LAND USE PLAN:

The Comprehensive Plan categorizes this sensitive environmental area as Environmental Conservation (EC), an area dominated by environmental features that are particularly sensitive to development, including wetlands, flood prone areas, streams and stream buffers, unique habitat areas, and RPAs defined by the local CBPA Ordinance.

Appropriate land uses in this area include: wetlands, farms and forest uses, open space, and limited park facilities in appropriate locations, greenways, blueways, and trails.

ORDINANCE REVIEW:

CBPA Article 4, Section 4002, provides performance standards in RPAs and outlines permitted modifications and encroachments. Development is not permitted to extend into the 100-foot RPA Buffer Area, unless an exception is warranted due to loss of buildable area. Under Subsection 4002(b)2., permitted encroachments must be the "minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities" and "may not extend into the seaward fifty feet of the buffer area." This exception request involves development that does extend into the seaward 50 feet, a highly sensitive area for development. There is sufficient buildable area outside of the RPA buffer to accommodate the boat and equipment storage platform.

CBPA Article 5, Section 5002 regulates exception requests and covers five criteria that must be met in order to grant an exception. These are as follows:

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;

Finding: Encroachments in the seaward 50 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;

Finding: 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;

Finding: 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; and

Finding: 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 to water quality.

Finding: 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.

AGENCY REVIEW:

Comments from the Department of Environmental Quality (DEQ) are attached, and a summary is found below.

DEQ agrees with County staff. DEQ states the proposed use does not meet the definition of a water-dependent facility, because the small boats can be carried or transported and stored outside of the RPA. The seating area is also not water dependent. As an alternative, the small boat storage and seating could either be added to the current dock or moved outside of the RPA.

Based upon the above requirements and findings, the Board of Supervisors may choose not to grant the requested exception and require the removal of the platform frame as suggested by County staff. Such a decision would be consistent with the application of regulatory requirements. Should the Board determine that removal of the platform frame is not an appropriate solution and wishes to approve the exception request, then the alternative suggested by County staff would be to permit completion of the elevated platform only, eliminate the connection, and require mitigation within the disturbed areas according to Table A of the *Buffer*

Manual.

The square footage of the platform alone is less than 400 SF, therefore, only one mitigation planting unit would be appropriate. If the entire structure is to be completed DEQ recommends requiring two landscaping units which should include; two canopy trees, four understory trees, and six shrubs.

STAFF CONCLUSIONS:

Staff finds the following strengths and weaknesses for this request:

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 the must be found in order to grant and 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.

ATTACHMENTS:

Description	Type	Upload Date
Application	Proposal	5/3/2023
WQIA	Backup Material	5/3/2023
Location Map	Backup Material	5/3/2023
DEQ comments	Backup Material	5/16/2023
Resolution	Resolution	5/23/2023

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

26 January 2023

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

RE: Request for a CBPA Exception;
Small Boat Storage Platform
1 Eagle Nest Lane
Smithfield, Virginia

Hello:

With the attached information including the items requested in the Exception Application Checklist, on behalf of our Client, Michael & Katherine Gayle, we are requesting a Chesapeake Bay Preservation Ordinance Exception for the installation of a small platform to store small boats and equipment within the seaward 50-foot RPA. This application is intended to remedy a Notice of Violation for Unauthorized Construction in a Resource Protection Area at the subject site located at 1 Eagle Nest Lane in Smithfield.

Stokes Environmental Assoc., Ltd. has been authorized to act as an agent and consultant by the owners for this application.

Please do not hesitate to contact me if you have any questions or need additional information regarding this request.

With best regards.

Sincerely,
Stokes Environmental Associates, Ltd.

David A. Balsley

Attachment: Exception Application

4101 Granby Street • Suite 404 • Norfolk, Virginia 23504 • Office (757) 623-0777 • FAX (757) 623-2785

Local Roots, Global Reach

ISLE OF WIGHT
COUNTY, VIRGINIA

SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

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 and minimum number of copies are provided, unless the number of required copies is reduced by the Zoning Administrator:

☑ 1. Ten (10) copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page 2 of the application.

☑ 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

☑ 3. Ten (10) copies of a statement of the reasons for seeking such exception.

☑ 4. Ten (10) copies of a narrative description of the property which shall include the Tax Parcel Identification Number.

☑ 5. One (1) copy of the most recent deed(s) for the property(s) associated with the application.

☑ 6. A 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 so 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)
- Ten (10) full size copies, with one (1) reduced 11-inch X 17 inch copy shall be submitted
- 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.

☑ 7. **<u>For CBPA Exception applications</u>, 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.**

☑ 8. Such other information as may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.

☑ 9. All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application.

David A. Balsley, Agent
Printed or Typed Name

Signature

26 January 2023
Date

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

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):

[x] 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) 5002 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: Constructing a small boat storage platform in order to be able to store small boats above the effect of the tidal reach.

B. PROJECT DESCRIPTION:

Project Name: 1 Eagle Nest Lane

Property Address (if any): 1 Eagle Nest Lane, Smithfield, VA

Comprehensive Plan Designation: _____

The exception will apply to 0.0105 acres out of 13.76 total acres

Tax Parcel Identification # 14-12-001 Number of acres to be effected: 0.0105

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

Michael A. Gayle 20 JAN 2023

Applicant Signature **Date**

Owner Signature *if different* **Date**

FOR OFFICE USE ONLY:

Complete Application Received On:_____ Fees Paid: _____
Tax Query: [ ] Current [ ] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

_____Department of Conservation & Recreation
_____Economic Development
_____Emergency Services
_____General Services
_____Environmental Planner
_____Health Department
_____Transportation Manager
_____Commission of Revenue
_____Other _____

_____Inspections
_____Sheriff's Office
_____Town of Smithfield
_____Town of Windsor
_____VDOT
_____Schools
_____Budget & Finance
_____County Attorney

Verified By: MARY LYALL STOKES Date: 01/20/23

MARY LYALL STOKES
NOTARY PUBLIC
REG. #8006583
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DECEMBLR 31, 2026

1 EAGLE NEST WAY, ISLE OF WIGHT COUNTY:

STATEMENT OF REASON FOR SEEKING CBPA EXCEPTION

The property owners, Michael & Katherine Gayle, are seeking an Exception to the Chesapeake Bay Preservation Are Ordinance for construction of a small boat storage platform; the platform will be located within the seaward 50 feet of the Resource Protection Area buffer.

The reason for the exception is to provide for the storage of small boats including paddleboards, canoes, and kayaks in a location which will be secure from high tide events, yet reasonably close to the water access which is an existing dock. The platform will also house storage boxes for boating equipment such as paddles, life jackets, and other associated gear. On the site, the slopes adjacent to the existing dock are quite steep which makes safe storage of small boats difficult, and also means that locating a storage area further landward increases the difficulty of carrying the boats to and from the water access. The surface of the existing dock cannot be used for storage because the dock surface is regularly inundated by high tide events. A platform as shown on the concept plan was selected as a reasonable solution to this problem, as it provides for secure storage of small boats and the associated gear.

NARRATIVE DESCRIPTION

OF

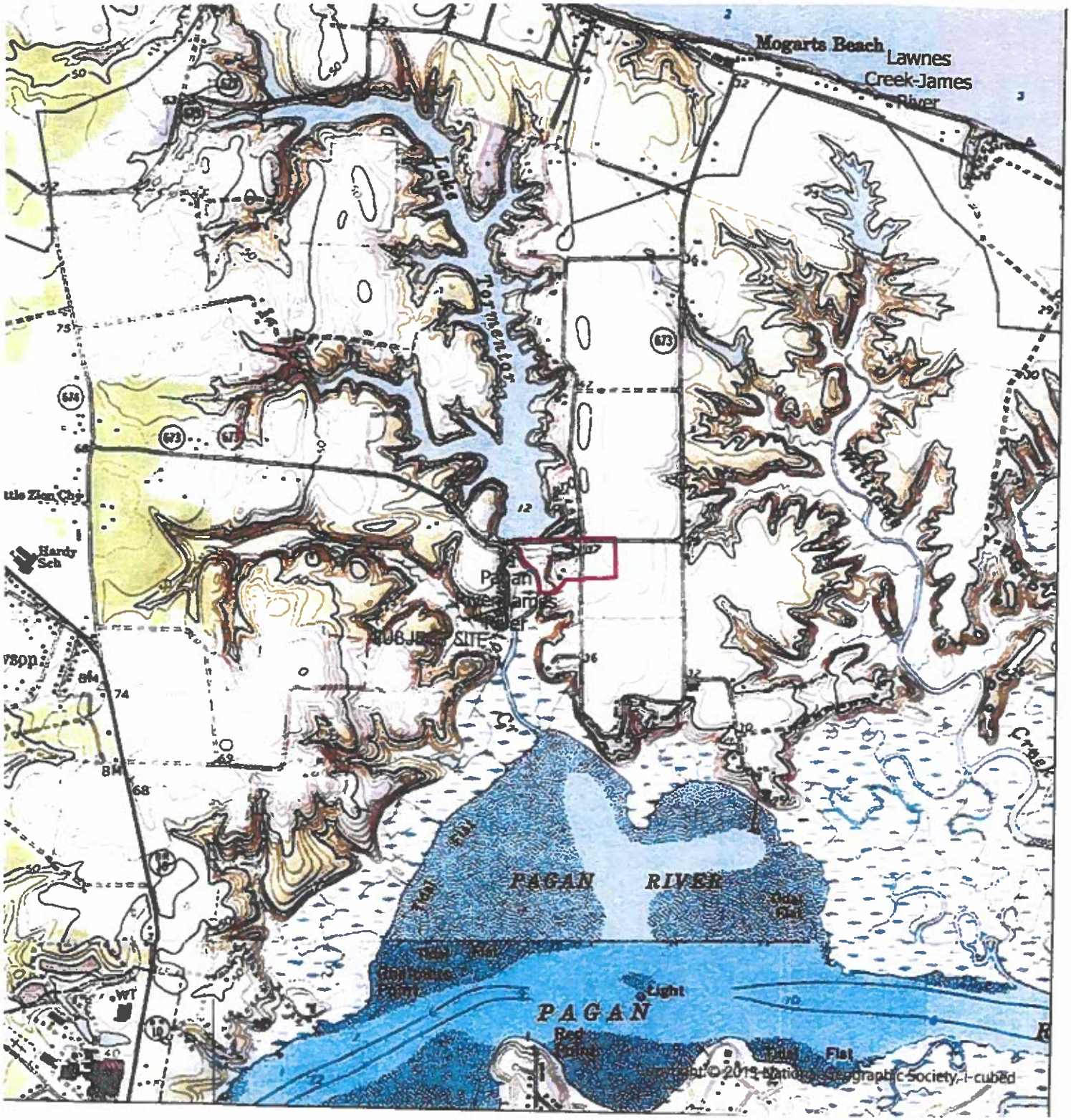
PROPERTY LOCATED AT 1 EAGLE NEST LANE
SMITHFIELD

INCLUSIVE OF PARCELS 14-12-001 & 14-12-002

The site includes two land parcels totaling 13.76 acres of land extending south of Days Point Road, west of Eagle Nest Lane, and north of an access lane dividing this property from the adjacent lot known as Parcel 14-02-027B. The property extends west to Tormentor Creek, a tributary to the Pagan River. The legal descriptions of the parcels provided in the deed are as follows:

Parcel 1 (14-12-001) includes all of that certain lot, piece, or parcel of land situate, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, and designated as Lot 1 on the certain plat of survey entitled "Plat of Lots 1, 2, 3, and 4 Being the Property of Ronald H. Pack and Christina H. Pack, Deed Book 348/532. Located in Hardy Magisterial District, Isle of With County, Virginia" made by Emin B. Holley JR., Certified Land Surveyor, Scale: 1"=200' dated February 23, 1995, which plat is recorded in the Clerk's Office of the Circuit Court for Isle of Wight County, Virginia, in Plat Cabinet 2, Slide 20, Page 9, reference being made to the plat of survey for a more complete description of the real estate herby conveyed.

Parcel 2 (14-12-002) includes all of that certain lot, piece, or parcel of land situate, lying and being in Hardy Magisterial District, Isle of Wight County, Virginia, and designated as Lot 2 on the certain plat of survey entitled "Plat of Lots 1, 2, 3, and 4 Being the Property of Ronald H. Pack and Christina H. Pack, Deed Book 348/532. Located in Hardy Magisterial District, Isle of With County, Virginia" made by Emin B. Holley JR., Certified Land Surveyor, Scale: 1"=200' dated February 23, 1995, which plat is recorded in the Clerk's Office of the Circuit Court for Isle of Wight County, Virginia, in Plat Cabinet 2, Slide 20, Page 9, reference being made to the plat of survey for a more complete description of the real estate herby conveyed.



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TOPO MAP

EAGLE NEST LANE

SMITHFIELD

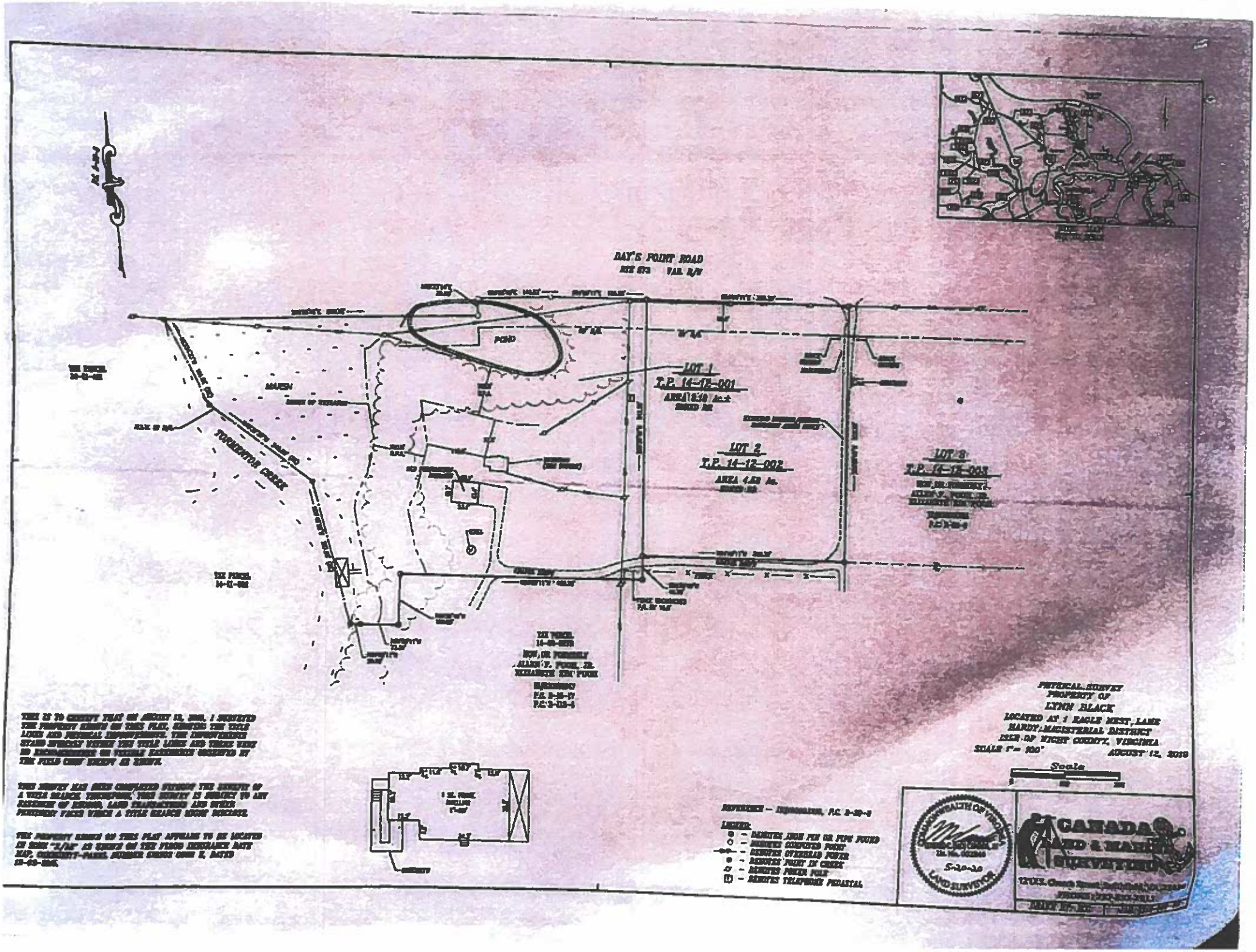
0 5001,000 2,000 Feet

Legend

- Parcel
- Uplands
- Hydrologic Unit: Watershed

HUC: PAGAN RIVER-JAMES

HUC ID: 0208020609



THIS IS TO CERTIFY THAT ON AUGUST 12, 2019, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, SHOWING THE TITLE LINES AND PHYSICAL IMPROVEMENTS. THE IMPROVEMENTS STAND SUBSTANTIALLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS OBSERVED BY THE FIELD CREW EXCEPT AS SHOWN.

THIS SURVEY HAS BEEN CONDUCTED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X/AE" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510276 0008 E, DATED 10-02-2006.

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

SITE PLAN

EAGLE NEST LANE

SMITHFIELD, VA

0 90 180 360 Feet

Legend

- ImperviousSurface
- Parcel
- Wetlands
- RPA_100ft:RPA_100ft
- ExisitingWoodLine
- BoatStorage

TOTAL CONSTRUCTION AREA:
515 sq. ft.

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

SITE PLAN-DETAIL

EAGLE NEST LANE

SMITHFIELD, VA

0 10 20 40 Feet

Legend

- ImperviousSurface
- Parcel
- Wetlands
- RPA_100ft:RPA_100ft
- ExisitingWoodLine
- BoatStorage

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

3 May 2023

Ms. Kat Gayle
13790 Voyager Parkway
Colorado Springs, CO, 80921

RE: Major Water Quality Impact Assessment
1 Eagle Nest Lane
Smithfield, VA

Ms. Gayle:

This is to provide a Major Water Quality Impact Assessment for improvements at 1 Eagle Nest Lane, Smithfield, Virginia. The following discussion describes existing and planned impacts within the Resource Protection Area (RPA) and outlines proposed appropriate mitigation to compensate for such impacts in accordance with Isle of Wight, VA Code of Ordinances Sec.4003-Water quality impact assessment) and the Chesapeake Bay Local Assistance Department Riparian Buffer Modification & Mitigation Guidance Manual.

The partially completed planned improvement included an approximately 20x20 foot platform adjacent to an existing dock and pier.

Introduction

The subject project is at a rural single-family residence and consists of an access road to the household, an open fireplace and a boat dock on a 13.76-acre property consisting of two parcels (14.12.001 and 14.12.002). Construction activities involving land disturbance has occurred on southwestern portion of the residential land parcel adjacent to the existing dock, and consists of a partially completed foundation for the planned small boat storage platform.

The project, including limits of disturbance for the improvements, is shown in **Appendix**.

A site diagram with an aerial orthometric image showing current aerial cover of trees, emergent vegetation, grass, paved area, open water area and structures is included in **Appendix**. A GPS coordinate plot of jurisdictional wetland boundaries from a delineation completed on November 8th, 2022 by Stokes Environmental Associates, and the RPA buffer areas present onsite, are also plotted on the map.

Topography

The 2019 Mulberry Island Quadrangle, Virginia USGS Topographic Map, which includes the site and general vicinity of the site, is shown in **Appendix**. This map uses elevation contours from the

National Elevation Dataset 2015 data. Lidar digital elevation map derived from 2016 USGS CoNED Topobathymetric Model (1859-2015): Chesapeake Bay was also retrieved. These two data sources showed the project area to occur at between elevations of 0 to 50 feet above mean sea level (NAVD88). The project area residence is situated adjacent to Tormentor Creek, a tidal tributary of the Pagan River, with steep slopes on the western side close to the wetlands and waterway. The properties directly adjacent to the project site include residential homes and a small vineyard. The road serving the subject property does not receive significant drainage from the project area.

Surface Water Characteristics

According to Lidar elevation survey data and on-site observations, surface water runoff from the development area flows west from the developed area on the subject site directly into Tormentor Creek, which is adjacent to the subject property. The contributing drainage area for runoff to the proposed improvements includes a small area of grass and impervious surface from the existing developed area on the subject property. Runoff flows into the wetlands, then into the waterways. No concentrated flow features were found on the uplands of the subject property.

Floodplains

According to information found in Flood Hazard Boundary Map and Flood Insurance Rate Map 51093C0088E dated 12/2 2015 for Isle of Wight, Virginia in the **Appendix**, the southern portion of the property is within flood zone AE, indicating areas that present a 1% annual chance of flooding and a 26% chance over the life of a 30-year mortgage.

Soils and Land Cover

According to the *NRCS National Cooperative Soil Survey*, the surficial soils within the project area consists of Emporia fine sandy loam and Peawick silt loam, as shown in **Appendix**. These soils are both classified as hydrologic soil group B and D. About 18% of subject area consists of Nevarc and Remlik soils, hydrologic soil group D. For further information about these surficial soils, see the attached map.

Two hand-auger soil samples were collected by Tianshu Huang on 18 November 2022 within the close proximity of the construction site, shown as Data Point DP-3 and DP-4 on the map. The following log was recorded:

DP-3:

Depth			Color	Texture
0	-	4"	5GY 3/1	Loamy Clay
4	-	8"	5GY 4/1	Loamy Clay
8"	-	20"	10 YR 5/6	Clay

DP-4:

Depth			Color	Texture
0	-	3"	10 YR 5/2	Loam
3	-	16"	5GY 5/2	Loam
16"	-	20"	5GY 6/2	Loam

According to National Cooperative Soil Survey, both the Peawick silt loam and Nevarc and Remlik soils found near the construction site has a rate of infiltration less than 0.02 in/hr. K_{sat} of the soil samples collected are less than 0.02 in/hr, indicating the soils on the site are very poorly drained, have very slow runoff and very slow permeability.

Geology and Groundwater Hydrogeology

The subject site is situated within Map Unit Qn in the Atlantic Coastal Plain Physiographic Province of Virginia, which consists of an eastward-thickening wedge of stratified, unconsolidated and semi-consolidated alluvial and marine deposits above a crystalline basement surface. These sediments are composed primarily of gravels, sands, silts, and clays. At the project site, depth to the crystalline basement rocks is greater than 2,500 feet. A geologic map of the site is included in **Appendix**.

The groundwater flow system in the Atlantic Coastal Plain consists of an unconfined, water table aquifer and an underlying sequence of semi-confined to confined aquifers and intervening confining units. The aquifers are composed of permeable sands and gravels through which water readily flows. The confining layers are composed of clayey materials which retard water flow. In the Atlantic Coastal Plain, the confining layers are often "leaky" allowing exchange of water between aquifers.

The regional geologic map shows the site located on Quaternary-age deposits of the Norfolk Formation. The Norfolk Formation consists of fluvial and estuarine clayey sand, organic silt, peat and clay. These materials form the surficial deposits of a broad swale and extensive lowlands bounded on the landward side by river-, bay- and ocean-facing scarps. The Norfolk Member forms a part of the water table, or Columbia aquifer, beneath the site.

Site-specific hydrologic reports and maps were not found to be readily available for the subject site during this investigation. Information regarding the groundwater characteristics in the vicinity of the site was obtained from published information from the Virginia State Water Control Board and the United States Geological Survey. The following discussion is abstracted from these publications.

One unconfined and confined aquifer is present beneath the site in the interval from the ground surface to 100 feet below ground surface (BGS). The uppermost aquifer is the unconfined water table, or Columbia, aquifer. According to hydrogeologic cross sections, the water table aquifer generally occurs in the depth interval from immediately below the surface to approximately 45 feet BGS. Saturated thickness of the Columbia aquifer in this area is approximately 120-150 feet. Precipitation is the principal source of recharge for this aquifer, and averages about 44 inches per

year. Approximately 12 to 20 inches per year of the total precipitation (27 - 45 percent) is estimated to infiltrate the ground surface and reach the Columbia aquifer; the remainder of the annual precipitation is lost due to surface runoff, evaporation, etc. The following median values have been reported for hydraulic characteristics of the Columbia aquifer: well yield of 30 gallons per minute, specific capacity of 6.1 gallons per minute per foot of well drawdown, median transmissivity of 1070 square feet per day, and a horizontal hydraulic conductivity of 28.7 feet per day.

The Yorktown-Eastover confined aquifer system underlies the Columbia aquifer. The Yorktown-Eastover aquifer system is generally separated from the overlying Columbia aquifer by beds of silt, clay and sandy clay which function as an aquitard between the two aquifers. Although the Yorktown Formation is 300 to 400 feet thick, the major water-bearing zones comprising the Yorktown-Eastover aquifer system are restricted to the upper portion of the Yorktown Formation. The remainder of the Yorktown Formation serves as aquitards between the aquifers. The top of the Yorktown-Eastover aquifer system in this area occurs at an approximate depth of 50 feet BGS. Recharge to the Yorktown-Eastover aquifer system is primarily through downward leakage of water from the overlying Columbia aquifer. The following median values have been reported for hydraulic characteristics of the Yorktown aquifer: well yield of 46 gallons per minute, specific capacity of 8.1 gallons per minute per foot of well drawdown, a transmissivity of 2460 square feet per day, and a horizontal hydraulic conductivity of 23.1 feet per day.

The flow of shallow groundwater generally follows the regional topography. Since the topography at the subject site slopes toward the east, recharge of the water table aquifer by infiltration of precipitation should result in groundwater flow in the vicinity of the site that is generally east. However, published reports of groundwater flow directions for the site and adjacent areas were not available, and further research and/or subsurface testing would be necessary to confirm the flow direction and to identify the location and characteristics of deeper groundwater aquifers.

Wetlands and Chesapeake Bay Preservation Areas

The National Wetlands Inventory Map from the US Fish and Wildlife Service Web GIS Publication, updated November 5, 2020, shows designated E2EM1P and PFO4R wetlands downstream of the project area. (see the **Appendix**)

The subject site was evaluated for the presence of jurisdictional wetlands by Tianshu Huang in accordance with the on-site determination methods specified in the U.S. Army Corps of Engineers, 2010, *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region* (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-20. Vicksburg, MS: U.S. Army Engineer Research and Development Center. Wetlands onsite include tidal spartina emergent wetlands and adjacent forested wetlands. A GPS coordinate plot of jurisdictional wetland boundaries onsite is shown on the enclosed site diagram.

Chesapeake Bay Preservation Areas are present within the project area, and include a 100 foot Resource Protection Area (RPA) buffer adjacent to hydraulically connected wetlands located a few feet downslope of the project area. These are regulated by the Isle of Wight Chesapeake Bay

Preservation Ordinance. Land cover existing within the RPA prior to disturbance includes forest, grass lawn, and impervious improvements associated with the residential home.

Impacts

Impacts include increased impervious surface and increased volume of runoff, mostly within the RPA buffer. The footprint of the proposed new impervious surfaces and associated underlying foundations as proposed would not significantly impact topographic grade, or shallow subgrade soil as the platform is elevated on 4'x4' piles. Impacts to hydrology within the areas covered by wooden platform include decreased evapotranspiration, increased runoff, decreased recharge, and depressed water table, dryer soil, increased availability of water storage in soil profile, and increased rate of absorption of stormwater in the soil areas under the footprints of the proposed modified impervious surfacing.

Impervious surface consisting of the elevated wooden platform shadows the turf area in the drainage area leading to the wetland that drains into Tormentor Creek on the property. Although flow volumes will be increased, peak rate of flow will not be increased. No substantial effect on the water table in surrounding areas is expected; effects are limited in lateral effect and recharge to surrounding areas is likely dominated by localized balance of infiltration and evapotranspiration, and by the nearby river bank. Runoff is to be treated with onsite best management practices to counter adverse effects of runoff volume on surrounding areas, including peak rate of flow of the runoff, suspended solids, nutrient pollutants, and chemical contaminants potentially present within the flows.

No wetland loss is expected due to the construction.

Other Hydrological Elements

Wetland impacts will be limited to 4" X 4" wooden posts to support the connecting walkway connecting the boat storage platform and the existing walkway to the dock. Wetland and stream circulation patterns will not be affected.

Drainage divides will be maintained in the topography and impervious surface added in the drainage area of the creek will drain to the same creek after treatment with the BMP to maintain peak flow rate and water quality at a suitable condition. There are no other disruptions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;

The wooden boat storage platform will be completed within the seaward 50 feet of the 100-foot RPA zone. The site activities do not involve dredging, filling or effects on shellfish beds, submerged aquatic vegetation, or fish spawning areas. The only effects on the surrounding surfaces will be the placement of 6' wide wooden decking installed with gaps between to allow for water drainage.

Pre- and post-development pollutant load estimates in total runoff from the project area was calculated by the Virginia Runoff-Reduction Method based on the area of turf and impervious

surface across the Hydrologic Soil Group B soils found throughout all of the project area, with the following results:

Pre-development Total Phosphorus (TP) Load	1.35	lb/yr
Final Post-development TP Load	1.35	lb/yr
TP Load Reduction Required	0.00	lb/yr
TP Load Reduction Achieved	0.00	lb/yr
TP Load Remaining	0.00	lb/yr

Impervious surfaces to be built or replaced include the wooden boat storage platform. Approximately 515 square feet of land will be disturbed for constructing the improvements to the home. Changes to types of surfaces in the project area include the following:

PRIOR	square feet	acres	PLANNED	square feet	acres
		0.20	Impervious Cover		0.21
Impervious Cover	8712			9227	
		1.64			1.63
Managed Turf	71438		Managed Turf	71438	
Open Area	319730	11.92	Open Area	319330	11.92
Total	399880	13.76	Total	399880	13.76

Net increase in impervious surface: 0.012 acre

Duration and phasing schedule of construction project remains to be determined, as well as requisite permits from all applicable agencies necessary to develop project which may include but are not limited to:

Mechanical Permit
Plans Inspection
Building Permit
Final Building Inspection
Electrical Inspection
Electrical Permit

Erosion and Sediment Control

Standard erosion and sediment control practices as defined in the Virginia Erosion and Sediment Control Handbook, to be used at the site, shall include, but are not limited to: Minimal disturbance to nearby surfaces by utilizing the 4'x4' support piles for elevated platform; Gaps between wooden

decking surface boards to allow for drainage. Work shall be scheduled such that disturbed soil is not left unstabilized during a period of predicted rain, to the extent possible. An Erosion and Sediment Control Plan will be created only if required by any permitting authority.

Stormwater Management

The effects on runoff from the property due to additional impervious surface created will be countered and offset treated with an approved Best Management Practice (BMP), in order to achieve the water quantity and quality requirements listed in the Virginia Stormwater Management Program and calculated by the Virginia Runoff -Reduction Method.

According to calculations, the increase in TN and TP load will be minimal thus no need for extra stormwater management.

Tree Replacement

Approximately 500 sqf of land within RPA zone will be replaced with impervious surface. This impact will be mitigated with one of the following options, at the owner's discretion, in an alternate location of the owner's yard in the RPA.

- One 5" dbh tree of species chosen from attached list
- Three 6' understory trees chosen from attached list
- Three small shrubs or woody groundcover at 15"-18" height

For list of acceptable tree species, see Appendix A of the Riparian Buffer Modification and Mitigation Guidance Manual, attached.

We recommend the following species for the Canopy Tree:
Red maple, white oak, chestnut oak;
Understory trees: Dogwood, American holly;
Shrubs: Wax myrtles, oak-leaf hydrangea, American beatyberry.

Conclusion

Based on the City's Chesapeake Bay Preservation ordinance, this report satisfies the City's review and evaluation requirements in Appendix B-13 of the Isle of Wight, Virginia Unified Development Ordinance for a Major WQIA. Upon the completed review of a WQIA application, the City's Zoning Administrator will determine if the 1 Eagle Nest Lane development is consistent with the purpose and intent of the Isle of Wight Unified Development Ordinance based upon the following criteria:

- There will be no loss of wetlands or woody vegetation within the 100 ft RPA as a result of this project, and indirect effects on these areas are minimal.

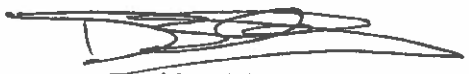
- The development will not result in significant disruption of the hydrology of the site;
- The development will not result in significant degradation to aquatic life;
- Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off site sedimentation;
- Proposed stormwater-management measures are adequate to control the stormwater runoff to achieve the required performance standard for pollutant control;
- Time that it is reasonably necessary for soils to be left in disturbed condition is minimal for most of the project area, which allows good erosion and sediment control to be achieved for the scale of the project area;
- The development, as proposed, is consistent with the purpose and intent of Suffolk, Virginia Unified Development Ordinance;
- The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

In summary, the 1 Eagle Nest Lane project plans to add impervious surface within existing grass in the 100 ft RPA, as needed for the addition of some improvements including a small boat storage platform adjacent to an existing dock at a single-family residential property. A mitigation Practice is proposed, which satisfies the Virginia Stormwater Management Program requirements.

Please do not hesitate to call me if you have any questions or need further information.

With best regards.

Sincerely,



David Balsley

Appendix: Runoff Reduction Complinace Sheet;
Plant List;
USGS Topo Map;
Tax map;
NWI map;
Soil map;
FEMA flood map;
Wetland delineation map;
Site plan;
Site plan – Detail;
Landscaping plan.

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

SITE PLAN

EAGLE NEST LANE

SMITHFIELD, VA

0 90 180 360 Feet

Legend

- ImperviousSurface
- Parcel
- Wetlands
- RPA_100ft:RPA_100ft
- ExisitingWoodLine
- BoatStorage

TOTAL CONSTRUCTION AREA:
515 sq. ft.

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

SITE PLAN-DETAIL

EAGLE NEST LANE

SMITHFIELD, VA

0 10 20 40 Feet

Legend

- ImperviousSurface
- Parcel
- Wetlands
- RPA_100ft:RPA_100ft
- ExisitingWoodLine
- BoatStorage

GAYLE CBPA EXCEPTION (CBPA-2-23)
LOCATION MAP

Legend

Parcels

RoadCenterLines

natural heritage

N

W E

S

Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219
P.O. Box 1105, Richmond, Virginia 23218
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Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

May 5, 2023

Ms. Shaunee Beussink, Environmental Planner
Isle of Wight County
17140 Monument Circle, Suite 101
Isle of Wight, VA 23397

RE: Chesapeake Bay Exception Request, 1 Eagle Nest Lane, Smithfield, VA.

Dear Ms. Beussink:

Per the County's request, the Virginia Department of Environmental Quality (DEQ) appreciates the opportunity to review the above referenced project for compliance with the *Chesapeake Bay Preservation Act* (Bay Act) and the *Chesapeake Bay Preservation Area Designation and Management Regulations* (Regulations). Isle of Wight County has adopted a Chesapeake Bay Preservation Ordinance that incorporates the requirements of the Bay Act and Regulations. The following comments are from the perspective of the Regulations regarding the appropriateness of the landowner's after-the-fact exception request, including the proposed mitigation plan for encroachment into the seaward 50-feet of the Resource Protection Area (RPA).

Background

County records indicate the subject property is 13.76 acres consisting of two parcels with the following improvements: an access road, single family home, concrete pad, and a large boat dock. Of the existing improvements, only the boat dock was located within the RPA. Without County approval, the applicant began construction of an elevated small boat storage platform and seating area within the RPA adjacent to the existing dock. The construction came to the County's attention when only the posts and frame of the 370 square foot (SF) platform had been built. The County ordered construction to be halted. In addition to the platform, the project included construction of a 145 SF connection between the platform and the existing dock, construction for which had not begun. The County informed DEQ that a total of 515 SF of impervious surface was proposed for the project, including the connection. Land disturbance was proposed to be limited to the area necessary to place the necessary 4' x 4' wooden posts that would elevate the proposed platform and connection, estimated to be less than 400 SF. According to the applicant's Major Water

Quality Impact Assessment (WQIA) the placement of the wooden posts for the connection would impact wetlands at the shoreline.

County staff informed DEQ that they recommended removal of the partially completed platform; however, the applicant requested an exception for an encroachment into the seaward 50' of the RPA to complete the project. County staff has stated their recommendation that if the exception is granted, it be conditioned with approval of completion of the small boat platform only, and not include construction of the connection to the existing dock. This change would reduce the area of impervious surface within the RPA by 145 SF, eliminate the proposed wetland impacts, and reduce the area of land disturbance.

Buffer Area Requirements

According to 9 VAC 25-830-140.3 of the Regulations, the RPA buffer is intended to be a 100-foot-wide area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff in order to minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life. Notwithstanding permitted uses, encroachments and vegetation clearing as set forth in the Regulations, the 100-foot-wide buffer area is not reduced in width and *shall be retained if present and established where it does not exist*. Where such buffer must be established, the planting of trees shall be incorporated as appropriate to site conditions and in such a manner to maximize the buffer function, deemed to be a 75% reduction of sediments and a 40% reduction of nutrients.

The County estimates that a total of 515 SF of impervious surfaces will be added to the RPA and the WQIA states that "this impact will be mitigated [sic] the owner's yard in the RPA. The approximate location of the planting is shown in the attached landscaping plan._

- One 5" dbh tree of species chosen from attached list
- Three 6' understory trees chosen from attached list
- Three shrubs or woody groundcover at 15"-18" height."

However, the proposed mitigation would not be adequate mitigation for the 515 SF platform and connector, for which Table A on page 94 of the *Riparian Buffer Modification and Mitigation Guidance Manual (Buffer Manual)* recommends the following mitigation planting standard:

- Two canopy trees at 1.5" to 2" calipers
- Four understory trees at 3/4:" to 1/5" calipers, and
- Six shrubs or woody groundcover at 15"-18" height."

All mitigation plantings should be placed within the area of the RPA that has already been cleared of vegetation in order to meet the buffer area requirements.

Development in the Resource Protection Area

Section 9 VAC 25-830-140.1 of the Regulations describes the types of land development that may be permitted in the RPA, subject to local government approval. These include: (i) water dependent uses; (ii) redevelopment; (iii) development or redevelopment within designated Intensely Developed Areas; (iv) new uses established pursuant to lots or parcels recorded prior to October 1, 1989; (v) private roads or driveways; or (vi) flood control or stormwater management

facilities. The approval of each permitted use requires conditions and is subject to a locally administered approval process.

Pursuant to 9VAC25-830-40, “water-dependent facility" means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

The proposed use does not meet the definition of a water-dependent facility because small boats can be carried or transported and stored outside of the RPA. The seating area is also not water dependent. As an alternative, the small boat storage and seating could either be added to the current dock or moved outside of the RPA.

After-the-Fact Exception Request

As previously stated, County approval for the project was not sought prior to construction. In addition, the unauthorized impervious surfaces encroached upon the seaward 50-feet of the RPA buffer, which has always been discouraged. In order to complete the project, the applicant has requested approval of an “after-the-fact” exception from the Board of Zoning Appeals.

DEQ cannot speculate how the County Board of Zoning Appeals would have ruled on this exception had they been given the opportunity to review it prior to commencement of construction. However, the project is subject to the General Performance Criteria 9 VAC 25-830-130) and the Development Criteria for Resource Protection Areas (9 VAC 25-830-140). In addition, the project is subject to review of the findings listed in 9 VAC 25-150 C 1 as outlined below:

a. The requested exception to the criteria is the minimum necessary to afford relief.
b. Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.
c. The exception is in harmony with the purpose and intent of this part and is not of substantial detriment to water quality.
d. The exception request is not based upon conditions or circumstances that are self-created or self-imposed.
e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
f. Other findings, as appropriate and required by the local government, are met.

Based upon the above requirements and findings, the Board of Zoning Appeals may choose not to grant the requested exception and require the removal of the platform frame as suggested by County staff. Such a decision would be consistent with the application of regulatory requirements. Should the Board determine that removal of the platform frame is not an appropriate solution and wishes to approve the exception request, then the alternative suggested by County staff would be to permit completion of the elevated platform only, eliminate the connection, and require

mitigation within the disturbed areas according to Table A of the *Buffer Manual.* The square footage of the platform alone is less than 400 SF, therefore, only one mitigation planting unit would be appropriate.

The responsibility for reviewing and approving projects is the purview and requirement of the locality consistent with the Bay Act and Regulations. DEQ does not approve individual projects; however, thank you again for the opportunity to comment on this project. If you have any additional questions or concerns, please do not hesitate to contact me.

Kind regards,

Lisa C Dewey

Lisa Dewey
Bay Act Liaison
Office of Watersheds and Local Government Assistance Programs
(804) 659-1331
lisa.dewey@deq.virginia.gov

cc: Justin Williams, DEQ Director, Office of Watersheds and Local Government Assistance Programs

RESOLUTION NO. PC-23-9

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO A CHESAPEAKE BAY PRESERVATION AREA ORDINANCE EXCEPTION AFTER-THE-FACT REQUEST FOR A PLATFORM AND CONNECTOR IN THE FIFTY-FOOT SEAWARD RESOURCE PROTECTION AREA BUFFER

WHEREAS, Michael and Katherine Gayle, applicants and property owners, have requested a Chesapeake Bay Preservation Area Exception (CBPA-2-23), after the fact, for a certain tract of land with tax parcel number 14-12-001 situated in Isle of Wight County, Virginia; and

WHEREAS, the procedural requirements for the consideration of this request for a platform in the fifty-foot seaward Resource Protection Area buffer have been met in accordance with Section 5002 of the County Chesapeake Bay Preservation Area (CBPA) Ordinance;

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

Section 1. Findings.

___a. The Planning Commission finds that the proposal for the exception, as submitted or modified herein, meets the following criteria per Section 5002 (c) of the CBPA Ordinance:

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

2. That 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;

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

4. That 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; and

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

___b. The Planning Commission does not find that the proposal for an exception meets the criteria established in Section 5002 (c) of the CBPA Ordinance.

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CBPA-2-23, be:

___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.

___c. Granted with the modifications set forth on the attached listing of specific recommendations, and that the Board of Supervisors adopt the proposed Ordinance with such modifications.

DATE: _____

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

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

Application (CUP-1-23) of Hampton Roads Classical, Inc., applicant, represented by P. A. Gist, President, and Benns 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 Benns Church Boulevard

ELECTION DISTRICT:

D1

LOCATION:

The subject property is located at 14353 Benns Church Boulevard in the Newport Development Service District (DSD) and the Newport Development Service Overlay District (NDSO). As such, it is subject to all development design standards applicable to the NDSO. The parcel is zoned Conditional-Suburban Residential (SR) and is located in the St. Luke's Historic Overlay District and Chesapeake Bay Preservation Area (CPBA) Overlay District.

It is a 24.80-acres parcel, which is improved with three buildings that comprise a former school campus (former James River Christian School), parking area on the front and northwest side of the campus, associated ball field(s) to the rear, and seven residential apartments in the northwest part of the parcel. The rear of the parcel is wooded and contains wetlands.
Adjacent land uses are:

- North: Single family detached residences on east side of Benns Church Boulevard (Route 10/258) and single-family attached dwellings and parking area located on the same parcel
- East: Wooded and wetlands areas, single-family detached residence on Beechwood Lane
- South: Chainlink fence and cemetery owned by Historic St. Luke's Restoration
- West: Benns Church Boulevard (Route 10/258)

The property is currently served by public water but not public sanitary sewer, although sanitary sewer is available in the vicinity for future extension to this site. There is an on-site septic system.

BACKGROUND:

Conditional Use Permit CUP-4-21 for a daycare facility and CUP-9-21 for a private sports club were approved on this parcel in 2021 and 2022, respectively. The daycare use never commenced at this location and the private sports club was in operation until the end of March 2023. A plan for exterior improvements was approved by the Historic Architectural Review Committee (HARC) in 2021, and these improvements have been underway.

Hampton Roads Classical School is currently operating at another church location in the County and has outgrown its capacity at that location. Their development plan, including projected and phased enrollment for a K-12 school, is included as an attachment to this staff report. Hampton Roads Classical School would like to be open for enrollment for the school year starting Fall 2023.

DESCRIPTION:

The conditional use permit request applies to only two (2) buildings (Building 1 and Gymnasium as shown on the concept plan) located on that portion of the property that is the former campus of James River Christian Academy, for a total project area of 9,000 square feet. There is a third building located on the former school campus (Building 2) that is not included in this request but is part of the same campus. An athletic field is located behind the former school campus, and seven residential rental townhomes are also situated on this parcel northeast of the former school campus. The request is for up to 125 students and associated staff, and the application has been reviewed with those enrollment and staffing constraints. The two existing conditional use permits on this property, CUP-4-21 and CUP-9-21, are to be extinguished and replaced by this new one.

COMPREHENSIVE LAND USE PLAN:

The parcel has two future land use designations in the 2020 Comprehensive Plan: MU, Mixed Use and EC, Environmental Conservation. Extensive master planning and Traditional Neighborhood Design (TND) principles should be utilized in the development of MU sites. Expected development in MU includes a mix of detached and attached single family residences, multiplexes, townhomes,

and apartment style residences, community amenities, and preserved natural features. Non-residential uses may include parks and trails, existing community facilities such as school, churches, and libraries, and existing or planned office and commercial uses. Select light industrial uses may also be appropriate when sited correctly. EC land uses encompass familiar wetland types such as marshes, rivers, streams, their tributaries, resource protection areas, and a protective buffer around those features. It also includes large areas of forested wetlands. Floodplains and steep slopes due to their important environmental role and unsuitability for development area also included. The Comprehensive Plan recommends that these areas remain largely undeveloped. Within residential developments, they should be preserved as protected open spaces. Limited low impact recreational uses such as trails and water access are also appropriate if sited correctly.

The proposed use and Concept Plan is consistent with the future land use designation of the property.

ORDINANCE REVIEW:

Both primary and secondary educational facilities are allowable uses in the Suburban Residential (SR) zoning district with approval of a Conditional Use Permit (CUP). Any additional exterior and site modifications not previously approved by the HARC will require a new application. A site plan application will need to be filed following CUP approval for detailed review of proposed site improvements.

All development standards applicable to the Newport Development Service Overlay (NDSO) District, as set forth in Article VI, Section 6-2000, were considered during review of this application and will continue to be during site plan review following issuance of a CUP. Likewise, any regulations pertaining to development in the Chesapeake Bay Preservation Area Overlay District and the St. Luke's Historic Overlay District shall also apply. There are no Supplementary Use Regulations for primary and secondary educational facilities that apply to this application at this proposed location.

In accordance with Article I, Section 1-1017, Conditional Uses, the Board of Supervisors, after public notice and hearing and upon any recommendations by the Planning Commission, may authorize the issuance of a CUP in harmony with the general purpose and intent of the County Zoning Ordinance, subject to appropriate conditions. If the Board of Supervisors shall determine that a conditional use provided for in this ordinance shall conform to the general character of the neighborhood to which the proposed use will apply and that the public health,

morals, safety, and general welfare of such neighborhood will be secure by the granting of such conditional use, subject to the safeguards imposed by the Board, the Board may authorize the issuance of a permit. Such permits may be granted for a temporary period or permanently, as determined by the Board, and if granted for a temporary period, application for an extension of the same will be subject to a public hearing as required by the original application.

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

1. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, and general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate vicinity;
3. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;
4. That adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in public areas;
5. That the proposed conditional use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;
6. That the conditional use shall, in all other respects, conform to the application regulations of the zoning district classification in which it is located and to the special requirements established for the specific use; and
7. That the uses(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

In addition to the specific standards stated above, supplementary use regulations or other guidelines and criteria described in the Zoning Ordinance, and other relevant consideration, the Board may also impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:

1. The number of persons living or working in the immediate area and the proposed hours of operation, as may be applicable;
2. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicle to roads; peak period of traffic; and

proposed roads, but only in construction of such roads will commence within the reasonably foreseeable future;
3. The orderly growth of the neighborhood and community and the fiscal impact on the county;
4. The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;
5. Facilities for police, fire protection, sewerage, water, trash, and garbage collection and disposal, and the ability of the county or persons to supply such services;
6. The degree to which the development is consistent with generally accepted engineering and planning principles and practices;
7. The structures in the vicinity such as schools, houses of worship, theatres, hospitals, and similar places of public use;
8. The purposes set forth in this ordinance, the county's comprehensive plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;
9. The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space; and,
10. The preservation of cultural and historic resources or landmarks.

AGENCY REVIEW:

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

Economic Development: No concerns. The reuse of this former private school property as another private school that appears to be on a growth trajectory is supported by the Department.

Planning and Zoning: Recommends capping student enrollment and faculty/staff level at 125 persons, due to traffic safety and wastewater management concerns. If the school wishes to increase enrollment and or staff over 125 persons, a new left turn lane design will be submitted for review and approval and any recommended improvements bonded and constructed. A right turn taper shall be installed when 125 persons is exceeded. An annual enrollment and staffing report shall be submitted to the Zoning Administrator by September 30 of each year for turn lane and taper warrant analysis. Ingress/egress and internal circulation patterns should factor in needs of existing townhome residents, particularly during student drop-off/pick-up times so as not to cause use conflicts on the same parcel and ingress/egress delays. Staff supports property owner request to extinguish CUP-4-21 and CUP-9-21. Environmental Planner has no concerns, because it is a developed site. Further review will be conducted during site plan application

review.

Virginia Department of Transportation: The Traffic Impact Analysis indicates that a left turn lane is warranted when student enrollment and staffing exceeds 125 students/faculty/staff. No left turn lane will be required up to and including 125 persons. The proposed student drop-off and pick-up circulation plan presents an elevated likelihood of queuing waiting cars onto Route 10. An ingress/egress and internal circulation plan to address this should be designed for review and approval during site plan application review.

Transportation Management: Concurs with VDOT and Planning and Zoning recommendations. Some concerns with parking space locations potentially restricting right turn movements, but this can be addressed during site plan review. Recommend conditioning approval such that student vehicle drop-off/pickup line will always be staffed at the child-exchange point during drop-off/pick-up times. The internal circulation plan details presented for approval at the time of site plan application review should be in general conformance with the circulation concept plan included with this application and will require Zoning Administrator and VDOT approval.

General Services – Public Utilities and Stormwater Management: Recommended approval with further review conducted during site plan application review.

Fire/EMS: No concerns at this time.

Sheriff: No objection to the application for the placement of the school at this location. Although there was some discussion in the narrative regarding a turn lane into the school, would there be any requirement for a school zone posting with a reduction in speed as there is with other public and private schools in the county? *Note: In response to this question, Planning & Zoning staff inquired about this with the VDOT Franklin Residency. It was indicated that any school, public or private, may request installation and approval of a school zone with speed limit reduction; however, such requests must meet certain criteria with the understanding that any such installation costs will be borne by the requester and maintenance responsibility for any equipment installed marking such zone (e.g., flashing signs) must be maintained by the requester and not VDOT. Furthermore, such requests are not automatically approved. Staff provided the necessary forms for this purpose to the applicant for their consideration.*

IOW County Health Department: The conditional permit previously issued for the daycare remains valid for the proposed school based on existing system

capacity.

STAFF CONCLUSIONS:

Strengths:

1. The proposed use is consistent with the County's Comprehensive Plan future land use designation for Mixed Use and Environmental Conservation land uses, and the Zoning Ordinance for the Conditional-Suburban Residential (C-SR) zoning district.
2. This campus in which this use is proposed was previously used as a private school.
3. Both interior and exterior renovations were already underway for a daycare use and private sports club in the two buildings subject to this request, enabling the proposed use to move into this location more quickly for an August 2023 proposed opening.

Weaknesses:

1. There are concerns about site ingress/egress and internal traffic circulation to avoid queuing on Benns Church Boulevard (Route 10/258), however an ingress/egress plan and internal circulation plan has been proposed and will be finalized during site plan review.
2. There is no right-turn taper or left turn lane on Benns Church Boulevard (Route 10/258) providing ingress/egress to the site. Both would need to be installed once student enrollment and staffing levels exceed 125 students.
3. The adjacent single-family detached residential on the north side of the site as well as the existing townhomes on the same property may experience increased traffic and noise from the proposed use during operational hours. The continuing ingress/egress needs of the existing townhome residents should be considered during school student drop-off/pick-up times so as not to create use conflicts.

STAFF RECOMMENDATION:

In consideration of the existing conditions, proposed use, phased school growth as per the Development Plan submitted with the application, comments from all reviewing agencies, and the strengths and weaknesses of the proposal, staff recommends approval of the application with the following conditions to mitigate noted concerns: 1. An ingress/egress and internal traffic circulation plan will be designed in substantial accordance with the concept plan presented with this conditional use permit application and submitted to the Zoning Administrator and VDOT for review and approval prior to the issuance final site plan approval. 2.

Student vehicle drop-off/pickup line will always be staffed at the child-exchange point during drop-off/pick-up times for student safety. 3. Student enrollment and faculty/staffing levels will be capped at 125 persons. 4. If the school wishes to increase enrollment and or staff over 125 persons, a new left turn lane design will be submitted for review and approval and any recommended improvements bonded and constructed and additional analysis of the on-site septic system design capacity shall be reviewed by the Health Department and the existing permit modified as deemed necessary for continued use. 5. A right turn taper shall be installed when a total of 125 persons including students and staff is exceeded. 6. An annual enrollment and staffing report shall be submitted to the Zoning Administrator by September 30 of each year for turn lane and taper warrant analysis. 7. CUP-4-21 and CUP-9-21 will be extinguished.

ATTACHMENTS:

Description	Type	Upload Date
Application Forms	Backup Material	5/15/2023
Application Narrative	Backup Material	5/15/2023
Request to Extinguish CUP-4-21	Backup Material	5/15/2023
Request to Extinguish CUP-9-21	Backup Material	5/15/2023
Hampton Roads Classical School Overview and Enrollment Plan	Backup Material	5/15/2023
Conceptual Plan	Backup Material	5/15/2023
Internal Circulation Plan	Backup Material	5/15/2023
Turn Lane Analysis	Backup Material	5/15/2023
Septic Capacity Analysis	Backup Material	5/15/2023
Location Map	Exhibit	5/15/2023
Location Map Closeup	Exhibit	5/15/2023
Future Land Use Map	Exhibit	5/15/2023
PC Resolution	Resolution	5/16/2023

RECEIVED
FEB 02 2023
By CS

RECEIVED
FEB 02 2023
By:

CUP 1-23

ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING

#27458

APPLICATION FOR CONDITIONAL / SPECIAL USE PERMIT

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

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[✓] Conditional Use Permit (Are applicant proposed conditions attached?): ✓ Yes _____ No

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

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

Proposed Use or Activity: the reuse of existing building for school, Hampton Roads Classical Addendum 1 attached.

B. PROJECT DESCRIPTION:

Project Name: Hampton Roads Classical School

Property Address (if any): 14353 Benns Church Blvd.

Election District: Mr. Richard L. Grice; District 1

Comprehensive Plan Designation: _____

The use permit will apply to 9,000 sq.ft acres out of 24.80 total acres

Tax Parcel Identification # 32-01-093 Number of acres to be effected: zero

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

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

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

Public Sewer _____ Private Septic ✓

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Hampton Roads Classical, Inc. / P. A. Gist, President

Address: 13490 Benns Church Blvd

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 757-542-3901 Email: pagist@hamptonroadsclassical.org Fax No.:

Property Owner(s) Name(s): Benns Saint Luke, llc. ; Vincent C. Carollo its Principal

Address: 1807 South Church Street suite 200A

City, State, Zip Code: Smithfield, Virginia 23430

Phone No.: 757.357.0597 Email: vcarollo@jvcholdingsllc.com Fax No.:

Jan. 19, 2023

Applicant Signature **Date**

January 26, 2023

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: 2/9/2023 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 Amy King - COD

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

Verified By: Date: 2/9/23

SUBMITTAL CHECKLIST FOR CONDITIONAL / SPECIAL USE PERMIT APPLICATIONS

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

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

- ☐ Application: Ten (10) copies of the original, executed application, one (1) digital copy of all application documents, and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page 3 of the application.

- ☐ The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.

- ☐ Ten (10) copies of a statement of the reasons for seeking such permit and if applicable, a statement of conditions.

- ☐ Ten (10) copies of a narrative description of the property which shall include the Tax Parcel Identification

- ☐ Ten (10) copies of a concept plan of the property showing all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the Planning Commission and Board of Supervisors that adequate provisions shall be made for compliance with all standards for that particular use and the extent of the property to be so used on a given parcel or parcels. Such document shall be drawn to scale and shall include the following information:
  - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
  - Title of drawing
  - Date of drawing
  - Existing wood line
  - North arrow
  - Scale bar
  - Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
  - Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
  - Street names including route number and width(s) of the right-of-way(s)
  - Ten (10) full size copies, with one (1) reduced 11-inch X 17-inch copy and a digital copy shall be submitted

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

☐ Ten (10) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Isle of Wight County Zoning Ordinance.

☐ A WQIA (Water Quality Impact Assessment) if located in the Chesapeake Bay Preservation Area.

☐ All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

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

Vincent C. Carollo
Printed or Typed Name

Vincent C. Carollo
Signature

January 26, 2023
Date

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Hampton Roads Classical / P. A. Gist, President

Address 13490 Benns Church Blvd
Street

Smithfield VA 23430
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
None	

OTHER OWNERS OF AFFECTED REAL ESTATE

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

Name of Individuals Corporation/Partnership Business Association	Address
N/A	

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[X]
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: P. A. Gist (Printed or Typed Name) Applicant: _____ (Signature) Date: Jan. 19, 2023

owner; Vincent C. Carollo owner: Vincent C. Carollo : Jan. 19, 2023

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Nancy J. Begor,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 20 day of January, 2023.

Nancy J. Begor
Notary Public

NANCY J BEGOR NOTARY PUBLIC REG# 7037275 MY COMMISSION EXPIRES 05/31/2026 COMMONWEALTH OF VIRGINIA

My Commission Expires May 31, 2026

BENNS SAINT LUKE
MANAGEMENT & DEVELOPMENT

Ms. Amy Ring, Director
Isle of Wight County Community Development
Re: Statement of Reason
For an Application Conditional Use Permit.

Monday, January 23, 2023

To the Isle of Wight County Department of Community Development,

This Is Vincent C. Carollo, Principal Of Benns Saint Luke, LLC.. Management And Development And As Of This Date Today, I Would Like To Present This Statement Of Reason For Complimenting And Seeking A Conditional Use Permit Precise To The Existing Property Located 14353 Benns Church Boulevard In Isle Of Wight County With Tax Parcel Identification Number 32-01-093.

Per Benns Saint Luke, LLC., Purchase Of The Property In 2017, The Zoning Is Suburban Residential And Its Physical Buildings Include Are Two Detached School Buildings, A Gymnasium Building, Along With Seven Residences: Four Attached Residential Units And Three Attached Residential Units Within The Total 24.80 Acres Existing To This Day. The Property Is Known Today As The " Former James River Academy School" Consisting Of Two Detached, Brick And Mortar Nine Thousand Square Foot Academic Buildings Built In 1970-1972 And A Stand Alone Masonry Block And Wood Framing, Wood Siding 6,000 Square Foot Gymnasium Built In 1982. Upon Construction And Commencement Of The School Enrollments Until 2007-2008, The Buildings Were Built For Specifically And Operational Use As A Private School To Service Isle Of Wight County And Its Neighboring Communities. During Its School's History, The School Achieved A School Enrollment Approximately Three Hundred Children And Staff At It Highest Enrollment And After The Academy In 2007-2008 Was Unsuccessful To Keep Minimum Enrollment At Operational Levels The School Closed. After Closing The School, Property Owners First Free Will Baptist Church Began A Leased Agreement To Church Tenant Profile Leasing The Same Existing Academic And Gymnasium Buildings Until My Company's Purchase Of The Property 2017. Benns Saint Luke, LLC. Continued To Lease To The Church Tenant Profile Until December 30, 2021 When Tenant And Leasing Landlord Surrendered The Lease Agreement. During 2022 Exterior Remodeling Would Continue The Two School Buildings On This Property As Of Today Has Remained Vacant With Exterior Remodeling Continuing On Both Buildings For Aesthetic Improvements By Benns Saint Luke, LLC.

On Behalf Of This Property And Benns Saint Luke, LLC. The Reason To Present This Statement For Your Review And Proceeding Forward With Planning: Benns Saint Luke, LLC.. Has Been In Secure Conversations To Move Forward This Letter For The Considering A Special Use Permit For Existing Building 2 (Shown In Attached Addendum 1.) With Tenant Prospect And Profile, Hampton Roads Classical School. We, Benns Saint Luke, LLC. And Hampton Roads Classical School, Agree That This Inherent Property Location, Physical Building, With A Potential Reuse, Reoccupying As A Private School That In History Was Originally Constructed For The Education Within Isle Of Wight County And Its Neighboring Areas Is Positively A Successful Reason For Any Potential Families And Children That Think Preferable Of A Hampton Roads Classical School's Philosophy And Curriculum (Shown In Attached Addendum 1.) To Be Located At 14353 Benns Church Boulevard Building 2, In Isle Of Wight County.

Genuinely And Thank You Very Much For Consideration,

Vincent C. Carollo
Principal
Benns Saint Luke, LLC.

BENNS SAINT LUKE
MANAGEMENT & DEVELOPMENT

Monday, January 23, 2023

Ms. Amy Ring, Director
Isle of Wight County Community Development
Re: Children's Daycare Conditional Use Permit Extinguish
14353 Benns Church Blvd. T.P. # 32-01-093

To Ms. Amy Ring,

This Is Vincent C. Carollo, Principal of Benns Saint Luke, LLC Owner of the Property With Tax Parcel Identification Number 32-01-093 With an Area of 24.80 Acres and Currently Zoned as SR Located 14353 Benns Church Boulevard in the Election District 1 of Mr. Richard Grice. On Behalf of Benns Saint Luke, LLC, the Company Has Had Business Consequences and Has Now Resulted in a Redirection of a New Tenant Profile and a New Petition for Application of a Conditional Use Permit. I Ask Formally to Isle of Wight County's Community Development That the Conditional Use Permit for a Children's Daycare That Was Approved Over a Year Ago to Now Be Formally Extinguished to This Property.

Benns Saint Luke, Llc. Consents to and Authorizes To Attach This Extinguished Letter to the New Conditional Use Permit Application That Benns Saint Luke, LLC Is Applying for the Hampton Roads Classical School Conditional Use Permit if Isle of Wight County Community Development Needs It To Be Warranted.

Sincerely,

Vincent C. Carollo
Principal
Benns Saint Luke, LLC.

BENNS SAINT LUKE
MANAGEMENT & DEVELOPMENT

Tuesday, April 4, 2023

Ms. Amy Ring, Director
Isle of Wight County Community Development
Re: Smithfield SportsPlex Conditional Use Permit request extinguishment
subject to Hampton Roads school CUP application (CUP-1-23) 1st submittal (MUNIS number 27458)

To Ms. Amy Ring,

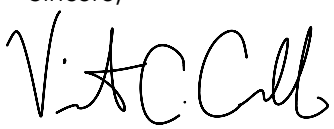
Hello and this is Vincent Carollo of Benns Saint Luke, llc, property owner with tax parcel identification number 32-01-093 with an area of 24.90 acres and currently zoned as SR located at 14353 Benns Church Blvd. in the election district 1 of Mr. Richard Grice.

Ms. Ring per the 1st Submittal and responding to the item 1. of page 2 and page 3 from planning and zoning dated March 29, 2023: on behalf of Benns Saint Luke, llc my response below:

On behalf of Benns Saint Luke, llc. I would like to formally request the extinguishment of the Conditional Use Permit on Smithfield SportsPlex. Via this letter Ms. Amy Ring, to have this document to be used as formal evidence for your office and complimentary to the current ongoing Conditional Use Permit application for the Hampton Roads Classical School if and when warranted by your office and or Isle of Wight County Community and Development Departments. I have forwarded in past to Mr. Trenton Blowe my attorney's letter lease termination to tenant, Smithfield SportsPLex, last day to vacate was as of March 31, 2023 and to govern themselves accordingly.

Ms. Amy Ring thank you as always and please thank Ms. Jeryl Phillips, for time on clarification of the comments provided to me personally and to Mr. Gist on Monday afternoon April 3. 2023. As always and if certainly any details are needed further, I will comply.

Sincere,



Vincent C. Carollo
Principal
Benns Saint Luke, llc.

Copy: AES Consultants Engineer, Mr. Adam Reimert, adam.reimert@aesva.com
Copy: JVC Holdings, llc. Investment & Development, Ms. Josephine Carollo, jcarollo@jvcholdingsllc.com

addendum 1

Education that inspires a rich, thoughtful, and virtuous life.

Academy Name: Hampton Roads Classical

Current Location: 13490 Benns Church Blvd., Smithfield, VA 23430

Established: August 2020

Founder / Headmaster: Phillip A. (Andy) Gist

Telephone: 757-542-3901

Email Address: pagist@hamptonroadsclassical.org

January 3, 2023

Hampton Roads Classical
13490 Benns Church Blvd
Smithfield, VA 23430

Isle of Wight County Planning Department
7140 Monument Circle, Suite 101
Isle of Wight VA 23397

To whom it may concern,

On behalf of our Board of Directors, families, and students, I write to submit a proposal and concept plan regarding in advance of pursuing a Conditional Use Permit to lease part of the existing facilities at 14353 Benns Church Blvd (Benns St. Luke) in Smithfield from owner, Vincent C. Carollo, Principal of Benns Saint Luke, LLC. Management & Development. We have been in discussion with Mr. Carollo regarding a targeted move-in timeline of July 2023 to begin our 2023-2024 school year in August, 2023.

Hampton Roads Classical offers a classical, liberal arts education with an emphasis on the Western tradition and the founding principles of America. We are in a nascent stage, opening our doors in 2020. During that time, Hope Presbyterian Church has played a crucial role in helping us get started, but our enrollment has more than doubled and we are simply outgrowing their facilities. In order to offer our unique classical education to more students in the community, we are in desperate need of a location that has both adequate indoor facilities and outdoor green space that can accommodate our growth, even if temporarily.

Since the property at Benns St. Luke was originally a school, we see this as a natural fit that will allow us multiple years of growth. We also see this as a long-term benefit to the county as it will provide both an additional option to offset the growing population demand for schooling and additional school choice for local families in and around Isle of Wight County.

Please see the attached proposal and concept plan. We look forward to our pre-application meeting on Wednesday, January 11. I am available, at your convenience, to answer any questions about this proposal beforehand and will be available along with one of our board members at the meeting on January 11th.

Sincerely,
PA Gist
P. A. Gist, Headmaster
Hampton Roads Classical

Executive Summary

We believe in the ancient Greek philosophy that the purpose of education is to cultivate wisdom and virtue in young people, in order to live a life of happiness.

In our lifetime, we have seen a fundamental shift in schooling away from what the true purpose of education is meant to be; away from an emphasis on intellectual, moral, and civic virtue towards a decidedly pragmatic and utilitarian purpose. One educational fad after another and countless spending on education, has produced lackluster results. Many adults are not culturally literate about their own American heritage and lack the ability to engage in thoughtful discourse. As Dorothy Sayers stated in her now famous 1947 speech, "although we often succeed in teaching our pupils "subjects," we fail lamentably on the whole in teaching them how to think: they learn everything except the art of learning." [1]

The Greek philosopher Plato likened education to the blueprint of a ship that will guide children best through the voyage of life. The founders of the American Republic, borrowing from the ancient and enlightenment philosophers, believed the liberal arts (liberal, from the Latin *liber*, meaning "free" or independent) were the arts of a free people or the arts that could provide "freedom" to those who studied them. They believed that a classical liberal education is essential in a democracy if citizens are to govern themselves wisely, form judgements about policies, understand the complexities of public issues, and make informed contributions to the deliberations of the republic. Our very form of republican government, of the people, by the people, and for the people, is rooted in classical antiquity.

Classical education is a return to the traditional and enduring form of liberal education, begun by the Greeks and Romans, developed through the medieval and Renaissance periods, and now being renewed and recovered in the 21st century. The goal of a classical liberal education is to develop right reason among young people and to cultivate wisdom and virtue by nourishing objective standards of truth, goodness, and beauty.

We unequivocally believe that the best approach to education is classical education, because it is a proven approach that teaches children *how to learn* and become independent thinkers in their formative years. More importantly, it is an approach that will nurture a child's humanity while inspiring them to lead a rich, thoughtful, and virtuous life. Classical education is education for knowledge and character, not just for utilitarian and pragmatic reasons. Its purpose is to teach what it is to be a true human being, living within a moral order. Classical education disciplines and opens the mind to engage in a higher order of thinking and allows students to compete in, what George Washington called, the "arena of ideas." It creates a wise and virtuous citizenry who know their history so deeply, they can apply the lessons of the past to solve contemporary problems.

We founded Hampton Roads Classical with the vision of bringing the time-honored approach of classical education to western Hampton Roads.

[1] Sayers, Dorothy. "The Lost Tools of Learning." Speech, Oxford, 1947.

Management and Operation

Hampton Roads Classical is a non-stock, not-for-profit corporation under Virginia Statutes. It is intended that the corporation shall have and continue to have the status of a corporation that is exempt from federal income taxation 26 U.S.C.A. § 501(c)(3).

I. ***The Founding Advisory Board*** consists of:

a. Founder and Director: Mr. P. A. Gist

b. Co-Founder: Mr. Gary Porter

II. ***Operating Board of Directors*:** The Board of Directors of the academy have sole oversight and authority of the operations of the academy and operates with the bylaws of Hampton Roads Classical, Inc. The bylaws of the Academy are made and adopted by the Board of Directors, and may be altered, amended or rescinded only by the Board of Directors.

III. ***Statement of Need:*** After beginning operations in 2020 at Hope Presbyterian Church, we have doubled in enrollment, are outgrowing their existing facilities and are looking for a new location and partner to help us continue to grow and expand our academy. We originally identified northern Isle of Wight County as the place to establish this academy because of the rapid and projected growth in the northern Suffolk and Isle of Wight County areas and because of the lack of schooling options, particularly private education in this area. Presently, there is only one full-time, private K-12 school in Isle of Wight County and there is growing concern of the county public schools growing beyond capacity. Hampton Roads Classical offers families in our growing community an academically rigorous, virtue-based alternative to public schools and other private schools in the area.

IV. ***Timeline:*** Our current lease at Hope Presbyterian Church expires on June 30, 2022. We propose an initial 12-month lease, at a monthly rate as agreed upon by both parties, with an option to renew annually, to begin on July 1, 2023. This will allow us to move in, complete agreed-upon leasehold improvements, and begin our first day of school as scheduled on August 22, 2023.

Education Components

I. ***Mission Statement:*** The mission of Hampton Roads Classical is to cultivate intellectual, moral, and civic virtue in each student, through a rigorous American classical education that disciplines the mind to a lifelong pursuit of wisdom grounded in the objective standards of truth, goodness, and beauty intrinsic to the human spirit.

II. ***Vision:*** In close partnership with families, we seek to prepare students who will become the future guardians of the American republic to lead responsible, independent, and productive lives. It is our firm belief that such virtues are necessary to understand what it is to be fully human and are required to accept the privileges and responsibilities of American citizenship in a free and just society.

III. ***Educational Philosophy***: We follow a distinctively classical approach to teaching students and believe that the acquisition of wisdom and the cultivation of virtue are the central tasks of education.

- A **high view of mankind** with acknowledgement of objective standards of truth, goodness, and beauty.
- The **centrality of the Western tradition and the founding principles of America**. This will include a *Great Books* approach to reading literature, history, science, and philosophy from original sources as they were written in that period of time.
- A **virtue-based ethos**, informed by the values, customs, conventions, and norms of the **Judeo-Christian tradition**. The four cardinal virtues of **prudence, justice, temperance, and fortitude** are exemplified by our teachers and expected of our students.
- A **trivium-based approach** that teaches the tools of learning across all subjects in a way that is aligned to a child's strengths and natural abilities at each developmental stage.

  Grammar – The building blocks of the knowledge and language in each subject that lays the foundation for advanced study.

  Logic – Mastery of critical thought and reason through associations learned in each subject in the grammar stage.

  Rhetoric – The art of persuasion through elegant, articulate expression of logic in speech and writing.

IV. ***School Motto:*** Veritas Virtus Libertas (Truth, Virtue, Liberty)

V. ***Student Motto:*** Know the True, Do the Good, Love the Beautiful

VI. ***Curriculum:*** Hampton Roads Classical follows a distinctly classical pedagogy that teaches students *how to learn* through a trivium-based approach of grammar, dialectic, and rhetoric. This includes a content-rich curriculum that is fundamentally rooted in the liberal arts (liberal from the Latin *liber*, meaning "free" or independent); that is, a solid foundation in the arts, humanities, and the sciences, bolstered by a firm grasp of language and mathematics. At Hampton Roads Classical, we implement a curriculum which embraces the principle of cultural literacy[2], and outlines a basic curriculum in the subjects of English literacy, writing, Latin, history and geography, literature, mathematics, science, music, art, and physical education. This will include the use of explicit phonics-based instruction leading to reading fluency, the study of Latin as a path to English language mastery, and for its intrinsic and cognitive value. It will also include a rich and recurring examination of the American literary, moral, philosophical, political, economic, and historical traditions. As the school progresses to 8th - 12th grades, logic and rhetoric will be included across the curriculum.

VII. ***Enrollment:*** Enrollment for the 2022-2023 academic year is 48 students in grades kindergarten through 7th grade with an average class size of 10 students. We are projecting near 100% reenrollment for next year with an annual increase of 25% each subsequent year, and plan to expand through matriculation.

Academic Year	Projected Enrollment	Grade Levels	Projected Faculty
2023 – 2024	60	K – Eighth	6FT/3PT
2024 – 2025	75	K – Ninth	8FT/3PT
2025 – 2026	94	K – Tenth	10FT/3PT
2026 – 2027	TBD	K – Eleventh	12FT/4PT
2027 – 2028	TBD	K – Twelfth	12FT/4PT

VIII. ***Class Structure:*** We institutionalize a school ethos demanding moral virtue, decorum, respect, discipline, and studiousness among the students and faculty. Instruction will be primarily classroom based with an ideal teacher-to-student ratio no greater than 12:1. As opposed to the popular "student-centered approach" to modern education, we believe in knowledge-centered education with a clear focus on teacher-led direct instruction. Teachers convey real knowledge through mimetic (memorization), didactic (knowledge acquisition), and Socratic (higher order thinking through thought provoking questioning) teaching methods, helping students pursue the ideal rather than the appetites of the individual.

IX. ***Employment:*** We currently have 10 employees (5 full time and 3 part time faculty; 2 administrative staff)

X. ***Tuition:*** Tuition for the 2022-2023 academic year is $6,500 for kindergarten, $6900 for 1st and 2nd grades, and $7,000 for 2nd through 7th grades. Tuition for subsequent years will be determined by our Board of Directors on an annual basis.

[2] Hirsch, E.D. *Cultural Literacy*. New York: Random House, 1988.

XI. ***Extracurricular Activities:*** Depending on the interest of enrolled families, we have offered certain after school extracurricular programs to include Chess Club, Chorus Club, and tutoring, and would like to implement limited athletic programs (e.g. soccer, cross country, etc.) in the future. We will seek to partner with the county or other recreational facilities for any extracurricular activities that cannot be conducted on the premises.

XII. ***Accommodations:*** Currently, we do not have the ability to hire additional resource personnel to accommodate students with physical or severe learning disabilities, and we reserve the right to limit enrollment accordingly.

XIII. ***Calendar:*** The school's 2022-2023 calendar is on the website. We anticipate a similar schedule and events in future years. https://www.hamptonroadsclassical.org/calendar

Logistics Components

I. ***Facility:*** Based on the walk around we conducted with Mr. Carollo, we propose the use of the following facilities.

a. Use of the 9,000 sq. ft. north building (Bldg. ' **2** '). Next year we plan to have seven classes: Kindergarten, 1st grade, 2nd grade, 3rd grade, 4th grade, a combined 5th/6th grade, and 7th/8th grade.

b. Use of the outdoor green space on the property for a general play area. Our students have recess three times a day during the school day and we have physical education classes two days a week in the afternoons. We do not intend to put a playground facility on the premises, at least in the first year.

c. Potential shared use (daytime only) of the gymnasium in the back of the property, subject to the owner's approval.

II. ***Hours:*** Our school hours are Monday through Friday 8:30 a.m. to 3:00 p.m. Faculty and staff will need access to the building Monday through Sunday.

III. ***Food Service:*** We do not offer a school prepared lunch service. The contract with families includes the stipulation that parents provide a packed snack and lunch each day. Our students currently eat in their classrooms or outside, weather permitting.

IV. ***Transportation:*** We do not offer a transportation service for families. The contract with families includes the stipulation that parents provide transportation to and from school. We would need access to parking on the premises for our faculty and staff and, from time to time, for parents and families to attend school events.

V. ***Before and After School Care:*** We do not offer before and after school care because we are not a licensed daycare facility in the state of Virginia.

Business Components

I. ***Economic Soundness:*** Hampton Roads Classical has operated in the black exclusively on tuition since inception. The following is a snapshot of our projected revenue. We will conduct deliberate fundraising campaigns for future growth.

Academic Year	Projected Revenue
2022 – 2023	$320,000
2023 – 2024	$410,000
2024 – 2025	$490,000

II. ***Insurance:*** Hampton Roads Classical will independently obtain insurance to include personal liability, property, and worker's compensation. As part of the lease, we are willing to negotiate a mutually agreed amount of insurance coverage.

Assurances

I. ***Nondiscrimination Policy***: Hampton Roads Classical admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. Hampton Roads Classical does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, athletic and other school-administered programs.

II. No substantial part of the activities of this academy shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the academy shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

III. We have full knowledge of and will comply with the ***Virginia Conflict of Interest Act.*** The academic and operational performance expectations and measures shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics as established by Board of Directors. The performance framework shall include indicators and measures for:

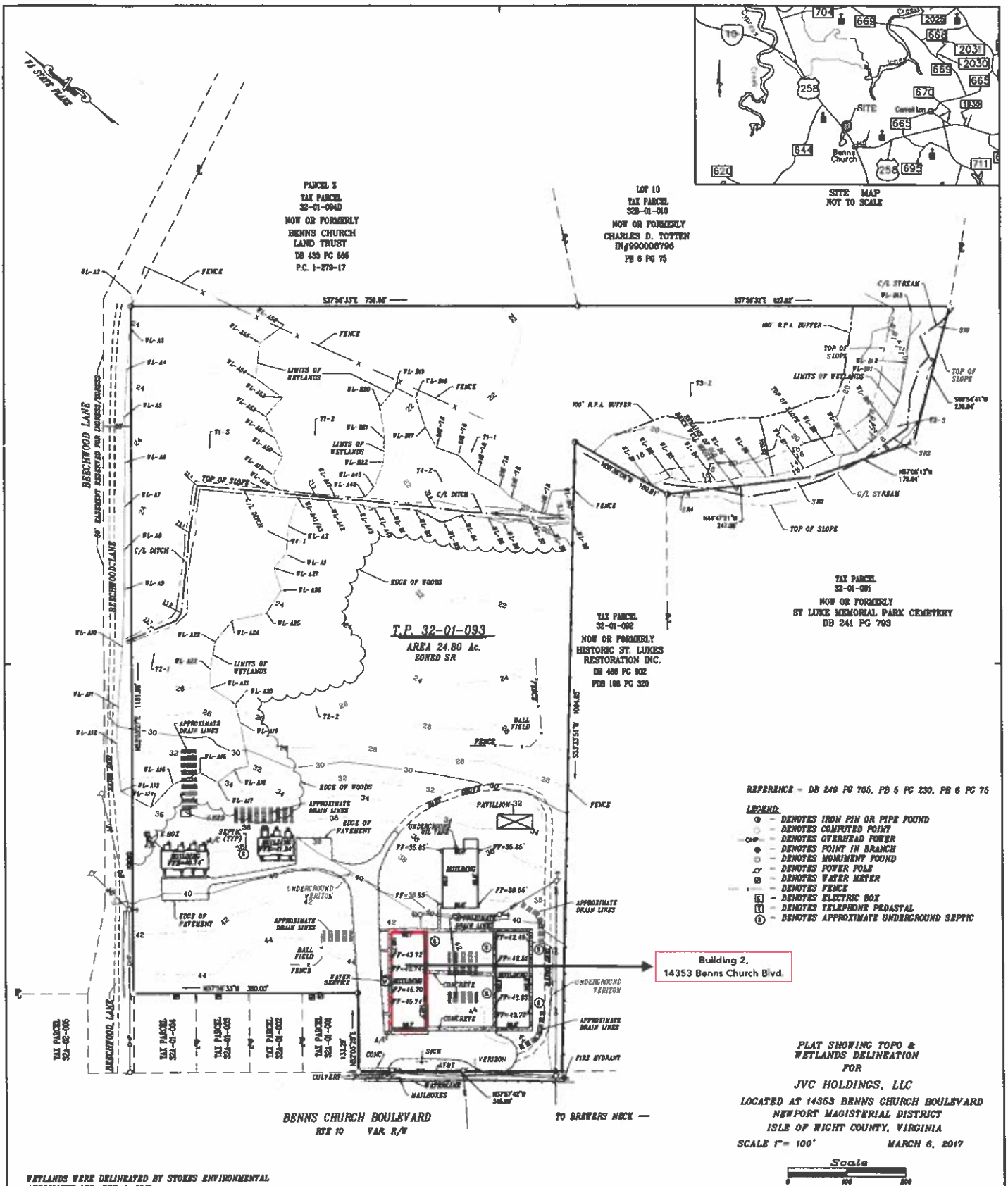
a. Attendance and recurrent annual enrollment;

b. Student academic proficiency and growth;

c. Postsecondary education readiness of high school students (when applicable);

d. Financial performance and sustainability; and

e. The performance and stewardship of the Board of Directors, including compliance with all applicable laws and regulations.



PLAT SHOWING TOPO & WETLANDS DELINEATION
FOR
JVC HOLDINGS, LLC
LOCATED AT 14353 BENNS CHURCH BOULEVARD
NEWPORT MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1"= 100' MARCH 6, 2017

Scale
0 100 200

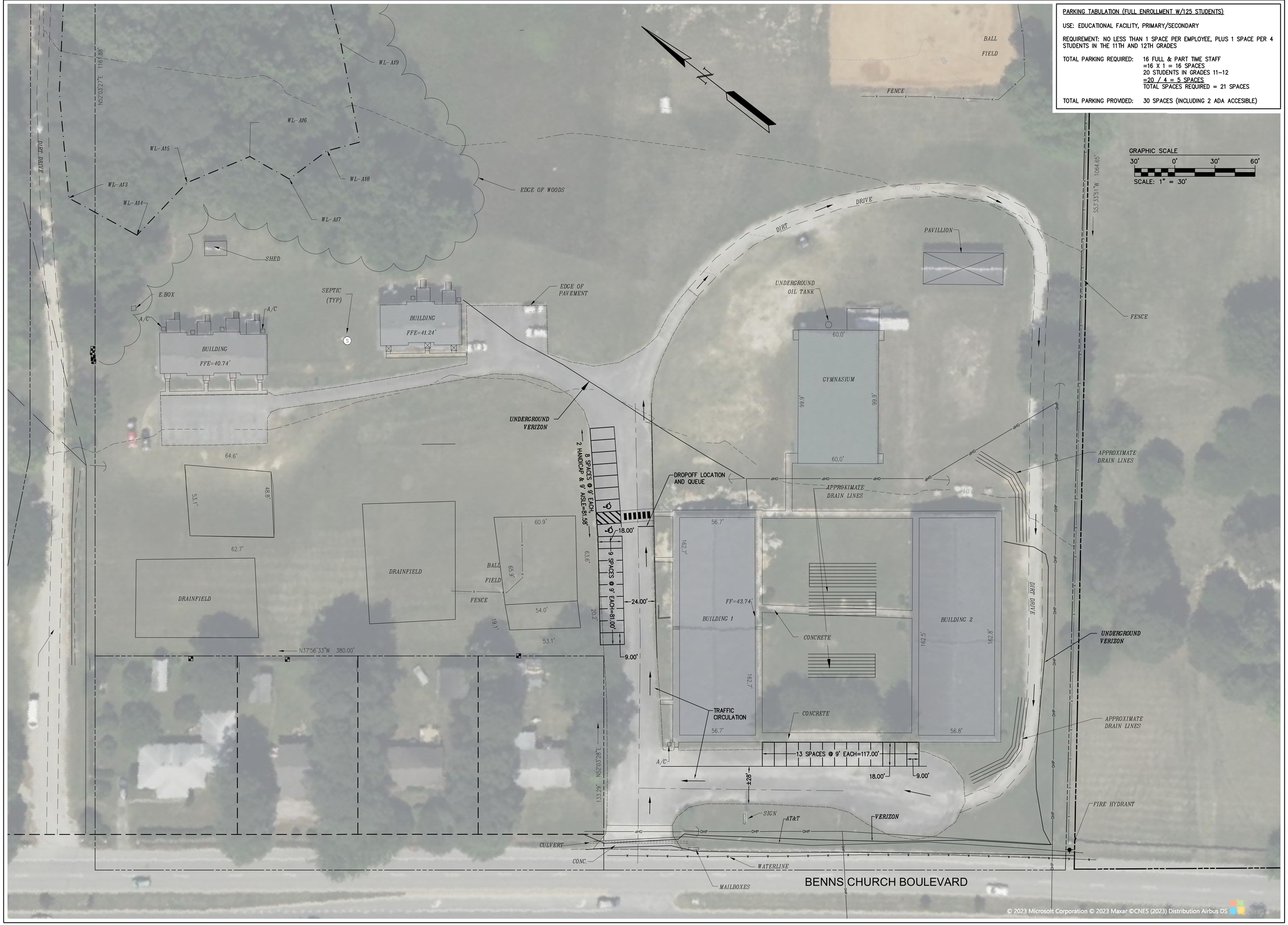
WETLANDS WERE DELINEATED BY STOKES ENVIRONMENTAL ASSOCIATES LTD. FEB. 1, 2017.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY WAS TAKEN FROM PB 5 PG 230.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510303 0154 E, DATED 12-02-2015.

TAX PARCEL 32A-01-001	TAX PARCEL 32A-01-002	TAX PARCEL 32A-01-003	TAX PARCEL 32A-01-004
NOW OR FORMERLY	NOW OR FORMERLY	NOW OR FORMERLY	NOW OR FORMERLY
C. DOUGLAS NOCE	DAVID W. GOODRICH	JVC LLC	SYLVIA C. MARKHAM
IN#060000744	EVA P. GOODRICH	IN#160006076	IN#030006349
PB 4 PG 105	CHRISTOPHER P. GOODRICH	PB 4 PG 105	PDB 205 PG 287
	IN#040006316		
	PDB 353 PG 689		

CANADA LAND & MARINE SURVEYING
1212 S. Church Street Smithfield, VA 23430
PHONE: 757-357-2911
DRAWN BY: BCC JOB 2017-06-JM



Rev.	Date	Description	Revised By

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
www.aesva.com

AES CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

CONCEPTUAL PLAN FOR

14353 BENNS CHURCH ROAD

ISLE OF WIGHT VIRGINIA

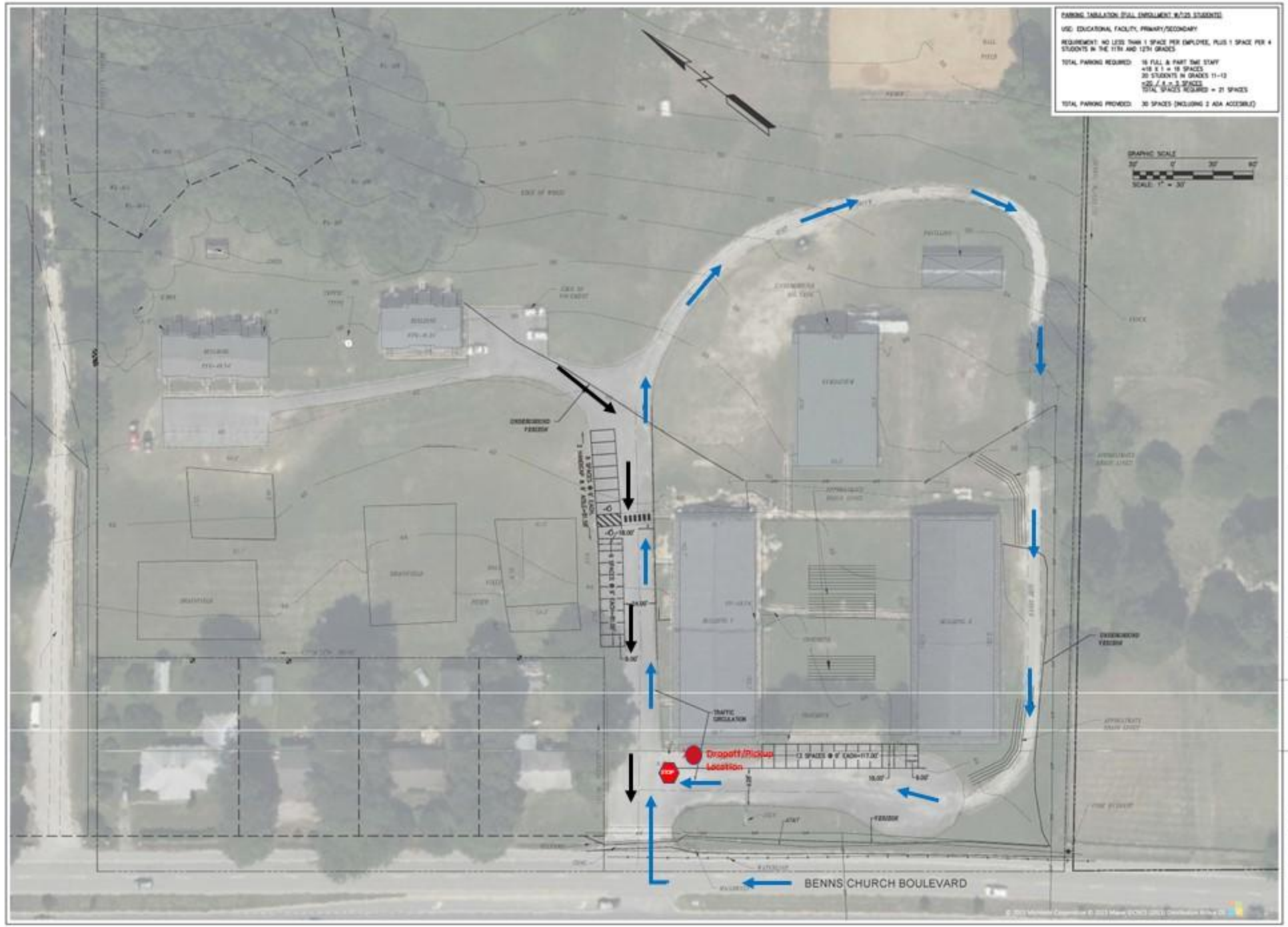
Project Contacts:	AMR
Project Number:	W10753-00
Scale: 1"=30'	Date: 4/03/2023

Sheet Title:

CONCEPTUAL LAYOUT

Sheet Number

-


PARKING TABULATION: (FULL ENROLLMENT W/125 STUDENTS)
USE: EDUCATIONAL FACILITY, PRIMARY/SECONDARY
REQUIREMENT: NO LESS THAN 1 SPACE PER EMPLOYEE, PLUS 1 SPACE PER 4 STUDENTS IN THE 11TH AND 12TH GRADES
TOTAL PARKING REQUIRED: 16 FULL & PART TIME STAFF
+16 X 1 = 16 SPACES
20 STUDENTS IN GRADES 11-12
+20 / 4 = 5 SPACES
TOTAL SPACES REQUIRED = 21 SPACES
TOTAL PARKING PROVIDED: 30 SPACES (INCLUDING 2 ADA ACCESIBLE)
GRAPHIC SCALE
SCALE: 1" = 30'
UNDERGROUND FIBER/DSH
TRAFFIC CIRCULATION
Dropoff/Pickup Location
STOP
BENNS CHURCH BOULEVARD
AES
CONSULTING ENGINEERS
CONCEPTUAL PLAN FOR
14353 BENNS CHURCH ROAD
CONCEPTUAL LAYOUT

Turn Lane Analysis
For
Hampton Roads Classical School At Benn's Church

SUBMITTED TO:

Isle of Wight

Prepared By:

AES Consulting Engineers
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188

March 27, 2023
Revised: April 4, 2023

COMMONWEALTH OF VIRGINIA
ADAM M. REIMERT
Lic. No. 048459
4/4/23
PROFESSIONAL ENGINEER

AES Project No. W10753-00

AES
CONSULTING ENGINEERS

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I PROJECT NARRATIVE

AES has performed a preliminary turn lane analysis for the property located on Route 10 at 14353 Benn's Church Boulevard in Isle of Wight. The purpose of this evaluation is to determine the traffic improvement needs for conversion of the property from a Daycare use to a Private School Use. The anticipated traffic with the change suggests that the peak hour AM & PM trips will reduce from the current Daycare use. During the conversion of the property/building to a Private School, a plan shall be prepared to tie in public utilities and provide an updated entrance and right turn lane, if needed, per VDOT Road Design standards. Future development beyond the projected 125 students will necessitate sewer and turn lane improvements. However, only K-8 is planned to open for the 2023-2024 school year. See the breakdown and calculations provided below and in the appendix for our analysis.

II TRIP GENERATION

Existing uses

ITE Code: 220 - Multifamily Residential/Apartments
0.51 trips hr/ unit AM; 0.62 trips hr/unit PM
Assume 7 units = 3.57 AM Peak Trips; 4.34 PM Peak Trips

Proposed use

ITE Code: 536 - Private School K-12
0.81 trips hr/student AM; 0.58 trips hr/student PM
Projected 125 students = 101.3 AM Peak Trips; 72.5 PM Peak Trips

Total Current Trips (Enter and Exiting):
AM Peak = 104.4 Trips
PM Peak = 76.8 Trips

- Assume 60% enter, 40% exit (per ITE for Private School AM distribution)
- Assume 70% entering from right, 30% entering from left

Total Right Turn Entrance trips = 44 peak trips
Total Left Turn Entrance Trips = 19 peak Trips
**Note: See Appendix C for Turn Lane Warrant Tabulation*

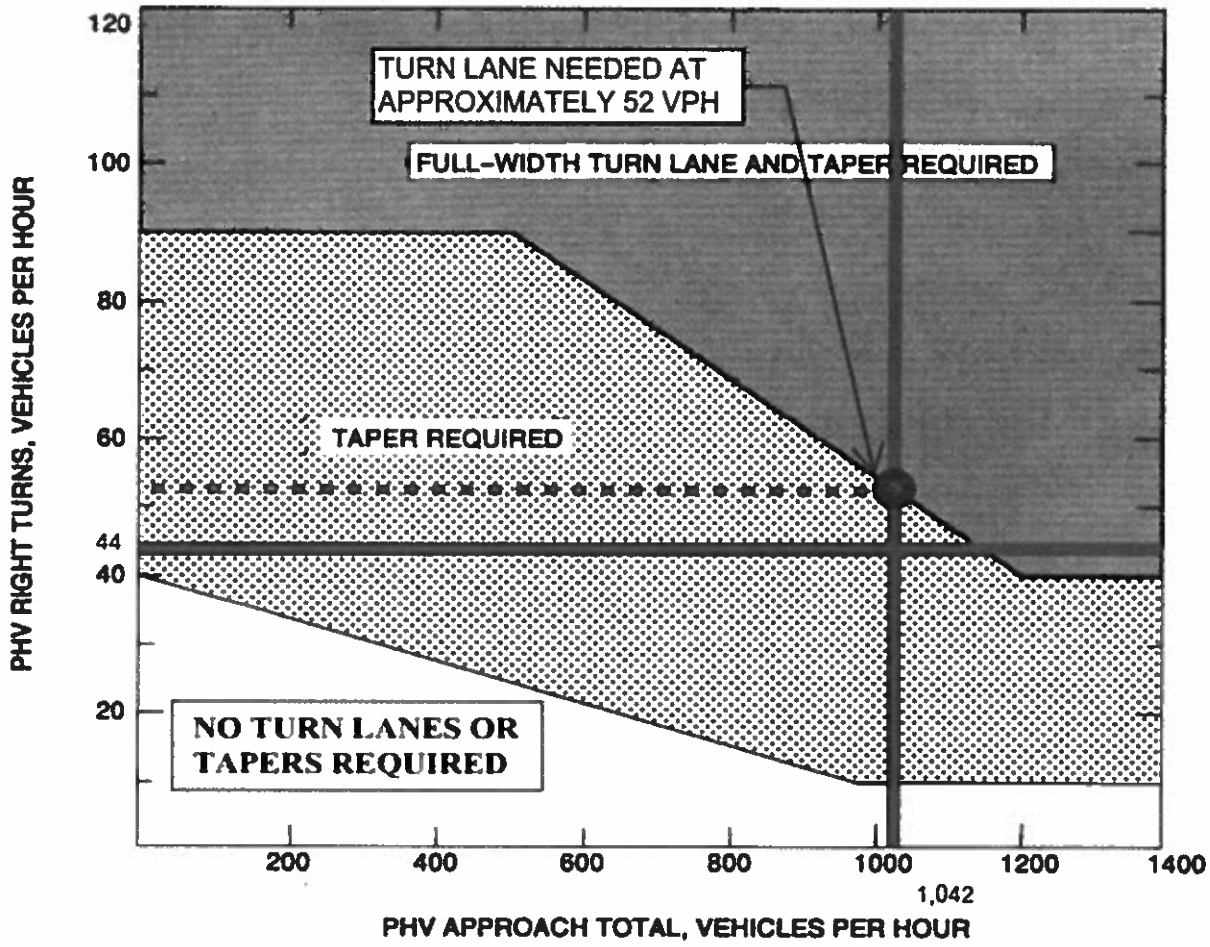

FIGURE 3-27 WARRANTS FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

Warrants for Left Turn Storage Lanes on Four-Lane Highways

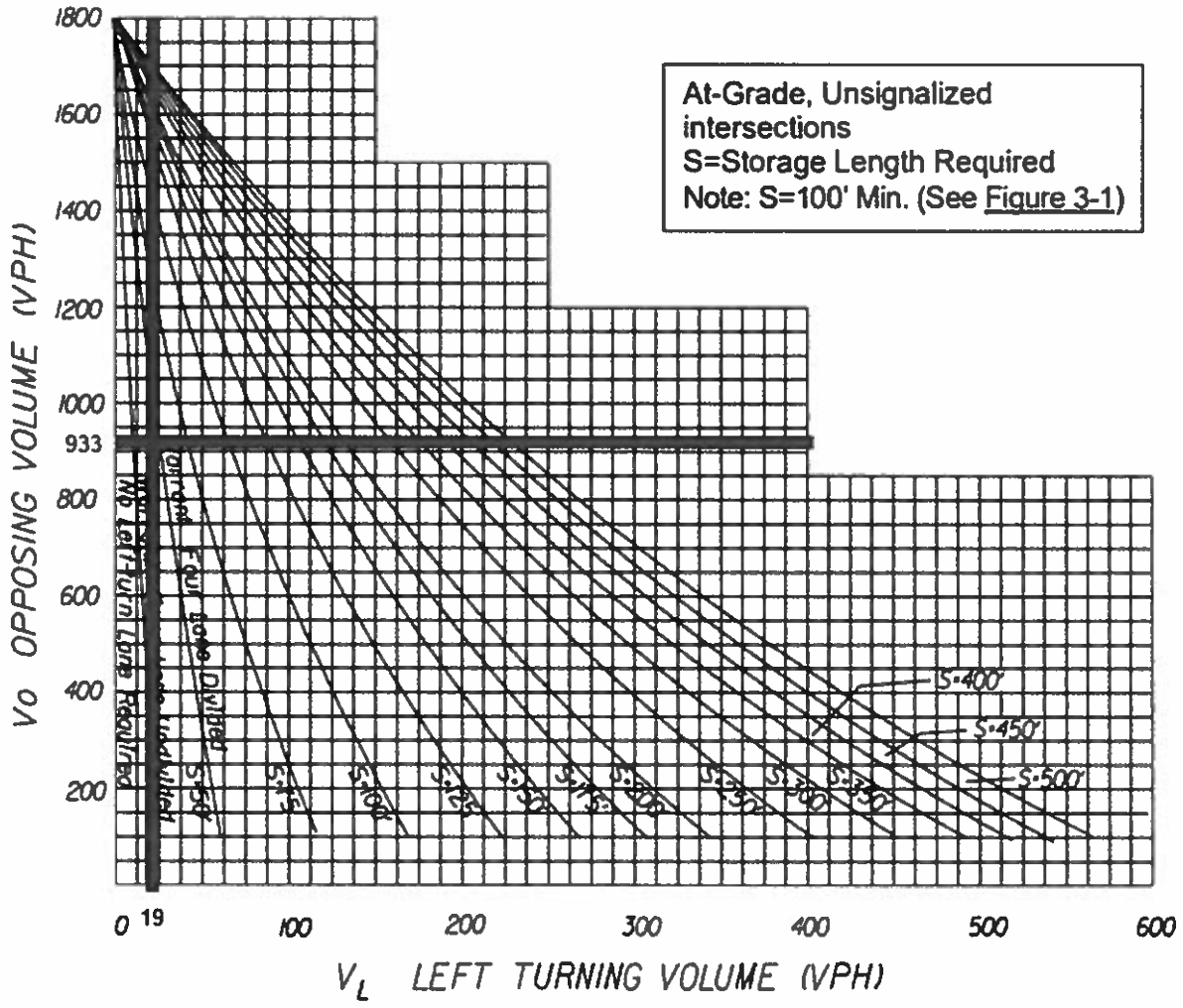

FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR LANE HIGHWAYS

IV SUMMARY OF FINDINGS

During full buildout of the proposed K-12 Private School with a projected 125 students, a right turn taper is required but not a right turn lane. This scenario represents the maximum future capacity of the proposed school, therefor no right turn lanes are projected.

A left turn lane has also been analyzed which shows no turn lane is required. However, a full left turn lane and taper already exist for the left turning entrance to the property. Therefor, no changes are proposed for left turning into the entrance.

Future development that may occur on the property beyond the full K-12 school buildout is not being evaluated at this time. However, based on right turn warrant Figure 3-27, it is projected that approximately 52 vehicle trips per hour total would initiate the need for a right-turn lane.

APPENDIX A

ANTICIPATED PRIVATE SCHOOL ENROLLMENT

VI. ***Curriculum:*** Hampton Roads Classical follows a distinctly classical pedagogy that teaches students *how to learn* through a trivium-based approach of grammar, dialectic, and rhetoric. This includes a content-rich curriculum that is fundamentally rooted in the liberal arts (liberal from the Latin *liber*, meaning "free" or independent); that is, a solid foundation in the arts, humanities, and the sciences, bolstered by a firm grasp of language and mathematics. At Hampton Roads Classical, we implement a curriculum which embraces the principle of cultural literacy[2], and outlines a basic curriculum in the subjects of English literacy, writing, Latin, history and geography, literature, mathematics, science, music, art, and physical education. This will include the use of explicit phonics-based instruction leading to reading fluency, the study of Latin as a path to English language mastery, and for its intrinsic and cognitive value. It will also include a rich and recurring examination of the American literary, moral, philosophical, political, economic, and historical traditions. As the school progresses to 8th - 12th grades, logic and rhetoric will be included across the curriculum.

VII. ***Enrollment:*** Enrollment for the 2022-2023 academic year is 48 students in grades kindergarten through 7th grade with an average class size of 10 students. We are projecting near 100% reenrollment for next year with an annual increase of 25% each subsequent year, and plan to expand through matriculation.

Academic Year	Projected Enrollment	Grade Levels	Projected Faculty
2023 – 2024	60	K – Eighth	6FT/3PT
2024 – 2025	75	K – Ninth	8FT/3PT
2025 – 2026	94	K – Tenth	10FT/3PT
2026 – 2027	TBD	K – Eleventh	12FT/4PT
2027 – 2028	TBD	K – Twelfth	12FT/4PT

VIII. ***Class Structure:*** We institutionalize a school ethos demanding moral virtue, decorum, respect, discipline, and studiousness among the students and faculty. Instruction will be primarily classroom based with an ideal teacher-to-student ratio no greater than 12:1. As opposed to the popular "student-centered approach" to modern education, we believe in knowledge-centered education with a clear focus on teacher-led direct instruction. Teachers convey real knowledge through mimetic (memorization), didactic (knowledge acquisition), and Socratic (higher order thinking through thought provoking questioning) teaching methods, helping students pursue the ideal rather than the appetites of the individual.

IX. ***Employment:*** We currently have 10 employees (5 full time and 3 part time faculty; 2 administrative staff)

X. ***Tuition:*** Tuition for the 2022-2023 academic year is $6,500 for kindergarten, $6900 for 1st and 2nd grades, and $7,000 for 2nd through 7th grades. Tuition for subsequent years will be determined by our Board of Directors on an annual basis.

[2] Hirsch, E.D. *Cultural Literacy*. New York: Random House, 1988.

APPENDIX B

VDOT AADT VOLUMES – TOWN OF SMITHFIELD

Virginia Department of Transportation
Traffic Engineering Division
2021
Annual Average Daily Traffic Volume Estimates By Section of Route
Town of Smithfield

Link ID	Route Prefix	Route Number	Route Suffix	Route Label	Route Alias	Physical Jurisdiction	Maintenance Jurisdiction	Link Length	Start Label	End Label	AADT	AADT Quality	Percent 2 and 4 Tire Vehicles	Percent Buses	Percent Single Unit Trucks 2 Axle	Percent Single Unit Trucks 3+ Axle	Percent Combination Trucks 1 Trailer	Percent Combination Trucks 2+ Trailer	Vehicle Classification Quality	K Factor	K Factor Quality	Direction Factor	AAWDT	AAWDT Quality	Data Date	Comment
050246	SR	00010		VA 10		300 Town of Smithfield	046 Isle of Wight County	0.78	WCL Smithfield	US 258 Main St We	9000	G	96%	1%	1%	1%	2%	0%	F	0.0915	F	0.5575	9500	G	2021	
050245	SR	00010		VA 10, US 258		300 Town of Smithfield	046 Isle of Wight County	2.30	Main St West	Bus US 258, Bus SR	17000	G	95%	1%	1%	1%	2%	0%	C	0.0921	F	0.5227	18000	G	2021	
050253	SR	00010		US 258, VA 10	Benns Church Blvd	300 Town of Smithfield	046 Isle of Wight County	0.51	Bus US 258, Bus SR 10 Ch	Old ECL Smithfield	25000	G	95%	1%	1%	2%	2%	0%	F	0.0923	F	0.5205	26000	G	2021	
050570	SR	00010		US 258, VA 10	Benns Church Blvd	300 Town of Smithfield	046 Isle of Wight County	0.63	Old ECL Smithfield	SCL Smithfield	22000	G	95%	1%	1%	2%	2%	0%	F	0.0898	F	0.5275	23000	G	2021	
803347	SR	00010	E075A	VA 10 EB Exit 075A	Ramp	300 Town of Smithfield	046 Isle of Wight County	0.18	SR-00010(B)/RAMP TO R	46-00710(B)/46-00	0	?							X							
803353	SR	00010	W075J	VA 10 WB Exit 075A	Ramp	300 Town of Smithfield	046 Isle of Wight County	0.14	SR-00010(B)/RAMP TO R	46-00710(B)/46-00	0	?							X							
669012	C1SR	00010		Bus US 258, Bus VA 10	South Church St	300 Town of Smithfield	046 Isle of Wight County	0.85	SR 10	Battery Park Rd	12000	G	99%	0%	0%	0%	0%	0%	F	0.0977	F	0.5550	13000	G	2021	
669013	C1SR	00010		Bus US 258, Bus VA 10	South Church St	300 Town of Smithfield	046 Isle of Wight County	0.79	Battery Park Rd	Red Point Dr	11000	G	99%	0%	0%	0%	0%	0%	C	0.1027	F	0.5250	12000	G	2021	
669014	C1SR	00010		Bus US 258, Bus VA 10	Church St	300 Town of Smithfield	046 Isle of Wight County	0.79	Red Point Dr	Bus SR 258 Smithfie	11000	G	99%	0%	0%	0%	0%	0%	F	0.1207	F	0.5094	11000	G	2021	
669010	C1SR	00010		Bus VA 10	North Church St	300 Town of Smithfield	046 Isle of Wight County	0.85	Bus US 258 Main St	Berry Hill Rd	5700	G	99%	0%	0%	0%	0%	0%	C	0.1167	F	0.6132	6000	G	2021	
669011	C1SR	00010		Bus VA 10	North Church St	300 Town of Smithfield	046 Isle of Wight County	0.43	Berry Hill Rd	NCL Smithfield	5000	G	99%	0%	0%	0%	0%	0%	F	0.1134	F	0.6368	5300	G	2021	
050054	US	00258		US 258	Courthouse Hwy	300 Town of Smithfield	046 Isle of Wight County	0.27	WCL Smithfield; 46-709 V	Old WCL Smithfield	8900	G	94%	1%	1%	1%	3%	0%	C	0.0910	F	0.6027	9300	G	2021	
669006	US	00258		US 258	Main St	300 Town of Smithfield	046 Isle of Wight County	0.76	Old WCL Smithfield	SR 10	12000	G	94%	1%	1%	1%	2%	0%	C	0.0937	F	0.5729	12000	G	2021	
050245	US	00258		VA 10, US 258		300 Town of Smithfield	046 Isle of Wight County	2.30	Main St	Bus US 258	17000	G	95%	1%	1%	1%	2%	0%	C	0.0921	F	0.5227	18000	G	2021	
050253	US	00258		US 258, VA 10	Benns Church Blvd	300 Town of Smithfield	046 Isle of Wight County	0.31	Bus US 258	Old SCL Smithfield	25000	G	95%	1%	1%	2%	2%	0%	F	0.0923	F	0.5205	26000	G	2021	
050570	US	00258		US 258, VA 10	Benns Church Blvd	300 Town of Smithfield	046 Isle of Wight County	0.63	Old SCL Smithfield	SCL Smithfield; 46-0	22000	G	95%	1%	1%	2%	2%	0%	F	0.0898	F	0.5275	23000	G	2021	
669007	C1US	00258		Bus US 258	Main St	300 Town of Smithfield	046 Isle of Wight County	0.20	SR 10 Bypass	Grace Street	7600	G	99%	0%	0%	0%	0%	0%	F	0.1032	F	0.5887	8000	G	2021	
669008	C1US	00258		Bus US 258	Main St	300 Town of Smithfield	046 Isle of Wight County	0.10	Grace Street	Cary Street	4600	G	99%	0%	0%	0%	0%	0%	F	0.1018	F	0.5188	4800	G	2021	
669009	C1US	00258		Bus US 258	Main St	300 Town of Smithfield	046 Isle of Wight County	0.34	Cary Street	Church Street	3000	G	97%	1%	1%	1%	0%	0%	C	0.1019	F	0.5211	3200	G	2021	
669014	C1US	00258		Bus US 258, Bus VA 10	Church St	300 Town of Smithfield	046 Isle of Wight County	0.79	Main Street	Red Point Drive	11000	G	99%	0%	0%	0%	0%	0%	F	0.1207	F	0.5094	11000	G	2021	
669013	C1US	00258		Bus US 258, Bus VA 10	South Church St	300 Town of Smithfield	046 Isle of Wight County	0.79	Red Point Drive	Battery Park Road	11000	G	99%	0%	0%	0%	0%	0%	C	0.1027	F	0.5250	12000	G	2021	
669012	C1US	00258		Bus US 258, Bus VA 10	South Church St	300 Town of Smithfield	046 Isle of Wight County	0.85	Battery Park Road	SR 10 Bypass	12000	G	99%	0%	0%	0%	0%	0%	F	0.0977	F	0.5550	13000	G	2021	
669004	A1SR	00258		Alt VA 258	Grace St	300 Town of Smithfield	046 Isle of Wight County	0.14	Main St	Cary St	3600	G	98%	0%	1%	0%	0%	0%	F	0.1011	F	0.5838	3800	G	2021	
669005	A1SR	00258		Alt VA 258	Grace St	300 Town of Smithfield	046 Isle of Wight County	0.34	Cary St	North Church St	2500	G	98%	0%	1%	0%	0%	0%	C	0.1143	F	0.7296	2600	G	2021	
785268	FR	00659		FR 659	Cedar St	300 Town of Smithfield	046 Isle of Wight County	0.00	SCL Smithfield	Dead End	1900	R							X						05/23/2017	
780608	FR	00661		FR 661	Pole Rd	300 Town of Smithfield	046 Isle of Wight County	0.19	US 258; 300-640	Dead End	180	R							X						05/23/2017	
802935	46	00710	000A	46-710 Exit 000A	Ramp	300 Town of Smithfield	046 Isle of Wight County	0.14	46-00710(B)/SR-00010-EI	SR-00010(B)/RAMP	0	?							X							
802936	46	00710	E000B	46-710 EB Exit 000B	Ramp	300 Town of Smithfield	046 Isle of Wight County	0.14	46-00710(B)/SR-00010-W	SR-00010(B)/RAMP	0	?							X							
669002	300	00631		300-631	Cary St	300 Town of Smithfield	300 Town of Smithfield	0.00	Main St	Smithfield Corp Lim	2000	G	99%	0%	1%	0%	0%	0%	C	0.1098	F	0.6581	2200	G	2021	
669003	300	00640		300-640	Great Springs Rd	300 Town of Smithfield	300 Town of Smithfield	0.00	Smithfield Corp Limits	Main St	1100	G	97%	1%	1%	1%	0%	0%	C	0.0969	F	0.5227	1200	G	2021	
669001	300	00643		300-643	Battery Park Rd	300 Town of Smithfield	300 Town of Smithfield	0.00	South Church St	ECL Smithfield; Ren	10000	G	98%	1%	1%	1%	0%	0%	C	0.1037	F	0.5395	11000	G	2021	
569001	300	00000		300-0	Berry Hill Rd	300 Town of Smithfield	300 Town of Smithfield	0.00	Church St	Smithfield Corp Lim	4000	G							X	0.1044	F	0.7051	4300	G	2021	
569002	300	00000		300-0	Cedar St	300 Town of Smithfield	300 Town of Smithfield	0.00	Underwood La	Church St	1800	G							X	0.1014	F	0.5164	1900	G	2021	
569003	300	00000		300-0	Lumar Rd	300 Town of Smithfield	300 Town of Smithfield	0.00	Red Point Dr	Moonfield Dr	1600	G							X	0.0937	F	0.6525	1700	G	2021	
569004	300	00000		300-0	Moonfield Dr	300 Town of Smithfield	300 Town of Smithfield	0.00	Lumar Rd	Cul-de-Sac	2500	G							X	0.1009	F	0.6135	2700	G	2021	
569005	300	00000		300-0	Red Point Dr	300 Town of Smithfield	300 Town of Smithfield	0.00	Church St	Lumar Rd	510	G							X	0.1254	F	0.6338	540	G	2021	
569006	300	00000		300-0	Ridgeland Dr	300 Town of Smithfield	300 Town of Smithfield	0.00	Jefferson Dr	Pagan Rd	170	G							X	0.1456	F	0.7333	190	G	2021	
569007	300	00000		300-0	Underwood La	300 Town of Smithfield	300 Town of Smithfield	0.00	Cedar St	Main St	2200	G							X	0.0905	F	0.5520	2400	G	2021	
569008	300	00000		300-0	Wainwright Dr	300 Town of Smithfield	300 Town of Smithfield	0.00	Lumar Rd	Jefferson Dr	520	G							X	0.1142	F	0.5294	550	G	2021	

End of Report

APPENDIX C

TURN LANE WARRANT TABULATIONS

AES
CONSULTING ENGINEERS

Project:	Benn's Church: Hampton Roads Classical
Project No.:	W10753-00
Subject:	Turn Lane Warrant Tabulation
Date:	April 4, 2023
Calculated By:	AMR

SUBJECT: TURN LANE WARRANT TABULATION

ITE Trip Generation Manual - Private School K-12 (536)

	AVG. RATE (TRIPS/UNIT)	TOTAL TRIPS (TRIPS)	ENTERING (%)	EXITING (%)	ENTERING (TRIPS/UNIT)	EXITING (TRIPS/UNIT)	TOTAL LEFT TURN ENTRANCE TRIPS (TRIPS/UNIT)	TOTAL RIGHT TURN ENTRANCE TRIPS (TRIPS/UNIT)	RIGHT TURN ENTRANCE TRIPS PER ENTRANCE POINT (TRIPS/UNIT)
WEEKDAY A.M. PEAK HOUR	-	104	60.00%	40.00%	63	42	19	44	44

TOTAL TRIPS (SEE REPORT)	104
NUMBER OF ENTRANCES	1

	QUANTITY	%
NUMBER OF LEFT TURN ENTRANCE POINTS	1	30.00%
NUMBER OF RIGHT TURN ENTRANCE POINTS	1	70.00%
TOTAL NUMBER OF ENTRANCE POINTS	2	100.00%

VDOT Traffic Engineering Division Annual Average Daily Traffic Volume Estimates by Section of Route - Route 10

ANNUAL AVERAGE DAILY TRAFFIC	22000
K FACTOR	0.0898
DIRECTION FACTOR	0.5275
1 - DIRECTION FACTOR	0.4725

ESTIMATED PORTION OF TRAFFIC VOLUME TRAVELLING

DURING PEAK HOUR	AADT * K FACTOR	1,976
IN PEAK DIRECTION DURING PEAK HOUR	PEAK HOUR * DIRECTION FACTOR	1,042
IN OPPOSITE DIRECTION DURING PEAK HOUR	PEAK HOUR * (1 - DIRECTION FACTOR)	933

Addendum 2.

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

Isle of Wight Health Department
919 S. Church Street
Smithfield, Virginia 23430
(757) 279-3078 Voice

Conditional Sewage Disposal System Permit

January 11, 2023

Benns Saint Luke, LLC
22 Main St
Smithfield, VA 23430

RE: Issuance of Conditional Sewage Disposal Permit

Site Address: 14353 Benns Church Blvd, Smithfield VA 23430
Tax Map#: 32-01-093 HDID: 093-23-002
Daily Flow: Restricted to 1333 gallons per day with a limited daily use of **125 students** and **8 employees** per day total for building 2 as named on original permit dated 1972

Dear Benns Saint Luke, LLC:

This Office has reviewed your application for a conditional permit evaluation of the existing onsite sewage system serving the property described above. The site plan filed with the application indicates a proposed change of use for septic permit issued on 8/10/1972. Building 2 as named on original permit will be limited to 1333 gallons per day with a maximum of 125 students and 8 employees per day. Based on a review of the records on file and a site visit conducted to the property, the Isle of Wight Health Department has approved the request with the following conditions:

- **The total number of students and employees in building 2 shall not exceed 125 students and 8 employees. The existing sewage disposal system will not be expanded. Total GPD for Building 2 is allotted to 1333 gallons per day.**

Your permit is issued in accordance with the Code of Virginia, Title 32.1-164 and 32.1-164.1 Article I, Board of Health, Commonwealth of Virginia, *Sewage Handling and Disposal Regulations,* and current agency policy. This letter shall become and is a part of the sewage disposal system permit issued for the above referenced location. Due to the conditional nature of this system, this permit shall not become valid until the following items are completed.

1. **The permit shall be recorded in the Grantor Index of the land records of the Circuit Court of the County of Isle of Wight**

2. **The owner or his agent shall furnish to the Isle of Wight Health Department certification by the Clerk of the Circuit Court of the Deed Book Number and Page Number upon which the permit and all provisions have been recorded. The Deed Book Number and Page Number must be placed on all copies of the permit prior to giving Validation to the building officials for issuance of a building permit.**

In accordance with the *Sewage Handling and Disposal Regulations,* you have the right of appeal to obtain a modification or elimination of the conditions set herein. A written request to review the conditions must be submitted to Jay Duell, Environmental Health Manager, Sr., Suffolk Health Department, 135 Hall Avenue, Suite A, Suffolk, Virginia 23434.

This Permit has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the

proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations.

If you have any questions, please contact me at the Isle of Wight Health Department, (757) 279-3078.

Issued by:

Jonette Butler,
Environmental Health Specialist, Sr.

As owner/legal representative of the property included in this permit, I have reviewed and accept all provisions in the conditional sewage disposal system permit.

Benns Saint Luke, llc.
Benns Church Luke, LLC
Owner

January 15, 2023
Date

COMMONWEALTH OF VIRGINIA, COUNTY/CITY OF _____, to wit:

Subscribed and acknowledged before me this ____ day of _____, 2023 by:

NOTARY PUBLIC for the
COMMONWEALTH OF VIRGINIA AT LARGE

Registration #: _____

My Commission expires _____

Adam's Septic Evaluation & Design
4516 Misty Ct.
Williamsburg, VA 23185
757-344-6270

AOSE/ PE Report for Conditional Permit

Address:	14353 Benns Church Blvd., Smithfield, VA 23430
Subdivision:	
Lot#:	
Tax Map:	32-01-093
Acres:	

Owners Address:
Benns Church Luke, LLC
22 Main Street
Smithfield, VA 23430
Phone #: 757-897-0185

Prepared by:
Adam Herman, AOSE #1940001109
4516 Misty Court
Williamsburg, VA 23185

Date of Report: 1-11-2023
Revision Date:

AOSE/ PE Job Number:_____ **(optional)**
Health Dept. ID. No.:_____

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Certification Statement(s):

I hereby certify that the evaluations and/or designs contained herein were conducted in accordance with the Sewage Handling and Disposal Regulations (12 VAC5-610), the Private Well Regulations (12 VAC5-630), the Regulations for Alternative Onsite Sewage Systems (12VAC5-613), and all other applicable laws, regulations, and policies implemented by the Virginia Department of Health. I further certify that I currently possess any professional license required by the laws and regulations of the Commonwealth that have been duly issued by applicable agency charged with licensure to perform the work contained herein. The potential for both conventional and alternative onsite sewage systems has been discussed with the owner/applicant.

The work attached to this cover page has been conducted under an exemption to the practice of engineering, specifically the exemption in Code of Virginia Section 54.1-402.A.11

I recommend a **Conditional Permit** be **Approved**

Commonwealth of Virginia

Application for: ☑ Sewage System ☐ Water Supply

VDH Use only
Health Department ID# _____
Due Date _____

Owner Benns Saint Luke, LLC — Phone 757-897-0185

Mailing Address 22 Main Street — Phone _____
Smithfield, VA 23430 — Fax _____

Agent Adams Septic Evaluation & Design — Phone 757-344-6270

Mailing Address 4516 Misty Court — Phone _____
Williamsburg, VA 23185 — Fax _____

Site Address 14353 Bens Church Blvd., Smithfield, VA 23430

Email _____

Directions to Property: Building #2 Only

Subdivision _____ Section _____ Block _____ Lot _____

Tax Map 32-01-093 Other Property Identification _____ Dimension/Acreage of Property _____

Sewage System

Type of Approval: Applicants for new construction are advised to apply for a certification letter to determine if land is suitable for a sewage system and to apply for a construction permit (valid for 18 months) **only when ready to build.**

◯ Certification Letter ◉ Construction Permit ◯ Voluntary Upgrade ◯ Repair Permit ◯ Minor Modification

Proposed Use:

Single Family Home (**Number of Bedrooms** ____) Multi-Family Dwelling (**Total Number of Bedrooms** ____)

Other (describe) School Maximum 1333 GPD / average 890 GPD. 125 Students + 8 employees

Basement? ◯ Yes ◉ No Walk-out Basement? ◯ Yes ◉ No Fixtures in Basement ◯ Yes ◉ No

Conditional permit desired? ◉ Yes ◯ No If yes, which conditions do you want?

☐ Reduced water flow ☑ Limited Occupancy ☐ Intermittent or seasonal use ☐ Temporary use not to exceed 1 year

Do you wish to apply for a betterment loan eligibility letter? ◯ Yes ◉ No *There is a $50 fee for determination of eligibility.

Water Supply

Will the water supply be ◉ Public or ◯ Private? Is the water supply ◉ Existing or ◯ Proposed?

If proposed, is this a replacement well? ◯ Yes ◉ No If yes, will the old well be abandoned? ◯ Yes ◯ No

Will any buildings within 50' of the proposed well be termite treated? ◯ Yes ◉ No

Well Type (e.g. domestic use, agricultural, irrigation, etc.) Domestic Use

All Applicants

Is this property intended to serve as your (owners) principal place of residence? ◯ Yes ◉ No

All applications must be accompanied by private sector evaluations and designs, unless a petition for VDH services is approved. Is a Petition for Service form attached? ◯ Yes ◉ No

In order for VDH to process your application for a sewage system you must attached a plat of the property and a site sketch. For water supplies, a plat of the property is recommended and a site sketch is required. The site sketch should show your property lines, actual and/or proposed buildings and the desired location of your well and/or sewage system. When the site evaluation is conducted the property lines, building location and the proposed well and sewage sites must be clearly marked and the property sufficiently visible to see the topography. I give permission to the Virginia Department of Health to enter onto the property described during normal business hours for the purpose of processing this application and to perform quality assurance checks of evaluations and designs certified by a private sector Onsite Soil Evaluator or Professional Engineer as necessary until the sewage disposal system and/or private water supply has been constructed and approved.

Signature of Owner/ Agent — 1-11-2023 Date

This form contains personal information subject to disclosure under the Freedom of Information Act. Revised 7/1/2019

Attachment 2b: Request for Health Department Review
To Be Completed By Property Owner Or Agent:

Owner Name: Benns Saint Luke, LLC
Mailing Address: 22 Main Street
Smithfield, VA 23430
e-mail address: VCAROLLO@JVCHOLDINGSLLC.COM
Home Telephone:
Office Telephone:
Cell Phone: 757-897-0185

Agent Name: Adams Septic Evaluation & Design
Mailing Address: 4516 Misty Court
Williamsburg, VA 23185
e-mail address:
Home Telephone:
Office Telephone:
Cell Phone: 757-344-6270

Property Location (provide directions from local health department):
14353 Benns Church Blvd., Smithfield, VA 23430
Building #2 only

11/17/23

Tax Map: 32-01-093 PIN #

Subdivision Name (if applicable): Lot #

Current Use (include # of Bedrooms): Vanant: Old School
Proposed Use (include # of Bedrooms): Day Care Facility 125 Students and 8 Employees
Please attach any recent records of onsite system (Pump-outs, or Operation and Maintenance Reports).
Has property been occupied during previous 30 day period: Y or N ✓
The septic tank and distribution box are uncovered for inspection: Y or N Components will be uncovered by Inspected (date).
(To prevent potential damage to the system VDH recommends homeowners first contact Miss Utility for marking any underground utilities. The septic tank and distribution box should be carefully excavated by hand.)
Inspected by Smithfield Services
Uncovering the septic tank and distribution box would cause an undue hardship: Y or N If-Y reasons for hardship:
(Examples of hardship: system is relatively new, recently pumped, accurate records exist, or excavation would likely damage components.)

Related Building Permit #: Health Department I.D.#:

PLEASE *READ CAREFULLY:*

This report is only intended to address the above referenced request and does not address evaluation procedures for sewage systems being sold through real estate transfers, or systems and water supplies being re-used as part of a subdivision process. This document specifically addresses VDH's implementation of § 32.1-165 of the Code of Virginia and is not to be used for any unauthorized use.

The property boundaries and building locations are clearly marked or identified at the property. I give permission to the Virginia Department of Health to enter the property described, if necessary, for the purpose of processing this application. An accurate sketch of the property, existing structures, wells, sewage disposal systems, and proposed structure(s) is attached.

Owner/Agent Signature: Adam C Kerr Date: 11-16-2022

Attachment 3a:

Findings:
Review pursuant to Va. Code § 32.1-165

Name: _____

Phone Number: _____

Subdivision: (If Applicable) _____ **Section:** _____ **Lot:** _____

Physical Address: _____

Is the existing onsite sewage system safe, adequate and proper or approvable as nonconforming for the proposed use?

_____ **(YES)** Comments: _____

_____

_____ **(NO)** Comments: _____

_____

Other Comments:

_____

_____

_____

_____

_____

Please note that each evaluation is based on a case by case basis and may or may not include a Department site visit. There is no guarantee given or implied that this sewage disposal system will continue to function properly in the future. In the event of a sewage disposal malfunction, the owner will be responsible for any repairs or other actions deemed necessary by the Department to correct the situation.

Turn Document Over for Site Sketch and Signature.

Site Sketch:

SIGNATURE:
DATE:

An owner may challenge a denial by requesting an Informal Fact-Finding Conference (IFFC) within 30 days of receipt of a decision. All requests for an IFFC must be sent in writing to the District Health Director and cite the reason or reasons for the request.

YOUNGBLOOD TYLER & ASSOCIATES, P.C.

COMMONWEALTH OF VIRGINIA
SHANNON T. HILL
Lic. No. 047435
11/28/22
PROFESSIONAL ENGINEER

Average Weekly Wastewater Usage Chart and Wastewater Characterization
14353 Benns Church Boulevard, Smithfield, VA 23430

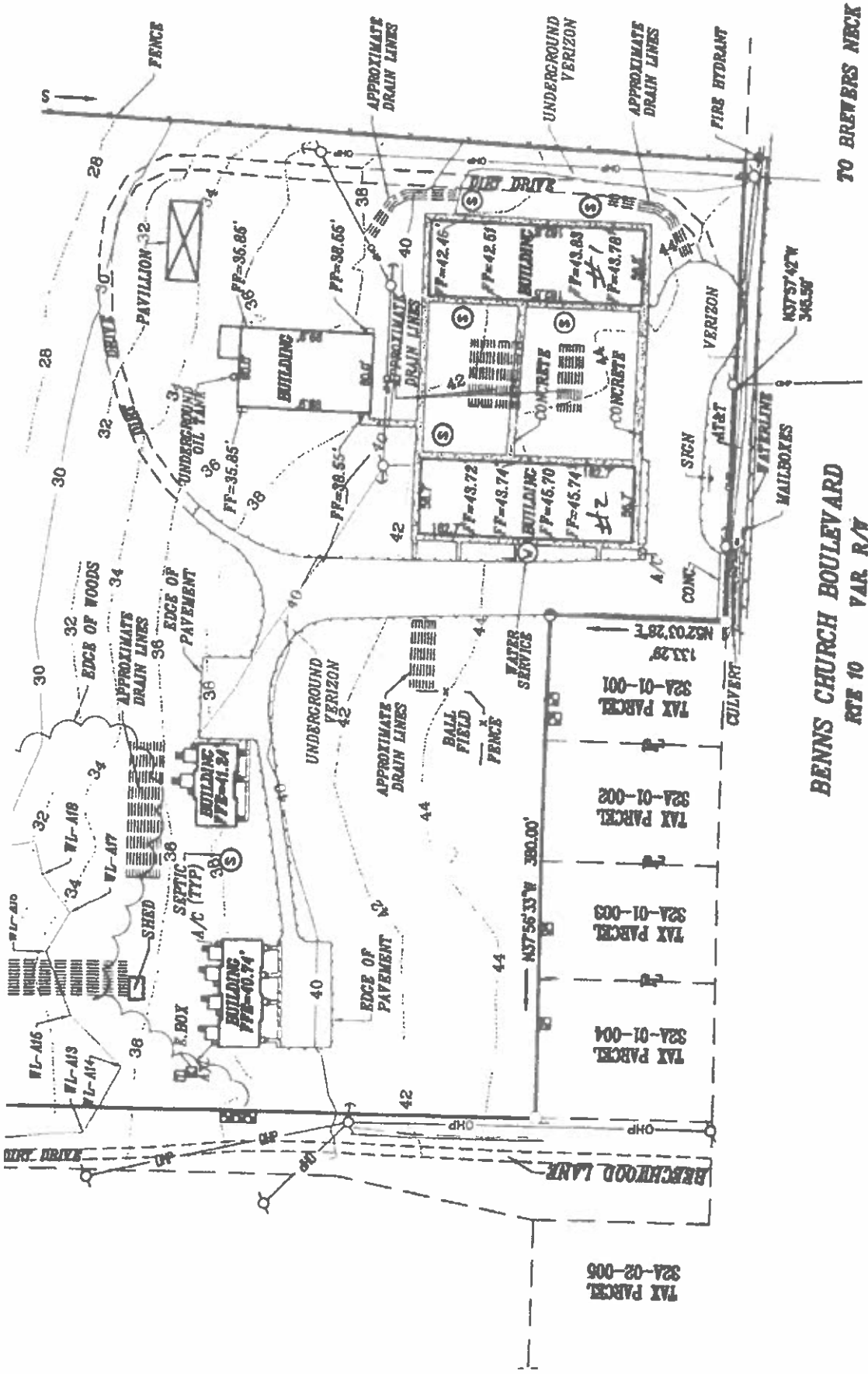
The information included in the following Wastewater Characterization is used to provide an approximate estimate of the daily water usage for the proposed onsite drainfield expansion. The existing property contains two existing buildings on the southern portion of the parcel. Both buildings have existing, permitted drainfield systems. This property served as the Mt. Zion Christian Church Private School in the past. One of these buildings (Building #2 on the old plans) is being repurposed as a daycare facility. The daycare will operate Monday through Friday from 6:30am to 5:00pm. The old permit indicated that the total site would accommodate 4000 GPD. Using ratios, infiltration rates, and available trench absorption area, it has been calculated that Building #2 could handle flows up to 1333 GPD. A maximum of 125 students and 8 employees will be present on site. The facility utilizes low-flow, water saving fixtures, unlike buildings in the past. Based on the calculations in Table 1 – the maximum peak daily flow is estimated to be 1245 gallons per day with the average daily flow being 890 gallons per day. Residential strength wastewater is assumed.

It is recommended that the facility install a water flow meter to track actual daily water flow values in case the client wishes to expand the daycare capacity in the future.

Table 1: Water Usage for Daycare Activities

Day of the Week		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
Hours		6:30am – 5:00pm					Closed		
Use		Daycare - Residential Strength							
A	Students (125 per day) @ 9 GPD per	1125 GPD	1125 GPD	1125 GPD	1125 GPD	1125 GPD	0 GPD	0 GPD	Average Daily Flow
B	Employees (8 per day) @ 15 GPD per	120 GPD	120 GPD	120 GPD	120 GPD	120 GPD	0 GPD	0 GPD	
C	Daily Usage (A+B+C)	1245 GPD	**1245 GPD**	**1245 GPD**	**1245 GPD**	**1245 GPD**	**0 GPD**	**0 GPD**	**890 GPD**

Note: Water usage rates were obtained from *Table 3-5* for "School, day only without cafeteria, gym, or showers" from *USEPA Onsite Wastewater Treatment Systems Manual.*



Request for Building #2 only

WATER SUPPLY ☐ SEWAGE DISPOSAL ☐ Page 1 of 1

(1) Void after (12) twelve months. (2) ... automatically cancelled when site conditions are cl... ed from those shown on
(3) Automatically cancelled should facts later become known that a potential hazard would be created by continuing in

FHA/VA ☐ Yes ☑ No Date 8-16-72 Case No.

Owner Mt. Zion Christian Church Address Eclipse VA. (Mailing Address) Phone

Occupant PRIVATE School Address (Mailing Address) Phone

Exact Location of premises Highway #10 - South of Smithfield, Va. (Subdivision, Street or Road Name, Section or Lot No.)

FOR: ☐ Dwelling ☑ Other School Automatic Washing Machine ☐ Yes ☑ No Consumption 400
Actual ☐ Potential ☐ Bedrooms Garbage Disposal Unit ☐ Yes ☑ No (☐ Actual ☑ es
Additional wastes NO

(1) WATER SUPPLY (Existing) Class 1 Approved Yes ☑ No ☐ Other
(To be installed) Class Cased ft. to be grouted ft.
(Unless supported by positive evidence Class III is to be considered as to be installed.)

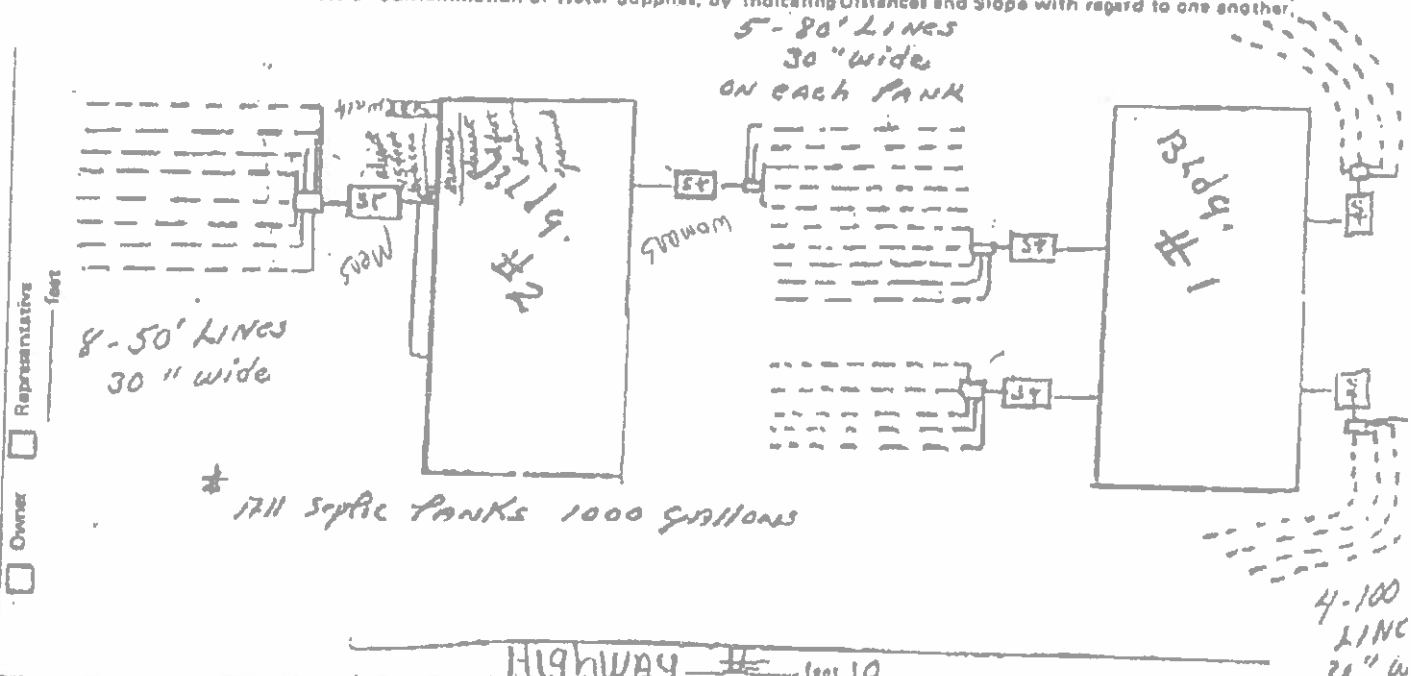
(2) SOIL STUDY Naturally drained, suitable by sight ☑ Yes ☐ No Technical Classification SANDY (If Known)
Estimated Percolation Rate (Minutes per inch) 1-10 ☐ 11-25 ☑ 26-50 ☐ >51 ☐ Percolation Test Required ☐ Yes No ☑ Rate (Minutes per inch to nearest 10 minutes)
Depth to Grey Mottles inches (estimate over 4 ft.) OTHER
Surface drainage required ☐ Yes ☑ No OTHER DRAINAGE

(3) HOUSE SEWER LINE Size 4 inches. Type of material required C.I. Distance from Water Supply NA feet.

(4) DETAILS OF CONSTRUCTION Watertight Septic Tank of Concrete Material Liquid Capacity 1000 gallons.
Inside Dimensions Length 8 feet. Width 4 feet. Liquid Depth 4 feet. Depth of Air Space 1

(5) SUBSURFACE ABSORPTION FIELD Number of square feet required See Below Type aggregate required GRAVEL
Depth of aggregate from base of tile to bottom of ditches 6 inches. Allowable fall 2 to 4 inches.
Total aggregate minimum depth 13 inches or more. Depth of drainfield to be 30 inches from surface of original ground.
Distance from well to septic tank NA feet; distance from well to drainfield NA feet.

Rough Sketch of Premises (Including adjacent properties if pertinent, Showing Location of Lot Line, Buildings, Water Supplies, Sewage Disp
Trees, and Other Possible Sources of Contamination of Water Supplies, by Indicating Distances and Slope with regard to one another.



HIGHWAY #10 feet

Signature

Note: Owner or his agent must notify ...sle of Isle of Wight County Health Department, Phone 357-4177 ... stallation is ready for inspection. If any Sewage Disposal System, or part thereof, is covered before being inspected by the Health Department, it ... covered at the direction of the Health Director or his agent. CONDITIONS DISCOVERED DURING INSTALLATION MAY REQUIRE ADJUSTM... SYSTEM DESIGN. Changes from above specifications require Health Department approval before being made.

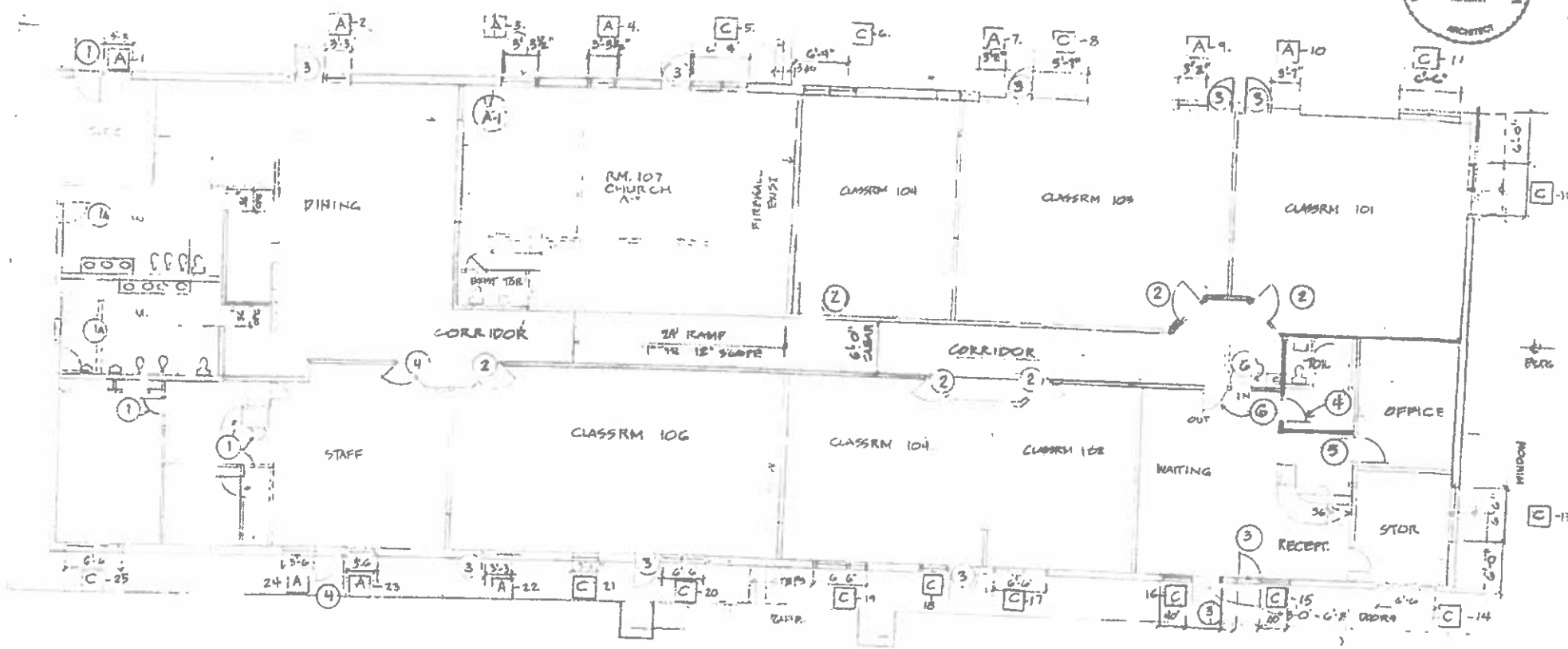
Based on the above information, the undersigned recommends that this permit be issued.

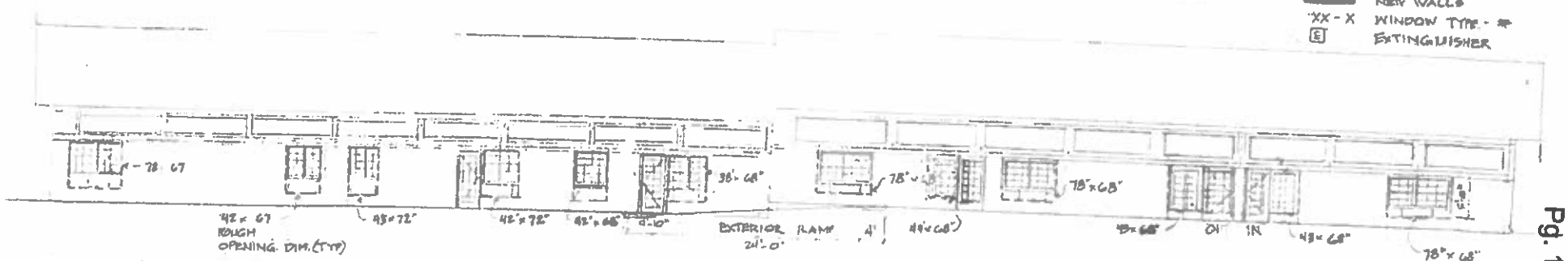
Date Approved (Reviewing Authority) Date 8/16/72 Signed (Sanitarian or Health Director)

LHS - 121 REV. 12/71
Virginia State Department of Health

10-3-72 All tanks & Lines installed Darlon Berryman & approved exce... the tanks and lines on South side of Bldg. #1

ORIGINAL



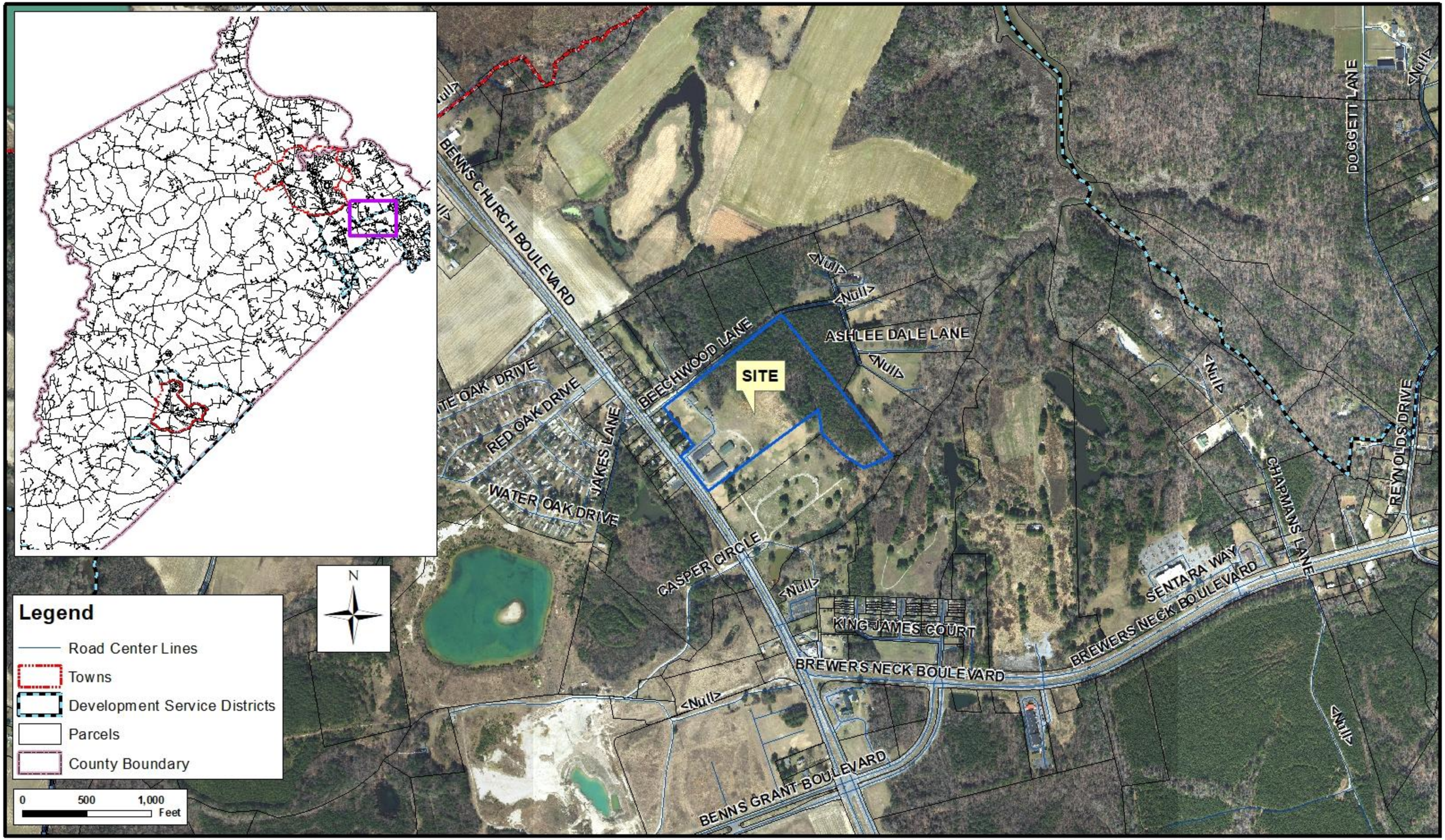


ELEVATION 1/8"

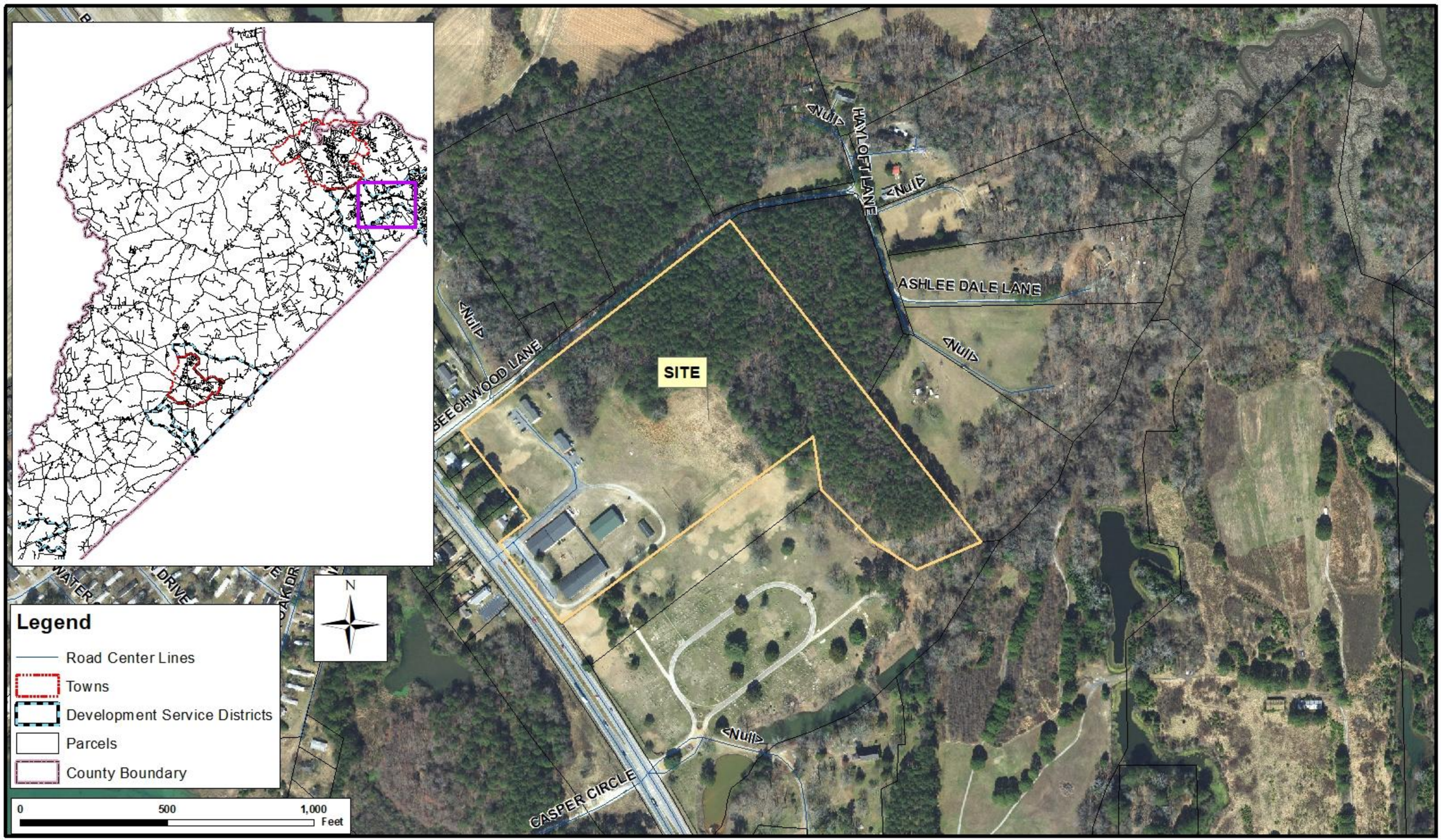
J.V.C. HOLDINGS L.L.C. SMITHFIELD

SHEET 2

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

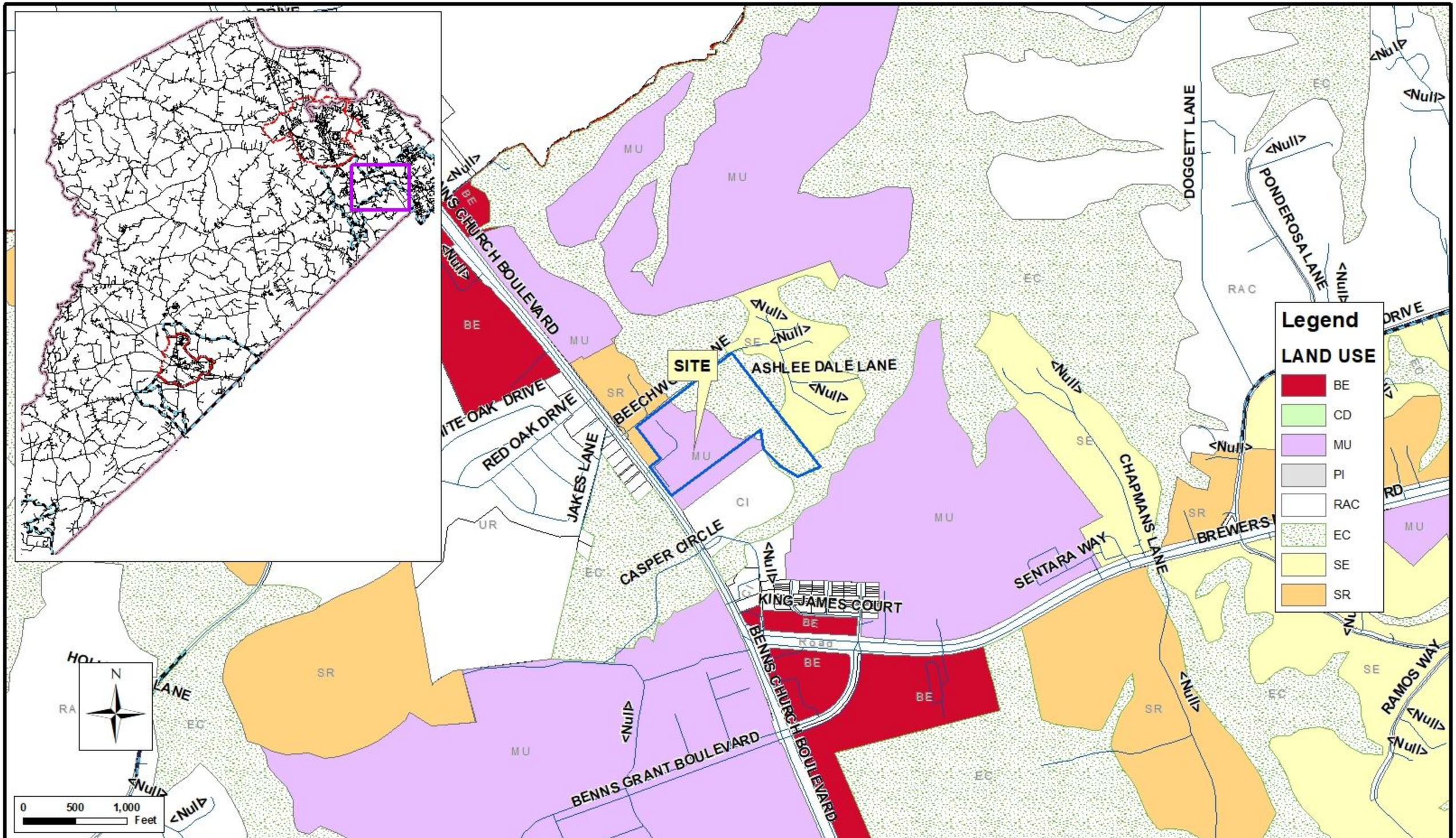


EXHIBIT A

RESOLUTION NUMBER PC-23-3

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO CONDITIONAL USE PERMIT REQUEST CUP-1-23 TO ALLOW A PRIMARY AND SECONDARY EDUCATIONAL FACILITY ON 24.80 ACRES ON PROPERTY WITH TAX MAP PARCEL 32-01-093, INCLUDING THE EXTINGUISHMENT OF CONDITIONAL USE PERMITS CUP-4-21 AND CUP-9-21 ON THE SAME PARCEL

WHEREAS, Hampton Roads Classical, Inc., applicant, as represented by P. A. Gist, President, and Benns Saint Luke, LLC, property owner, as represented by Vincent C. Carollo, Principal, have requested approval of a conditional use permit for a primary and secondary educational facility in two (2) buildings located on 24.80 acres of land on tax parcel number 31-01-093; and,

WHEREAS, Benns Saint Luke, LLC, property owner, as represented by Vincent C. Carollo, Principal, has requested the extinguishment of two (2) active conditional use permits on the same property, referred to as CUP-4-21 (Kids Come First Daycare) and CUP-9-21 (Smithfield Sportsplex) and to replace them with the conditional use permit for the primary and secondary educational facility, CUP-1-23; and,

WHEREAS, the specific request is to permit the operation of a primary and secondary educational facility in accordance with Sections 1-1017 and 4-7003 of Appendix B-1, Zoning, of the Isle of Wight County Code; and,

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

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

Section 1. Findings.

_____ A. The Isle of Wight County Planning Commission finds that the proposed conditional use permit CUP-1-23 and the extinguishment of CUP-4-21 and CUP-9-21 is reasonable and has considered the following factors and finds that the proposed use does not conflict with:

1. the existing use and character of property within the County;

2. the Comprehensive Plan;

3. the suitability of the property for various uses;

4. the trends of growth or change;

5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;

6. the transportation requirements of the community;

7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;

8. the conservation of natural resources;

9. the preservation of floodplains;

10. the preservation of agricultural and forestal land;

11. the conservation of properties and their values; and

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

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

Section 2. Recommendation to Board of Supervisors.

The Planning Commission recommends to the Board of Supervisors that the request, CUP-1-23, which includes the extinguishment of CUP-4-21 and CUP-9-21 be:

___ a. Granted as submitted, and that the Board of Supervisors adopt the proposed Ordinance without modification.

___b. Denied, and that Board of Supervisors not adopt the proposed Ordinance.

___c. Granted with the specific recommended conditions in the attached exhibit, and that the Board of Supervisors adopt the proposed Ordinance with such conditions.

DATE: _____

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

TESTE: _____
Secretary, Isle of Wight County Planning Commission

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

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

ELECTION DISTRICT:

All

LOCATION:

County-wide

BACKGROUND:

The proposed ordinance changes are recommended by Planning and Zoning staff as a result of their regular review and daily administration of the County subdivision ordinance.

The Planning Commission and the Board of Supervisors have previously expressed their desire to provide more flexibility for subdividing land outside of the Development Service Districts (DSDs) to preserve agricultural and silvicultural uses while providing for more regular development patterns within the DSDs. Staff has developed a proposed revision to the subdivision ordinance to address this issue in Section 5.11.

Staff also proposes to remedy the inconsistency with verge requirements between the County's Subdivision Ordinance and the Virginia Department of Transportation's Subdivision guidelines which is the cause of on-going confusion among applicants. While the County's Ordinance requires a minimum six foot verge between the back of curb and the sidewalk in new Planned Development - Mixed Use communities, VDOT requires a 3.5 foot verge, if there is no landscaping and a six foot verge, if there is landscaping. The County also requires street trees along new streets, but only recommends they be planted between the curb and sidewalk. The alternative is to install them in a landscaping easement on the back of the sidewalk.

Staff presented the proposed changes at the April 25, 2023, regular meeting of the Planning Commission. Following their discussion, the Planning Commission

directed staff to advertise the changes for public hearing at their next regular meeting.

DESCRIPTION:

The purpose of the recommended ordinance changes is to provide clarity of regulatory intent, provide additional flexibility, and offer some relief from the regulatory burden on property owners. The proposed changes include the following:

1. In Section 5.9.13, "Planting strips," and in Section 5.12.2, "Sidewalks," make verge, or tree lawn, requirements consistent with VDOT subdivision street guidelines;
2. In Section 5.16.C.8.a, "Street Trees," in TND development, offer the option of installing the trees in an adjacent landscape easement in lieu of between the curb and sidewalk; and
3. In Section 5.11.1 which addresses lot shape, 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.

COMPREHENSIVE LAND USE PLAN:

The Subdivision Ordinance is a regulatory tool used to implement the goals of the Comprehensive Plan.

ORDINANCE REVIEW:

According to Section 3.2.11 of the subdivision ordinance, a request to amend the text of the ordinance may be initiated by the board of supervisors, the planning commission, the subdivision agent, or a citizen.

The draft text for the proposed ordinance changes are for Planning Commission review and discussion at their April 25, 2023, meeting. After discussion, the Planning Commission may direct staff to proceed with finalizing the draft changes and advertising them for public hearing.

AGENCY REVIEW:

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

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Subdivision Ordinance revisions.

ATTACHMENTS:

Description	Type	Upload Date
Proposed Redline Changes	Backup Material	4/25/2023

Proposed Subdivision Ordinance Revisions – Redline Version
Rev 4/17/23

5.9. Streets.

5.9.1. General standards.

A. All streets in the proposed subdivision shall be designed and constructed in accordance with the minimum requirements found in this section at no cost to the county.

B. Road widening and right-of-way dedication must meet or exceed VDOT standards.

C. Unless specifically modified in this ordinance, all new streets must be public and improved to comply with the VDOT road and bridge standards.

5.9.2. Description of public and private streets.

A. Public street. A street (or portion of a street) that has been improved to comply with the requirements of this ordinance and the VDOT subdivision street design guide and has been accepted or is proposed to be accepted into the state primary or secondary road system.

B. Private street. A street (or portion of a street) that has not been accepted into the state primary or secondary road system.

[5.9.3. Reserved.]

5.9.4. Connectivity requirements.

A. Required. Unless exempted below, stub outs are required on each side of a subdivision (as defined by each of the cardinal directions) as follows:

1. Rural subdivisions. At least one (1) stub out for every two thousand eight hundred (2,800) linear feet on any single side of the proposed development.

2. Other subdivisions. At least one (1) stub out for every one thousand four hundred (1,400) linear feet on any single side of the proposed development.

B. Exemptions.

1. Stub outs are not required when the existing street pattern in the area of the proposed subdivision already provides for vehicular connections at intervals no greater than one-half (½) mile apart in rural subdivisions, and one-quarter (¼) mile apart in all other subdivisions.

2. Stub outs may not be required adjacent to existing development that has not made any accommodation for such connections or to adjoining sites that are permanently protected from development through conservation easements or ownership that precludes development.

3. Stub outs may not be required if the only point of access would require crossing floodplains, wetlands, or other similar natural features.

5.9.5. Street classification.

A. Guidelines.

1. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in this section;

2. The functional classification is based on the general design and the projected volume of traffic to be carried by the street, stated in terms of the number of average daily vehicle trips per day;

3. The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;

4. Whenever a proposed subdivision street continues an existing street that previously ended outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the proposed street is based upon the entire street, both within and outside of the subdivision.

B. Functional classification.

1. Arterial (primary).A street specifically designed to move high volumes of traffic from collector streets through the county and not designed to serve abutting lots except indirectly through intersecting streets. Arterial streets include all U.S. Highways, state primaries with one-, two- or three-digit numbers, and any other streets which the subdivision agent determines as functionally equivalent to these transportation department classifications.

2. Collector (secondary).A relatively low-speed, low-volume street that provides circulation within and between neighborhoods. Collector streets usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network. They also form a secondary network of cross county connectivity. It is intended to serve, directly or indirectly, up to one hundred (100) dwelling units and is intended to carry up to eight hundred (800) average daily vehicle trips per day.

3. Local (secondary).These streets provide direct access to adjacent land and serve travel of short distances as compared to the higher systems. It serves or is designed to serve no more than twenty-five (25) dwelling units or expected to or does handle between seventy-five (75) and two hundred (200) average daily vehicle trips per day.

4. Alley (private).A service easement which affords only a secondary means of access to abutting property for utilities, sanitation, garages, backyards and any accessory units and are not intended for general traffic circulation

5. Service drive (marginal access street, frontage road).A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties do not directly access the arterial street. Properties fronting on a service drive are somewhat sheltered, and the flow of traffic on the arterial street is not impeded by numerous direct driveway access points from a large number of properties.

5.9.6. Street alignment and layout.

A. The proposed street layout in a new development must be coordinated with the existing street system with connections made at all stub outs existing on adjacent properties. Per chapter 11 of the comprehensive plan, the street layout shall be a modified grid pattern adapted to the topography and unique features of the site. Where full connection cannot be made as a result of the topography of the site being developed, the subdivision agent may allow the installation of a cul-de-sac or other turnaround facility in accordance with section 5.9.10 of this ordinance.

B. Half streets along the boundary of land proposed for subdivision are prohibited (this is not deemed to prohibit the construction of service drives or one-way streets).

C. Street intersections should be as close as possible to ninety (90) degrees (right angle) and may not be less than seventy (70) degrees without express approval by the subdivision agent, in consultation with VDOT.

D. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provisions must be made for a service drive or marginal access street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare.

E. The proposed street arrangement may not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the subdivision agent, it is desirable to provide for street access to adjoining undeveloped property, proposed streets must be extended by one (1) of the following methods:

1. The developer may construct a stub out street in conformance with section 5.9.10, cul-de-sac streets or section 5.9.11, loop lanes. Where stub outs are less than fifty (50) feet in length and do not provide access for nonresidential or multifamily uses, the subdivision agent may waive the requirement for a turnaround facility.

2. The developer of the proposed subdivision may dedicate a stub out easement to the county of sufficient width to accommodate the future extension of the subject street when the adjacent property is developed. If this alternative is selected, the developer must provide a construction bond sufficient to pay for the proposed improvements. The developer must provide notice to all future

owners of lots fronting on the easement that a roadway may be installed at a future date. This easement and notice must be prominently indicated on the final subdivision plat. The applicant must post a sign of a design approved by the county.

5.9.7. Traffic calming. Traffic calming measures must be installed in accordance with VDOT standards. When traffic calming measures are proposed, such measures should be shown on subdivision construction plans and profiles or site plan submissions. If desired, a comprehensive traffic calming plan indicating proposed calming measures can be submitted for review and approval for the entire development with the first preliminary plat application.

5.9.8. Street grades. The grades of streets submitted on subdivision plats shall be approved by the county engineering division in consultation with the VDOT engineer. Wherever feasible, street grades may not exceed five (5) percent.

5.9.9. Street cross-section.

A. Applicability. Unless the use of alternative street design standards has been authorized (see section 5.9.16), all public and private streets must comply with VDOT street cross-section standards.

B. Pavement construction requirements.

1. Pavement design for new public and private streets must be in accordance with VDOT standards.

5.9.10. Cul-de-sac streets.

A. Description. Generally, cul-de-sac streets (minor terminal streets) are designed to have one (1) end permanently closed. Cul-de-sacs should be avoided unless natural barriers (wetlands, topography, floodplains) limit the opportunities for an interconnected grid network.

B. Length.

1. The length of a cul-de-sac street is measured from the end of the right-of-way of the turnaround portion of the cul-de-sac street to the nearest intersection with a street which provides a means of direct or indirect egress from the subdivision.

2. Cul-de-sac streets may not exceed the greater of five hundred (500) linear feet or ten (10) times the width of the lot (measured at its narrowest point).

C. Landscaped medians and islands.

1. All cul-de-sac streets must have a landscape island at the center of the turnaround circle a minimum of fifty-four (54) feet in diameter for any cul-de-sac on a street serving more than sixteen (16) or more dwelling units or any use other than residential, and twenty-four (24) feet in diameter for any street serving fifteen (15) or less dwelling units and only residential uses. These islands may be designed as bioretention gardens and surface grading of cul-de-sac may

be adjusted up to ten (10) percent to allow water to drain to the landscape island.

2. In the event that a cul-de-sac street is authorized to exceed eight hundred (800) feet in length, then such a cul-de-sac street shall be designed with a landscaped median that divides the cul-de-sac street into two (2) distinct and separate lanes. However, such a cul-de-sac street may be continuously undivided for the final two hundred (200) feet of the street. This undivided section is measured from the end of the right-of-way of the turnaround portion of the cul-de-sac street.

3. Median breaks must be provided at street intersections and at other appropriate locations along the cul-de-sac street to ensure safe and efficient traffic circulation and delivery of emergency services. One (1) median break should occur approximately every four hundred (400) feet of the cul-de-sac street.

4. When the cul-de-sac street serves commercial, institutional, or industrial lots or structures, the requirement for a landscaped median or island may be modified or waived by the subdivision agent upon approval by the board of supervisors due to the additional fire protection requirements incorporated into such structures.

5. All non-vehicular movement areas such as medians and islands shall be located in the right-of-way of the cul-de-sac street.

D. Turnaround. New cul-de-sac streets must terminate in a circular vehicle turnaround. The minimum diameter (measured to the edge of pavement or face of curb) of this turnaround is:

1. Sixty (60) feet on residential cul-de-sac streets serving fifteen (15) or fewer dwelling units and no other uses.

2. Ninety (90) feet on all other cul-de-sac streets.

E. Other terminal access (dead-end) streets.

1. "T" Turnarounds.T-turnaround are discouraged. The subdivision agent may approve the use of "T" (shaped) turnarounds in lieu of cul-de-sacs when upgrading existing streets.

2. Stub out streets.

a. Description. Stub out streets are continuations of internal streets to the perimeter of a project for future connection to adjacent properties.

b. Standards. A temporary cul-de-sac (standard or "T") must be provided at the end of all stub out streets. The right-of-way lines and constructed pavement must be extended to the boundary line of the proposed subdivision if the adjacent property is undeveloped.

Suitable barricades and "Street Closed" signs must be erected at the street end during the construction phase. At the completion of the street

construction, "End of Street" signs must be erected at the street end. The following notation must be placed on the subdivision plat:

"Future access connection for adjacent development, to be constructed upon the extension of the street."

5.9.11. Loop lane.

A. Description. A loop lane is the recommended alternative to the use of cul-de-sac streets, "T" turnarounds, or other terminal access streets. Loop lanes shall be designed as two (2) one-way lanes separated by a central bioretention area or grassed, planted median at least sixty (60) feet in width.

B. Length. Loop lanes may not exceed five hundred (500) linear feet from the point of intersection with the connecting roadway.

5.9.12. Alleys. Dead-end alleys should be avoided wherever possible. If dead-end alleys are unavoidable, the end shall be provided with adequate turnaround facilities (see section 5.9.10.E, above) as determined by the subdivision agent.

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.

5.9.14. Street names.

A. Proposed streets which are obviously in alignment with other already existing and named streets must continue the names of the existing streets. Names of existing streets may not be changed except by approval of the board of supervisors.

B. In no case may the names of a proposed street duplicate existing street names irrespective of the use of the suffix "road", "street", "avenue", "boulevard", "drive", "way", "place", "lane", or "court".

C. Street names must be indicated on the preliminary and final plats, and must be approved by the subdivision agent in consultation with the county's information technology and emergency management departments.

5.9.15. Street identification signs. Street identification signs of a design approved by the subdivision agent and VDOT, where applicable, must be installed at all intersections.

5.9.16. Alternative street design standards. The use of VDOT authorized alternative street design standards for subdivisions located in a planned development may be granted by the board of supervisors following a recommendation from the planning commission. (11-18-21(1).)

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.

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

5.12.1. General. Sidewalks and paths shall be designed to provide a safe and convenient pedestrian circulation system within the subdivision as well as connections to adjacent areas. These systems should be designed to connect with all elements within the development, adjacent areas, existing sidewalks/greenways, and transit stops and may include sidewalks along public or private streets, bike lanes on roadways, greenways, and walkways and trails in alternative locations as appropriate.

5.12.2. Sidewalks.

A. Where a sidewalk is specifically required by this ordinance, it must be located within the right-of-way. However, the subdivision agent may approve alternate walkway locations when it is determined that the location within the right-of-way is not feasible.

B. Sidewalks located within the public right-of-way must be constructed to VDOT standards. Curb ramps or sloped areas must be provided where sidewalks cross curbs, as required by current Americans with Disabilities Act standards. Inlets may not be located within sidewalks. Catch basin and manhole frames must have closed lids when located within the sidewalk.

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.~~

D. Along roads with shoulders and ditches, sidewalks must be located behind the roadside ditch or a guardrail. The subdivision agent may authorize the use of alternative walkways ([section] 5.12.3) when shoulders and ditches are used.

E. In order to be accepted for dedication by VDOT, sidewalks must be located completely within the right-of-way and constructed in compliance with the VDOT Subdivision Street Design Guide.

F. Any proposed subdivision that includes, directly abuts or provides direct access to a proposed greenway location as identified in the county bicycle and pedestrian master plan, must provide a greenway easement or sidewalk to either continue the path in its intended location or allow unencumbered access to the greenway for all future residents.

5.12.3. Alternative walkway.

A. Pedestrian walkways may be provided outside of the right-of-way when the subdivision agent determines the walkway will have the same functionality as the conventional sidewalk required.

B. The subdivision agent may approve alternative construction materials including asphalt, crushed stone, and other surfaces.

5.12.4. Bicycle lanes. When a proposed street may serve as a potential connection between identified bicycle routes in the county bicycle and pedestrian master plan, on-street bicycle lanes must be installed in conformance with VDOT Subdivision Street Design Guide.

5.16. Traditional neighborhood design (TND).

The objective of the traditional neighborhood design type is a compact, pedestrian-scaled development incorporating a diverse, mixed range of uses to promote community interaction, convenience, housing options for all income levels, and civic participation. The following regulations are offered to guide this type of development in accordance with design principles compatible with the historic nature of the county, and in harmony with the applicable county ordinances and the comprehensive plan.

A. Applicability. These provisions apply to new developments of fifty (50) acres or more zoned PD-R, PD-MH, and PD-MX.

In the case of expanding existing subdivisions of ten (10) lots or more, these guidelines can be applied to any development residentially zoned and proposing at least five (5) additional lots. The following standards do not exempt the applicant from compliance with the other sections of this ordinance which protect the general health, safety, and welfare of residents.

B. Development standards.

1. [Location:]All residents should be within approximately one-fourth (¼) mile radius or a five-minute walk from existing or proposed commercial, civic, and open space areas.

2. Open space: At least forty (40) percent of the gross acreage of the traditional neighborhood development must be open space. Open space may include undevelopable areas such as steep slopes and wetlands, and stormwater

detention and retention basins. At least fifty (50) percent of the open space must be common open space dedicated to the public for recreation. Additionally, ninety (90) percent of the dwelling units shall be within a one-fourth (¼) mile radius or a five-minute walk from common open space.

3. Stormwater management: The design of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practical. New development shall meet the standards of section 5.8, stormwater management.

4. Lot and block standards:

   A. Street layouts should provide for blocks that are a minimum of two hundred fifty (250) feet in length and a maximum of five hundred (500) feet in length; however, longer length shall be allowed with mid-block pedestrian pass-throughs every five hundred (500) feet.

   B. Blocks should be wide enough to allow two (2) tiers of lots at minimum depth as required by the underlying zoning. The subdivision agent may approve a single tier of lots of minimum depth where environmental conditions restrict the lot layout.

   C. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

C. Circulation standards. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the community and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic and promote safe and efficient mobility through the neighborhood. All TND transportation elements should be presented to the locality and VDOT for discussion and approval of unique features.

1. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:

   1. Sidewalks in residential areas. Clear and well-lighted sidewalks, five (5) feet in width, shall connect all dwelling entrances to the adjacent public sidewalk.

2. Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five (5) feet in width.

3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act and VDOT standards.

4. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping. In addition, curb extensions shall be incorporated where pedestrian facilities intersect higher-volume streets within the development to protect parking areas and reduce pedestrian crossing times.

2. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle multimodal paths and separate, striped, five-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be thirteen (13) feet and the bicycle travel lane shall be located between the vehicular travel lane and parking lane.

3. Public transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance and shall be well-lighted.

4. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as "queuing streets," curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds. Arterial streets should not bisect a TND if pedestrian cross-access is not feasible.

    a. Street hierarchy. Each street within a TND shall be classified according to section 5.9.5 of this ordinance.

5. Street layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

    i. Intersections shall be at right angles whenever possible, but in no case less than seventy (70) degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) which significantly reduces accidents without the use of traffic controls.

    ii. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a radius of fifteen (15) feet for local streets where the receiving street is projected to have less than four hundred (400) vehicle

trips per day, and twenty-five (25) feet for intersections involving collector or arterial streets. Any reduction or increase in the proposed corner radii shall be subject to the approval of VDOT. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of ten (10) feet.

iii. Curb cuts for driveways to individual residential lots shall be prohibited along collector and subcollector streets with residential access recommended from alleys only. Additionally, curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles (twenty-five (25) feet × twenty-five (25) feet) or as approved by VDOT shall be maintained at intersections unless controlled by traffic signal devices.

iv. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings create lots that facilitate passive solar design and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

6. Parking requirements. Parking areas for shared or community use should be encouraged. The number of parking spaces shall be in accordance with the zoning ordinance requirements. In addition:

   a. In the mixed use area, any parking lot shall be located at the rear or side of a building.

   b. A parking lot may not be adjacent to or opposite a street intersection.

   c. A shared parking agreement must be established and approved by the zoning administrator prior to site plan approval.

   d. Parking lots or garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.

   e. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

7. Guidelines for lighting.

   a. Street lighting shall be provided along all streets. Generally, more, low-intensity lights, as opposed to fewer, high-intensity lights, should be used. Streetlights shall be installed at all street intersections (including alleys), at the end of all cul-de-sac streets, and on both sides of a street, alternating from one side of the street to the other at intervals of three hundred (300) to four hundred (400) feet. Lights shall not exceed ten thousand (10,000)

lumens and shall be directed downward and opaquely covered at the top. Regardless of type of fixture and bulb and illumination characteristics, street lighting design shall follow dark sky guidelines and principles.

b. Exterior residential lighting shall be shielded and directed downward in order to reduce glare onto adjacent properties.

c. All commercial lighting shall be in compliance with article 11 of the zoning ordinance.

8. Landscaping and screening standards. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Plant materials, specifications, installation and maintenance shall be in accordance with the zoning ordinance landscaping requirements.

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.

PLANNING REPORT

APPLICATION:

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

ELECTION DISTRICT:

D2

LOCATION:

The parcel is located at 14161Chapmans Lane, Carrollton, and is zoned Rural Agriculture Conservation (RAC). The surrounding land uses are single family residential, mixed use, wetlands and wooded land.

BACKGROUND:

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.

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.

DESCRIPTION:

The property owners request a waiver from Section 3.2.4.A.4 of the Subdivision Ordinance to allow the creation of one (1) family member lot on a private road that serves more than two (2) lots, as well as a waiver from Section 5.9.1.C which requires that all streets serving three (3) or more lots be public roads built to VDOT standards.

COMPREHENSIVE LAND USE PLAN:

The property is designated Surburban 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 3.2.4.A.4, which addresses family member subdivisions, states that no more than one (1) family member subdivision 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 that, unless specifically modified in this ordinance, all new streets must be public and improved to comply with the VDOT road and bridge standards.

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:

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 CONCLUSIONS:

Strengths**:**

1. There is an existing road maintenance agreement.

Weaknesses**:**

1. If the property owners cease to maintain the road, there could cause safety issues.
2. The waiver request does not meet all of the criteria stipulated by the Subdivision Ordinance.

STAFF RECOMMENDATION:

Staff recommends denial of the waiver request due to safety concerns due to

possible degradation of the access lane over time with additional homes if not maintained.

ATTACHMENTS:

Description	Type	Upload Date
APPLICATION AND STATEMENT	Cover Memo	4/28/2023
EXHIBIT	Exhibit	4/28/2023
LOCATION MAP	Exhibit	4/28/2023
Land Use Map	Backup Material	5/17/2023
Zoning Map	Backup Material	5/17/2023
PICS	Exhibit	4/28/2023
ROAD MAINTENANCE AGREEMENT	Exhibit	4/28/2023

Sandra and Douglas Vance
14161 Chapmans Lane
Carrollton, VA. 23314
L 5 BRITTEN CHAPMAN LAND PLAT 2015-19-1

RECEIVED
APR 04 2023
By:

Family Subdivision Proposal

Doug and I originally purchased our property located on Chapmans Lane in Carrollton Virginia in 2016 and started construction in 2019 of our forever home. Our original intent was to have our children one day build a home on our property using a family subdivision. We were told at the time of purchase through our due diligence that the property qualified as a potential family subdivision. Now our daughter and son in law are exploring construction of their for ever home here. Recently we discovered the ordinance had changed limiting the number of homes allowed on our private road, we were told it was changed in order to facilitate clear fire and rescue access.

Our road is unique in the fact it is paved to service a monastery with a large congregation, the monastery recently added additional parking and a new fellowship building.

Our private road is very well maintained in accordance with the enclosed maintenance agreement through the monastery.

Our driveway is very well maintained with #2 granite substrate and topped with slag, the total depth of our driveway is at least 6 inches, the width varies from 10 ft to 40 ft with adequate turn around space. It extends to the proposed new construction site. (see attached photos)

Thank you for your consideration, please see the attached documents.

1. Copy of deed to our property
2. Site plan with proposed construction location
3. Road maintenance agreement
4. Photos of road and driveway
5. Area map
6. Delineation report from Corp of Engineers
7. Original perk test

Local Roots, Global Reach

ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR EXCEPTIONS AND MISECLLANEOUS APPEALS

RECEIVED
APR 04 2023
By: arlington

EVC-6-23

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

[V] Subdivision Ordinance Waiver or Appeal

[ ] Other (please list) _____

The proposal is a request to Section (s) 3.2.4.A.4 5.9.1.C 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: Family Subdivision

B. PROJECT DESCRIPTION:

Project Name: 14161 Chapmans Lane, Carrollton

Property Address (if any): 14161 Chapmans Lane, Carrollton

Comprehensive Plan Designation: SE

The exception will apply to 1 acres out of 8.5 total acres

Tax Parcel Identification # 33(03)00A Number of acres to be effected: 1

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

Public Sewer ____ Private Septic V

Revised August 13, 2014

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant Douglas + Sandra Vance

Address 14161 Chapmans Lane
Street

Carrollton VA 23314
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED Phone 757-619-0923
email (lockn memories@gmail.com)

Location or Address	Description
14161 Chapmans Lane Carrollton VA	homesite

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? Yes (No)

If yes, names of members:

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

Applicant: Sandra Vance / Douglas R Vance Applicant: Sandra Vance / Douglas R Vance Date: 4-3-202
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Stephanie Lee Ellis
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 3 day of April, 2023.

Notary Public

My Commission Expires 01/31/2027

STEPHANIE LEE ELLIS
NOTARY PUBLIC ID 7715833
Commonwealth of Virginia
My Commission Expires
01/31/2027

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

X Douglas R Vane 4-4-2023
Applicant Signature **Date**

X
Owner Signature ***if different*** **Date**

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: $ 250.00
Tax Query: [X] Current [ ] Delinquent Distribution Date: _____
Posted/Date to Post: _____

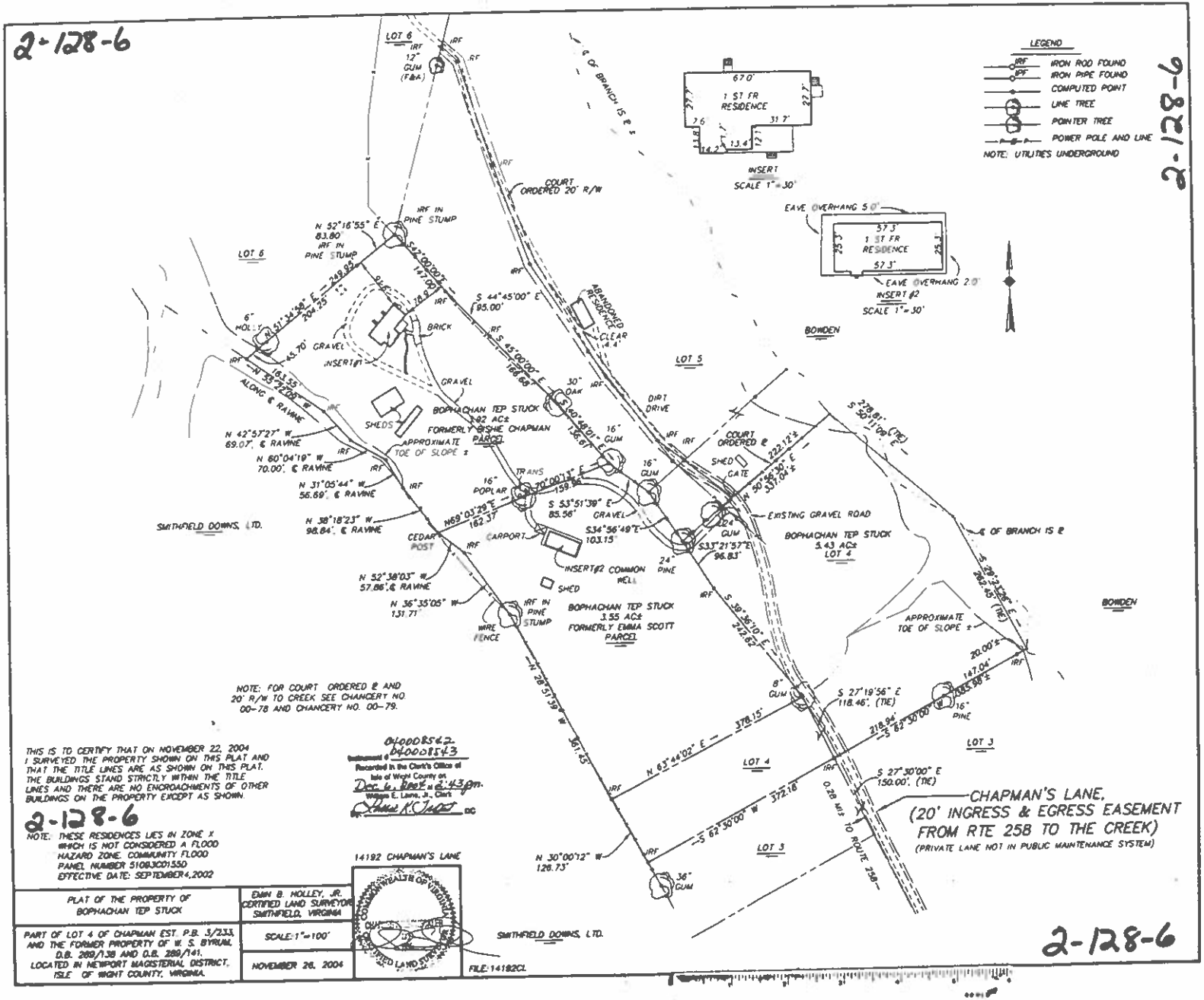
AGENCIES REFERRALS:

_____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: 4-4-2023

2-128-6



NOTE: FOR COURT ORDERED ℄ AND 20' R/W TO CREEK SEE CHANCERY NO. 00-78 AND CHANCERY NO. 00-79.

THIS IS TO CERTIFY THAT ON NOVEMBER 22, 2004 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

2-128-6

NOTE: THESE RESIDENCES LIES IN ZONE X WHICH IS NOT CONSIDERED A FLOOD HAZARD ZONE. COMMUNITY FLOOD PANEL NUMBER 5108J0015 SD EFFECTIVE DATE: SEPTEMBER 4, 2002

040008542
Instrument # 040008543
Recorded in the Clerk's Office of Isle of Wight County on Dec. 6, 2004 at 2:43 pm.
William E. Layne, Jr., Clerk
By Deputy Clerk DC

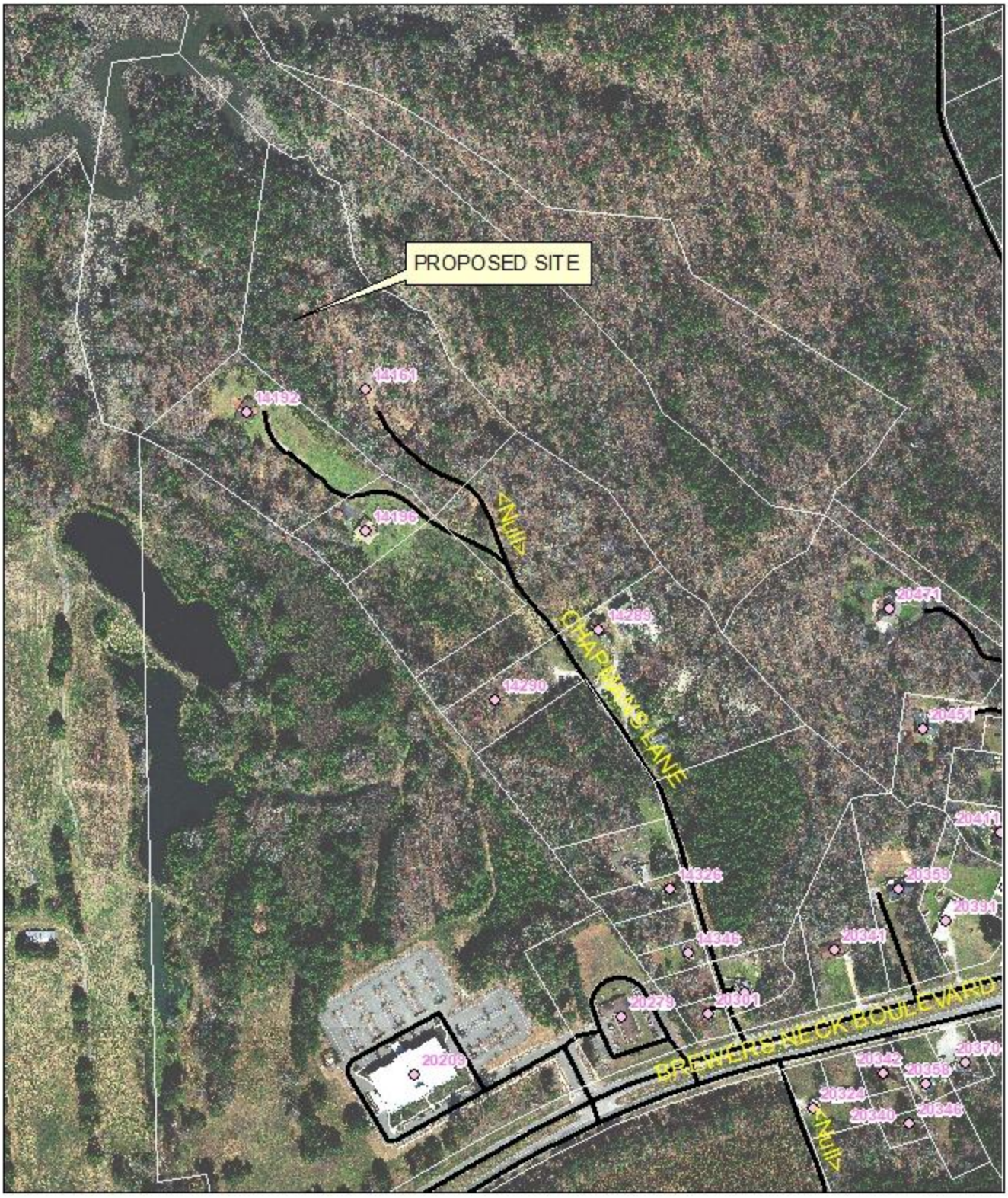
14192 CHAPMAN'S LANE

PLAT OF THE PROPERTY OF BOPHACHAN TEP STUCK	EMM B. HOLLEY, JR. CERTIFIED LAND SURVEYOR SMITHFIELD, VIRGINIA
PART OF LOT 4 OF CHAPMAN EST. P.B. 3/233, AND THE FORMER PROPERTY OF W. S. BYRUM, D.B. 289/138 AND D.B. 289/141. LOCATED IN NEWPORT MAGISTERIAL DISTRICT, ISLE OF WIGHT COUNTY, VIRGINIA.	SCALE: 1"=100'
	NOVEMBER 26, 2004

COMMONWEALTH OF VIRGINIA — CERTIFIED LAND SURVEYOR

FILE: 14192CL

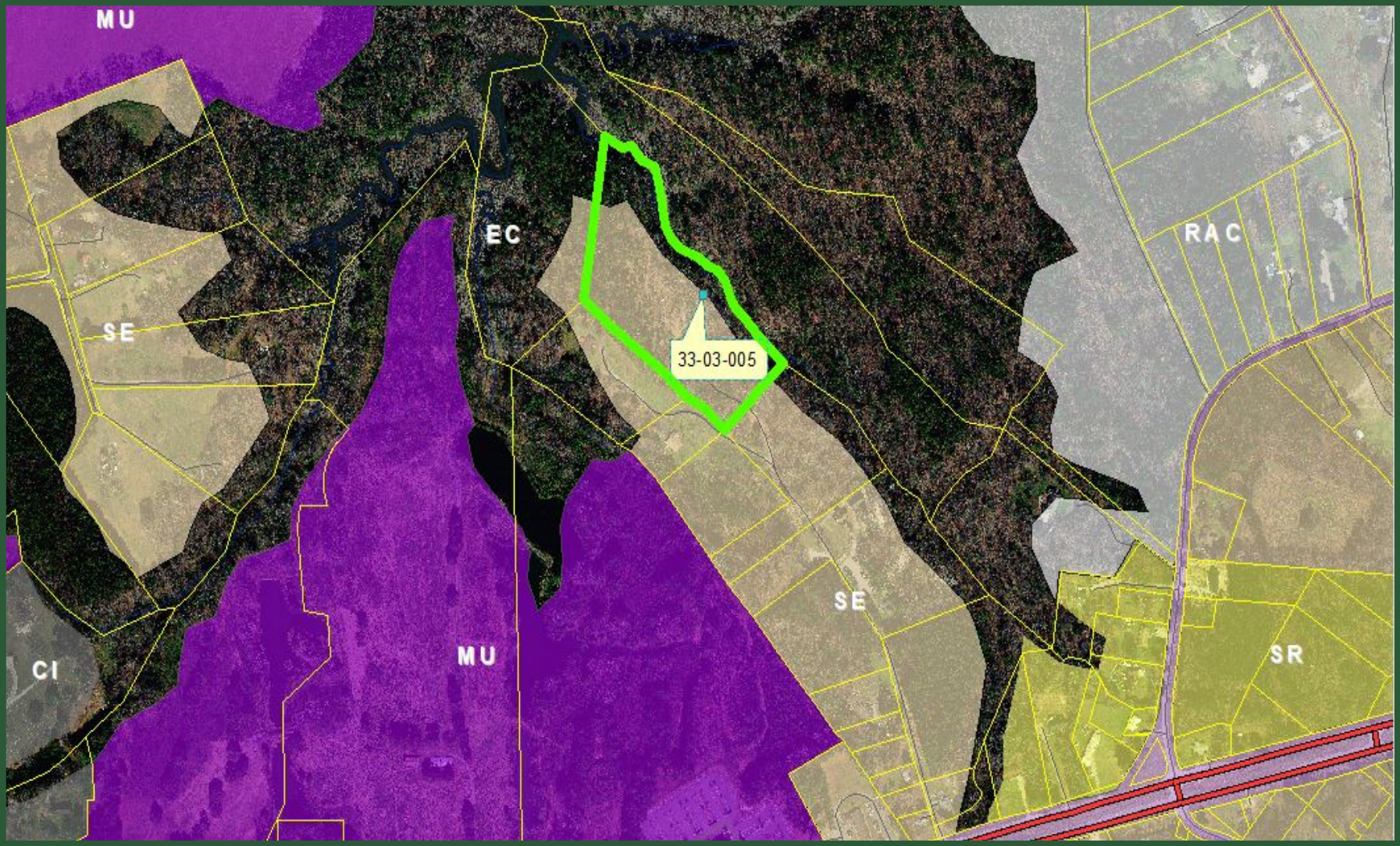
VANCE LOCATION MAP



Legend

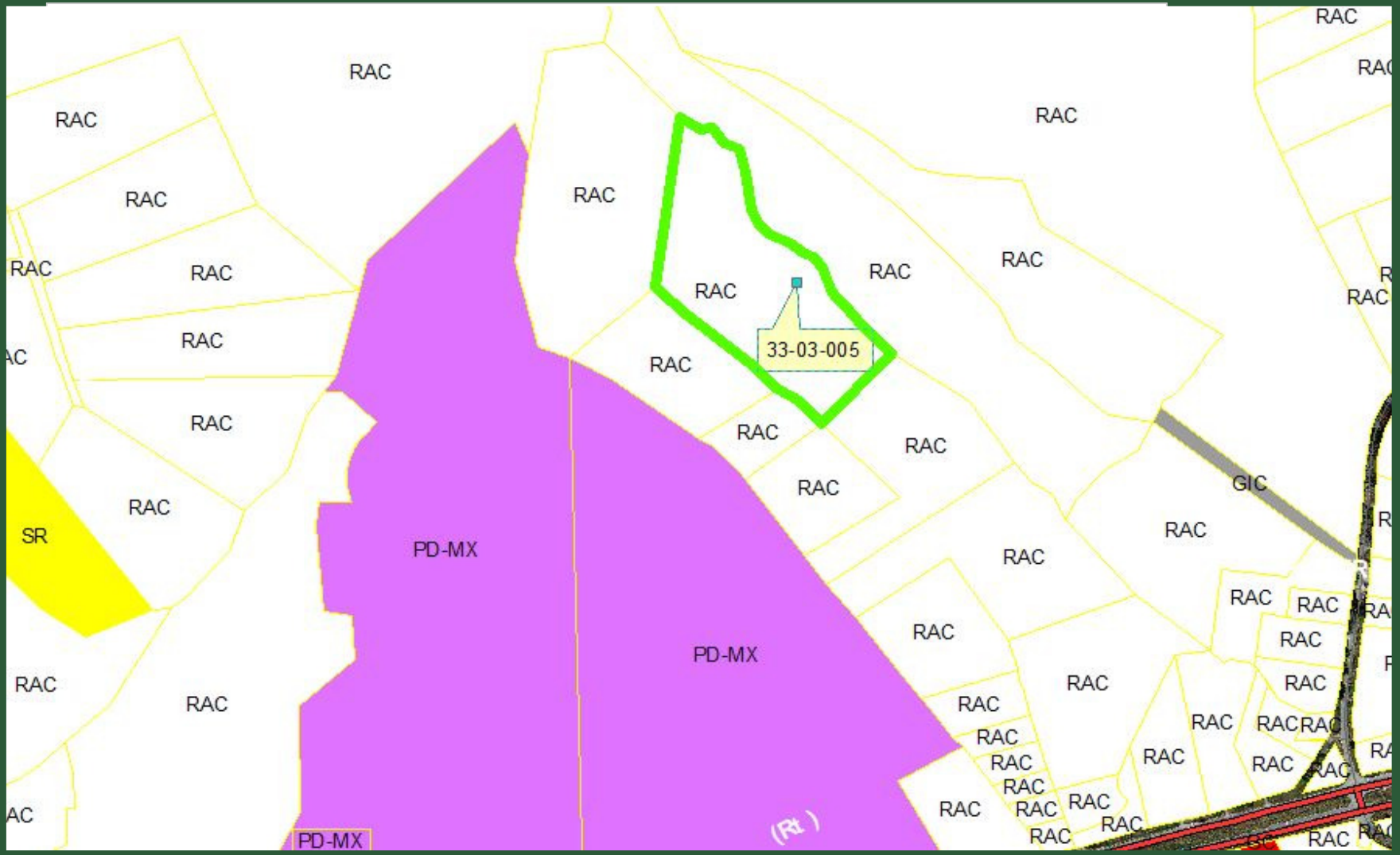
- Parcels
- RoadCenterLines
- natural heritage

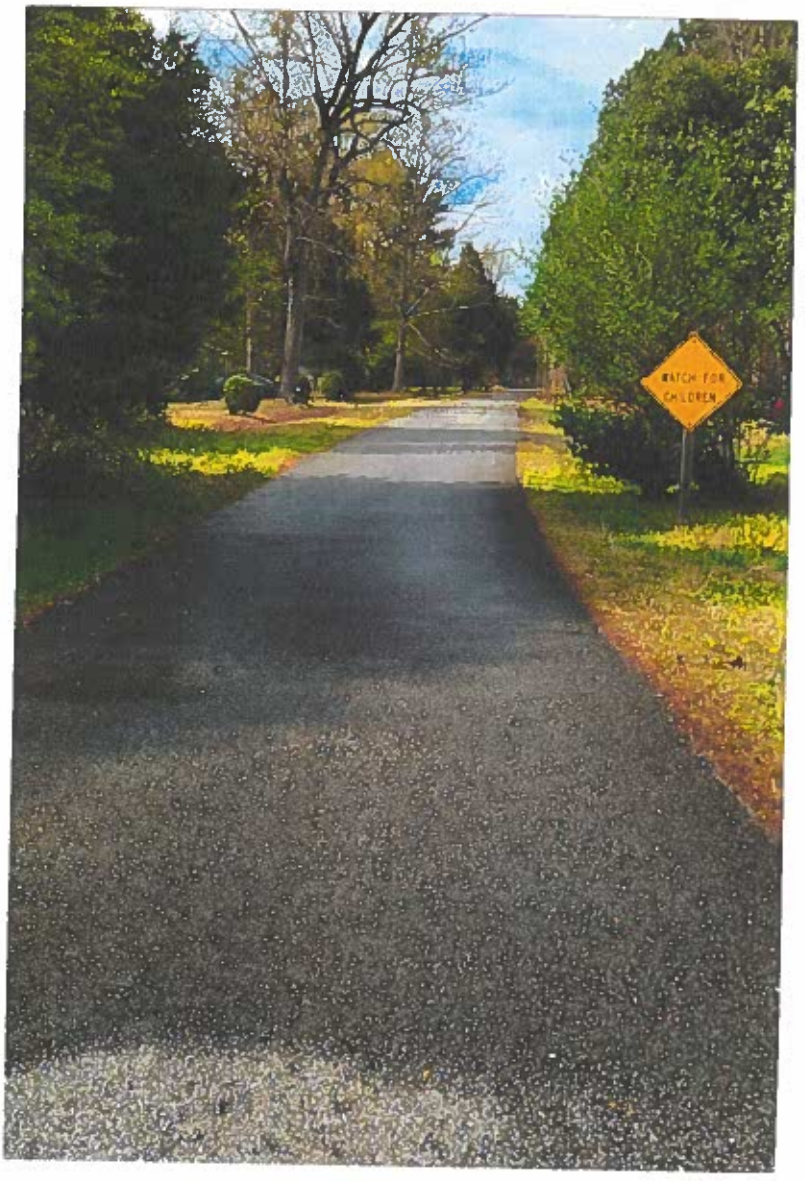
N
W E
S

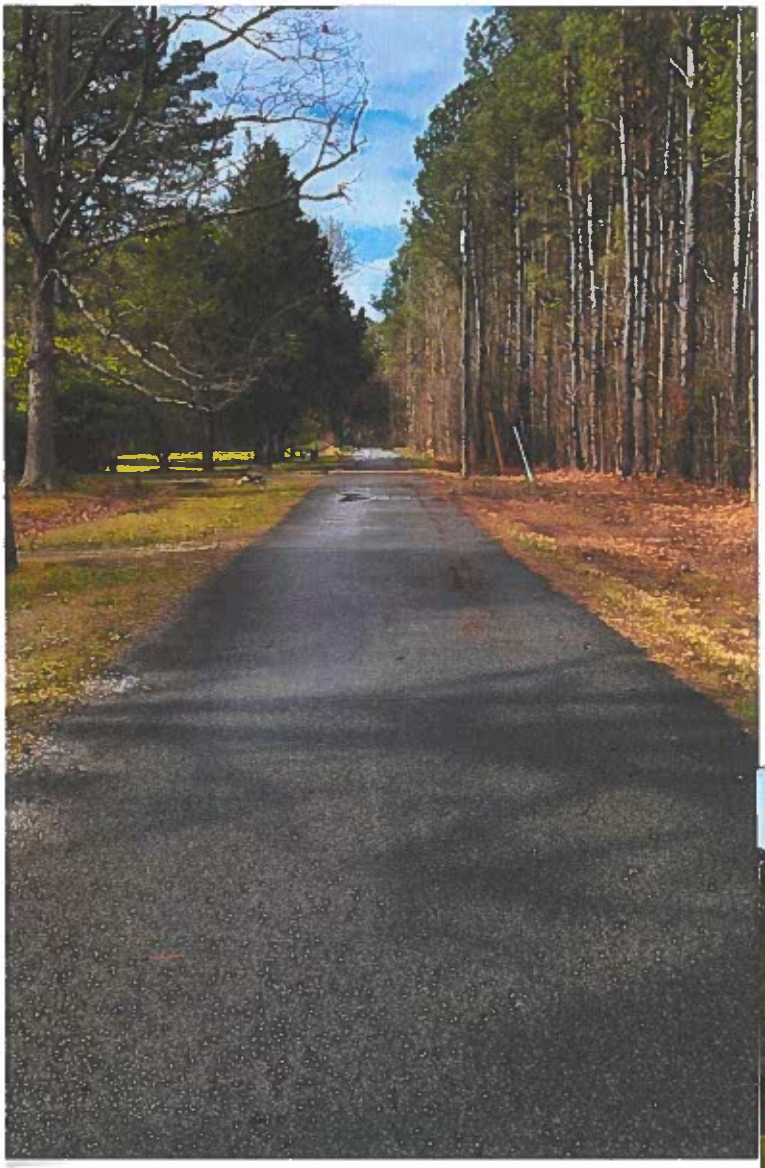


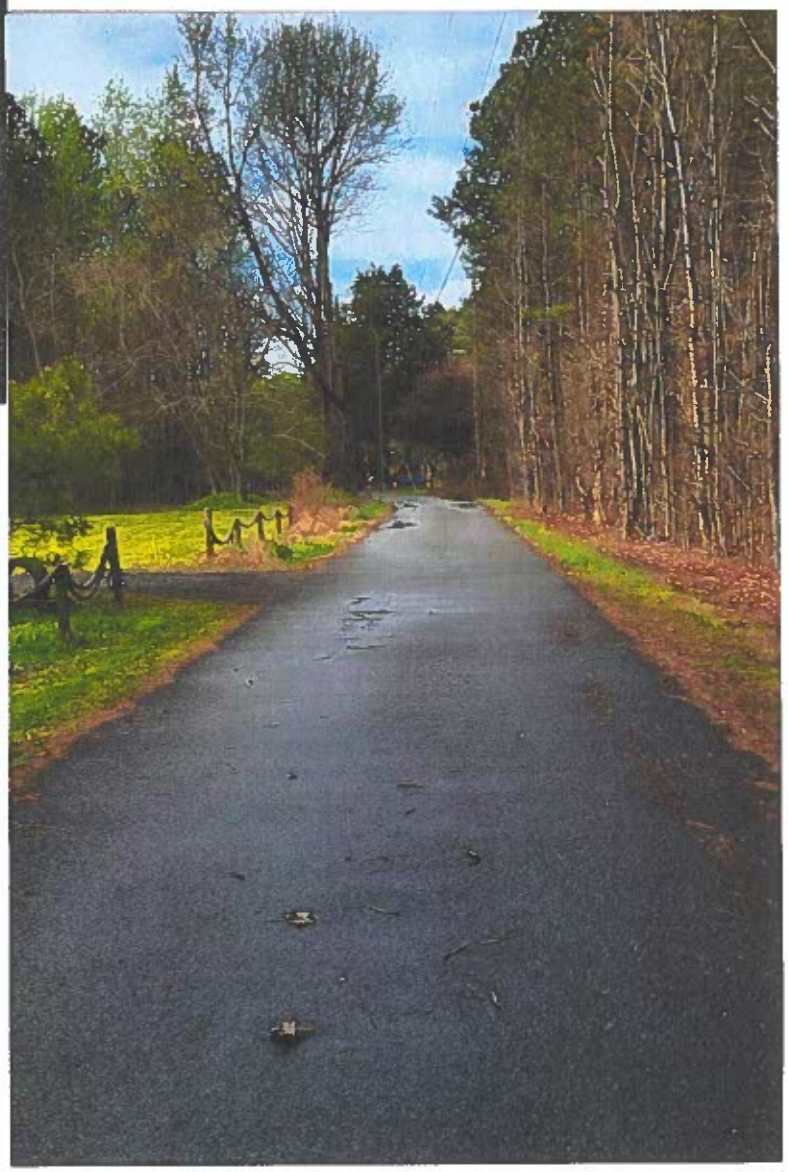
FUTURE RECOMMENDED LAND USE MAP

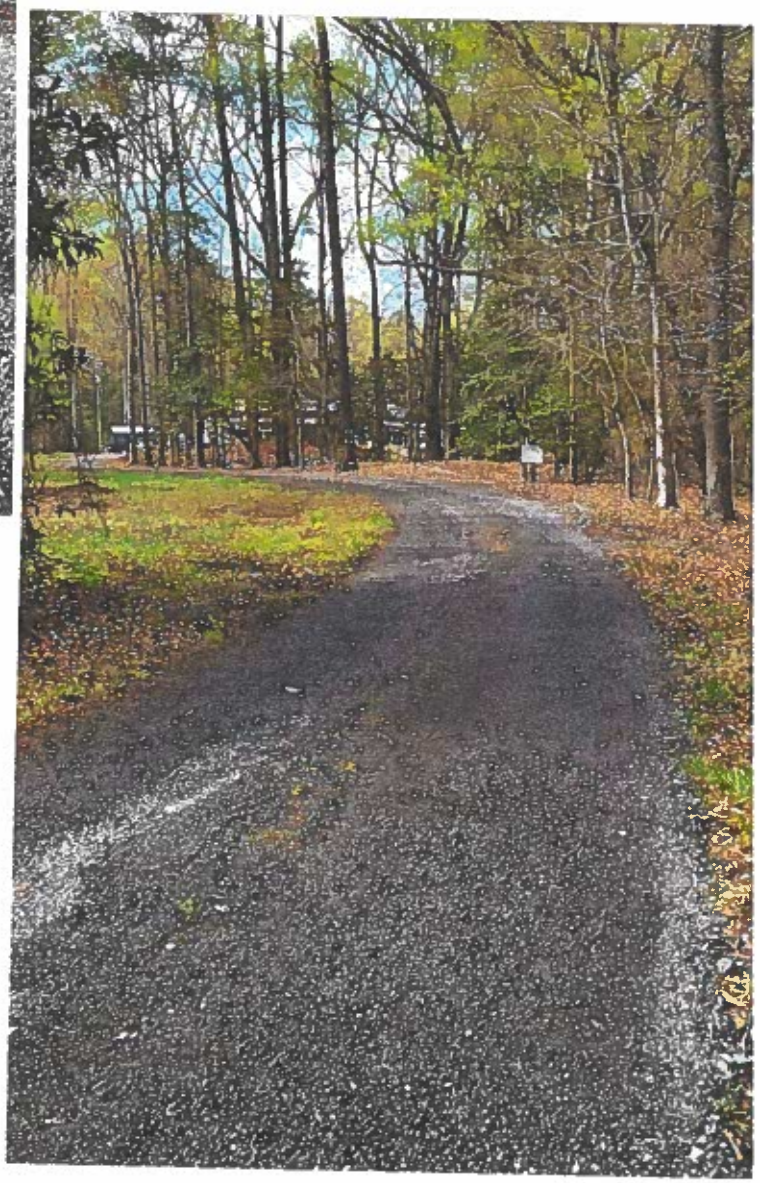
ZONING MAP




WATCH FOR
CHILDREN







Copy

Prepared by and Return to:
Jerry M. Wright, Attorney
3200 Tyre Neck Road Suite 202
Portsmouth VA 23703
VSB # 24545
Parcel No. 33-03-003 & 33-03-005

Prepared without the benefit of a title examination

THIS ROAD MAINTENANCE AGREEMENT, made and entered into this 17th day of December, 2018, by and between SARAYUT **YAMBAL**, PHRAMAHA UDOM **BUDSCRIPHOOM**, JETT **MURPHY** AND SAMAN **JANTANAMSRI**, **Trustees of WAT PASANTIDHAMMA ASSOCIATION**,, party of the first part, Grantor and Grantee, Douglas R. **VANCE** and Sandra M. **VANCE**, husband and wife, parties of the second part, Grantors and Grantees.

WHEREAS, the above listed parties of the first part are the current owners of the property located at 14289 Chapmans Lane; and,

WHEREAS, the above listed parties of the second part are the current owners of the property located at 14161 Chapmans Lane; and,

WHEREAS, per the plat of survey recorded the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia in Plat Book 3, Page 233, reserved from the described tract is a right of way twenty (20) feet side, running from U.S. Highway No. 258 through the property to the creek, and designated on said plat as "Path" and "cart path" which is reserved for use at all times as a means of ingress and egress for any person or persons owning any of the land shown on the aforesaid plat of survey, their heirs or assigns, said "Path and "cart path" now known as "Chapman's" Lane serves access to several properties along said road to the property of the parties of the first part; and,

WHEREAS, the said parties of the first part had Chapman's Lane paved to allow emergency vehicles assess to their congregation and hereby agrees to maintain, at their sole expense, the paved road, Chapman's Lane, up to their property located at 14289 Chapmans Lane and that the parties of the second part have ingress/egress rights to the said Chapman's Lane at no expense to them for maintenance or repairs; and,

WHEREAS, the parties desire to enter into this agreement in order to provide for the maintenance, repair and upkeep of the road known as Chapman's Lane.

NOW, THEREFORE, in consideration of the premises and mutual covenants provided herein, the parties agree as follows:

1. The parties of the first part here by agree to maintain the said paved Chapman's Lane up to their property located at 14289 Chapman's Lane, at their sole expense.

2. The covenants set forth in this road maintenance agreement shall be binding on the current owners hereof and on their heirs, personal representatives, successors, and assigns of the parties hereto.

WITNESS the following signatures and seals:

WAT PASANTIDHAMMA ASSOCIATION

By: _____
Sarayut Yambal, Trustee

STATE OF VIRGINIA, CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of December, 2018 by Sarayut Yambal, Trustee of the WAT PASANTIDHAMMA ASSOCIATION.

My commission expires: May 31, 2021
Notary Registration No.: 7565902

MAY ANGELENE CATOLICO
NOTARY PUBLIC
REGISTRATION # 7565902
COMMONWEALTH OF VIRGINIA

_____
Notary Public

BY: Ven. Udom B Siriphoom
Phramaha Udom Budsriphoom, Trustee

MAY ANGELENE CATOL
NOTARY PUBLIC
REGISTRATION # 756
COMMONWEALTH OF VI

STATE OF VIRGINIA, CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of December, 2018 by Phramaha Udom Budsriphoom, Trustee of the WAT PASANTIDHAMMA ASSOCIATION.

My commission expires: May [redacted]
Notary Registration No.: [redacted]

BY: _____
Jett Murphy, Trustee

STATE OF VIRGINIA, CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of December, 2018 by Jett Murphy, Trustee of the WAT PASANTIDHAMMA ASSOCIATION.

My commission expires: May 31, 2021
Notary Registration No.: 7565902

MAY ANGELENE CATOLICO
NOTARY PUBLIC
REGISTRATION # 7565902
COMMONWEALTH OF VIRGINIA

_____
Notary Public

BY: _____
Saman Jantanamsri, Trustee

STATE OF VIRGINIA, CITY OF Chesapeake, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of December, 2018 by Saman Jantanamsri, Trustee of the WAT PASANTIDHAMMA ASSOCIATION.

My commission expires: May 31, 2021
Notary Registration No.: 7565902

MAY ANGELENE CATOLICO
NOTARY PUBLIC
REGISTRATION # 7565902
COMMONWEALTH OF VIRGINIA

_____
Notary Public

TERESA HUNT WALTER
NOTARY PUBLIC
REG. # 7795820
MY COMMISSION EXPIRES
05/31/2022
COMMONWEALTH OF VIRGINIA

_____ (SEAL)
Douglas Vance

_____ (SEAL)
Sandra Vance

STATE OF VIRGINIA

CITY OF Suffolk, to-wit:

The foregoing instrument was acknowledged before me this 23 day of ~~December, 2018~~ January 2019 (THW) by

PLANNING REPORT

APPLICATION:

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

ELECTION DISTRICT:

D5

LOCATION:

The property is located at 16055 Mill Swamp Road. The property is adjacent to the Town of Smithfield limits to the south, the Pagan River to the east, single family residences to the north, and Mill Swamp Road to the west. The current use of the property is single-story, single family residential.

BACKGROUND:

The Owner previously spoke to staff about the proposed garage in relation to the Chesapeake Bay Preservation Area (CBPA) District Ordinance Resources Protection Area (RPA). The Owner hired Bay Environmental to delineate wetlands, RPA, and RPA Buffer Area. At that point, the 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. However, he would later find that the height of the proposed structure exceeded the accessory structure height regulations.

DESCRIPTION:

The property 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. A copy of the applicant's narrative and concept plan is included with this report.

COMPREHENSIVE LAND USE PLAN:

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 CONCLUSIONS:

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

Strengths:

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

Weaknesses:

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

ATTACHMENTS:

Description	Type	Upload Date
Narrataive and Application	Cover Memo	5/5/2023
Location Map	Backup Material	5/5/2023
Future Land Use Map	Backup Material	5/17/2023
Zoning District Map	Backup Material	5/17/2023
Bridge View	Backup Material	5/5/2023
Street View 1	Backup Material	5/5/2023
Street View 2	Backup Material	5/5/2023
Garage Site	Backup Material	5/5/2023
Enlarged Exhibit	Backup Material	5/5/2023

The property, 16055 Mill Swamp Rd, is not in a development and is located in a rural area. The garage will be located within a heavily treed area with minimal visibility to any motorist or neighbors. I have had multiple conversations with the Engineering firm and a builder for possible redesign to address the height issue, with no apparent fixes. The height of the SFR is 14' 4" and the proposed garage is 21'10". The 125% requirement means the garage would only be out by 3'11" of the code requirements.

The SFR is relatively low in height compared to most modern construction. When using that factor in making the calculation of the maximum height of the garage, the result is an unreasonably low maximum height. The relief that I am seeking is not unreasonable and will result in a structure that is not incompatible with my adjacent neighbor's dwelling height.

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT

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

[X] Other (please list) HEIGHT EXCEPTION

The proposal is a request to Section (s) 5-2000 D. 2. 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: GARAGE

B. APPLICATION INFORMATION:

Applicants Name: PHILIP H GIBSON JR

Address: 16055 MILL SWAMP RD

Email: PGIBSON133@CHARTER.NET Phone: 757-880-5665

Property Owners Name: PHILIP H GIBSON JR

Address: SAME

C. **PROJECT DESCRIPTION:**

Project Name: GIBSON GARAGE

Property Address (if any): 16055 MILL SWAMP RD

Comprehensive Plan Designation: RAC

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

Tax Parcel Identification # 21-01-003 Number of acres to be effected: _____

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

Public Sewer ✓ Private Septic _____

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

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

Applicant Signature **Date**

[signature] 5/2/23

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: [signature] Date: 5/2/23

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant: PHILIP H GIBSON JR

Address: 16055 MILL SWAMP RD SMITHFIELD VA 23430

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
16055 MILL SWAMP RD	PERSONAL RESIDENTIAL HOME

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/PartnershipBusiness Association	Address
N/A	

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

If yes, names of members:

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

Applicant: PHILIP H GIBSON JR (Printed or Typed Name) Applicant: [signature] (Signature) Date: 5/2/23

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Sandra Walker Robinson,
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 2 day of May, 2023.

[signature]
Notary Public

My Commission Expires 08/31/2024

ISLE OF WIGHT
COUNTY, VIRGINIA

SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

****Both checklist and application required upon submission to central permitting or application will notbe 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.

1 **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 otherinformation 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 beso 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 willbe 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.

PHILIP H GIBSON JR

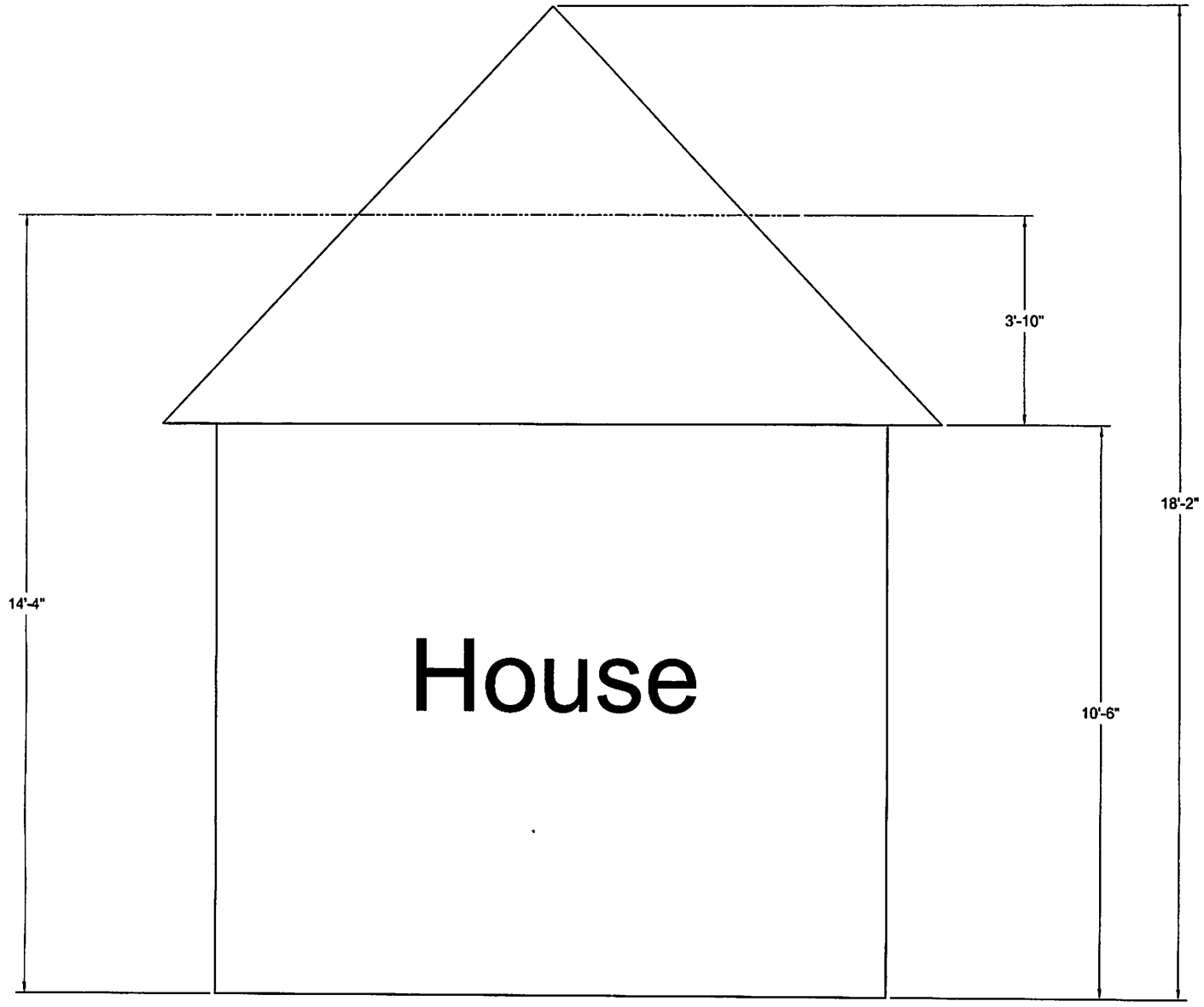
Printed or Typed Name

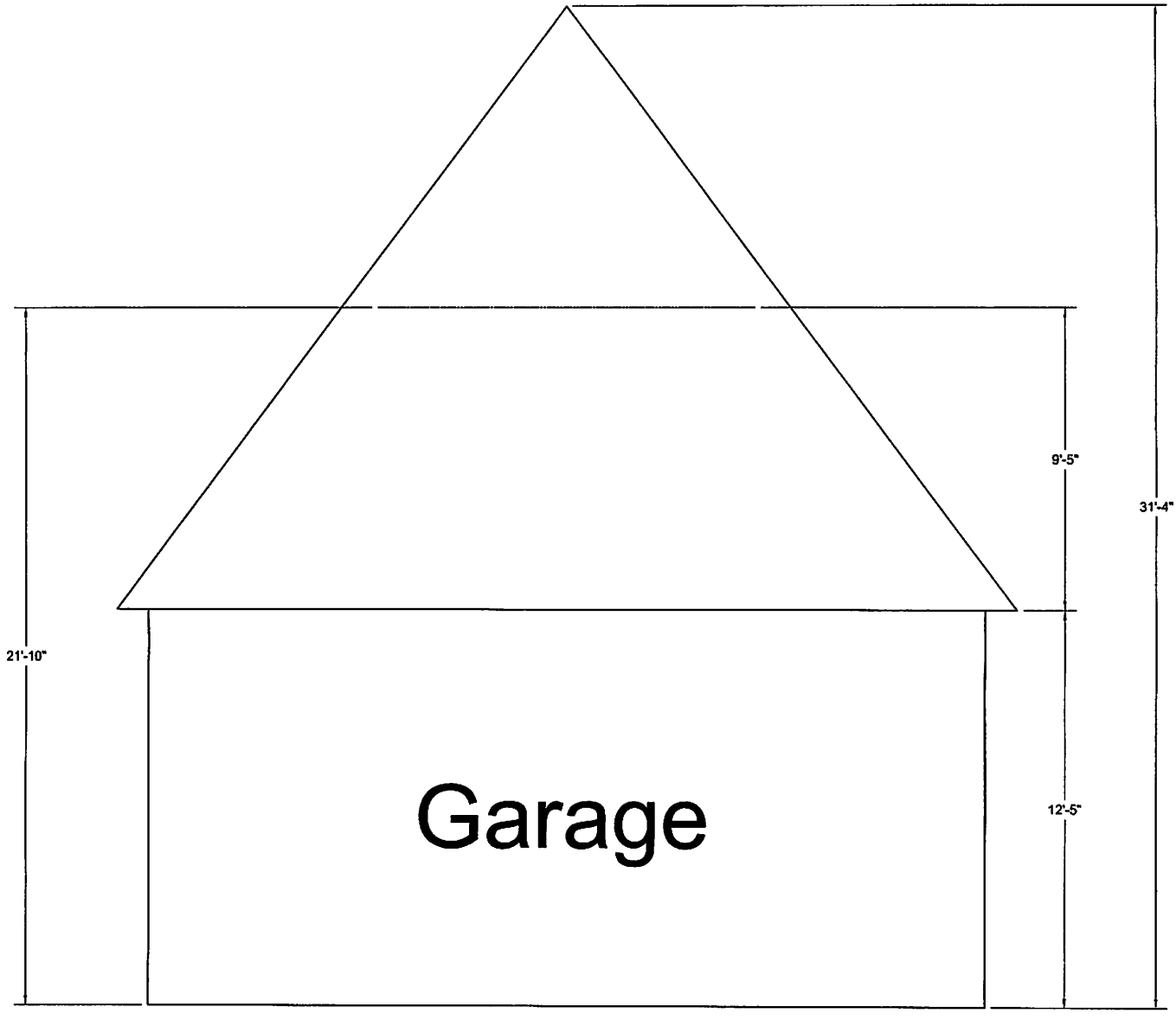
Philip H Gibson

Signature

5/2/23

Date


3'-10"
18'-2"
14'-4"
House
10'-6"


21'-10"
9'-5"
31'-4"
Garage
12'-5"

5/1/23
Philip H Gibson Jr
16055 Mill Swamp Rd
Smithfield VA 23430
757-880-5665

Dan Carter
16051 Mill Swamp Rd
Smithfield Va 23430

Dan,

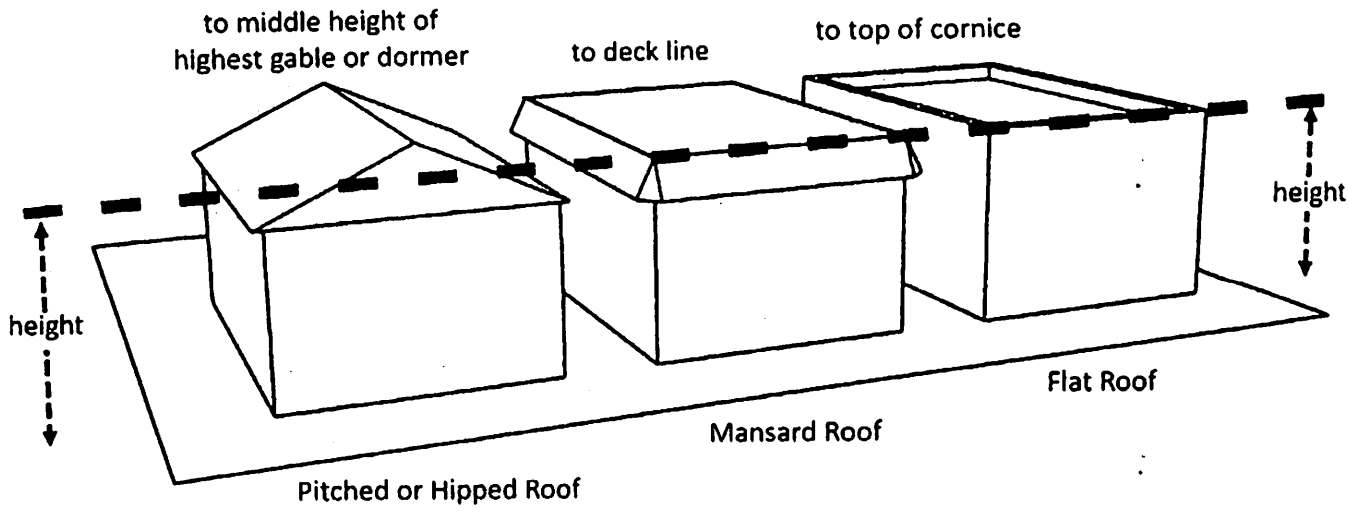
I am applying for an Exception for the construction of my garage. I am 3'11" taller than allowed based on the main house. The code is section 5-2000-D2. It says I can't be taller than 125% of the height of the main building on the property. The height of the garage will be 21'10". Was wondering if you had a concern if I was outside of this code requirement?

Thanks

Philip Gibson Jr

Yes, this plan is fine with me.
Dan Carter

Illustration of Building Height



P. O. BOX 80

SANDRA WALKER ROBINSON

ZONING COORDINATOR FOR ISLE OF WIGHT COUNTY
ISLE OF WIGHT IN VIRGINIA 23397
(757) 365-6208 phone
(757) 365-6207 fax
srobinso@isleofwightus.net

From: pgibson133@charter.net <pgibson133@charter.net>
Sent: Monday, March 20, 2023 6:34 AM
To: Sandra Walker Robinson <srobinso@isleofwightus.net>
Subject: RE: Garage Review Comments #27027

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

Sandra,

Can you provide me the internet address to the county zoning codes, in particular the zoning code for building heights?

Also when measuring the height of my home do I include the chimney?

Thanks
Phil Gibson
757-880-5665

From: pgibson133@charter.net <pgibson133@charter.net>
Sent: Thursday, January 5, 2023 9:19 PM
To: 'Sandra Walker Robinson' <srobinso@isleofwightus.net>
Cc: 'PlanReview' <PlanReview@isleofwightus.net>
Subject: RE: Garage Review Comments #27027

Sandra,

What is the process I have to take to get approval for my height issue? Are there forms I need to fill out?

Thanks
Phil Gibson
757-880-5665

From: Sandra Walker Robinson <srobinso@isleofwightus.net>
Sent: Friday, December 2, 2022 10:10 AM
To: pgibson133@charter.net
Subject: Re: Garage Review Comments #27027

GIBSON LOCATION MAP

Legend

Parcels

RoadCenterLines

natural heritage

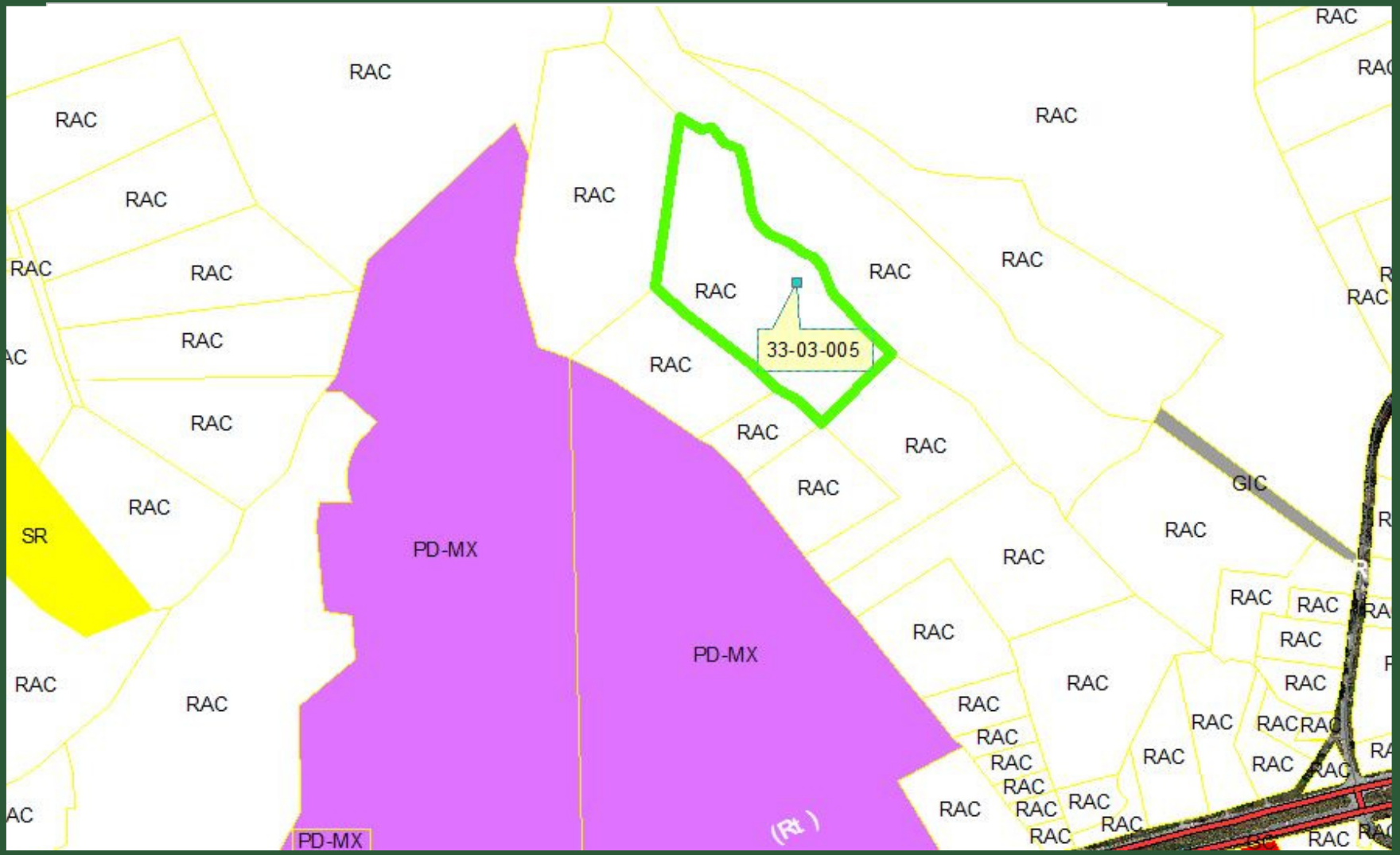
N

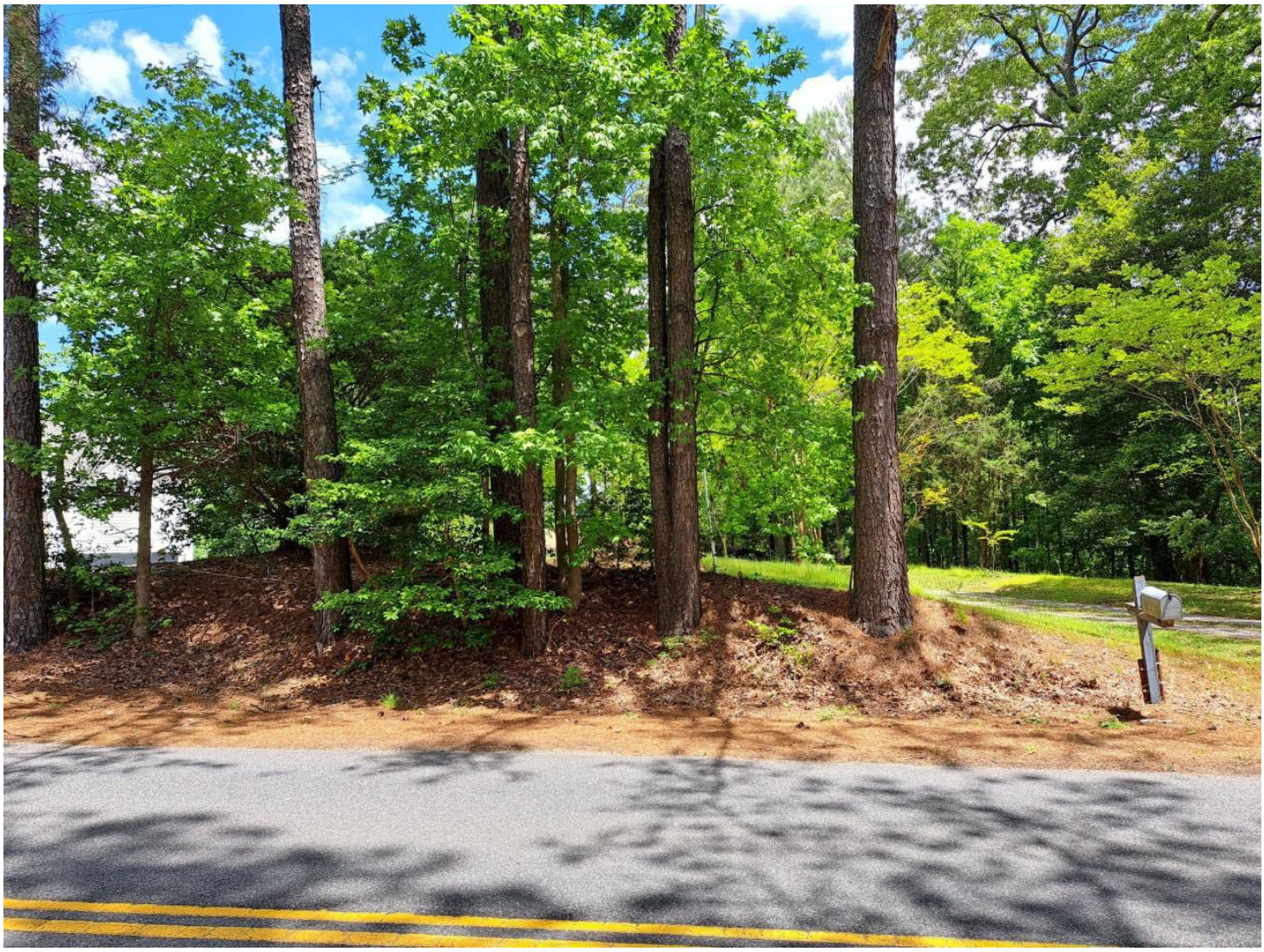
W E

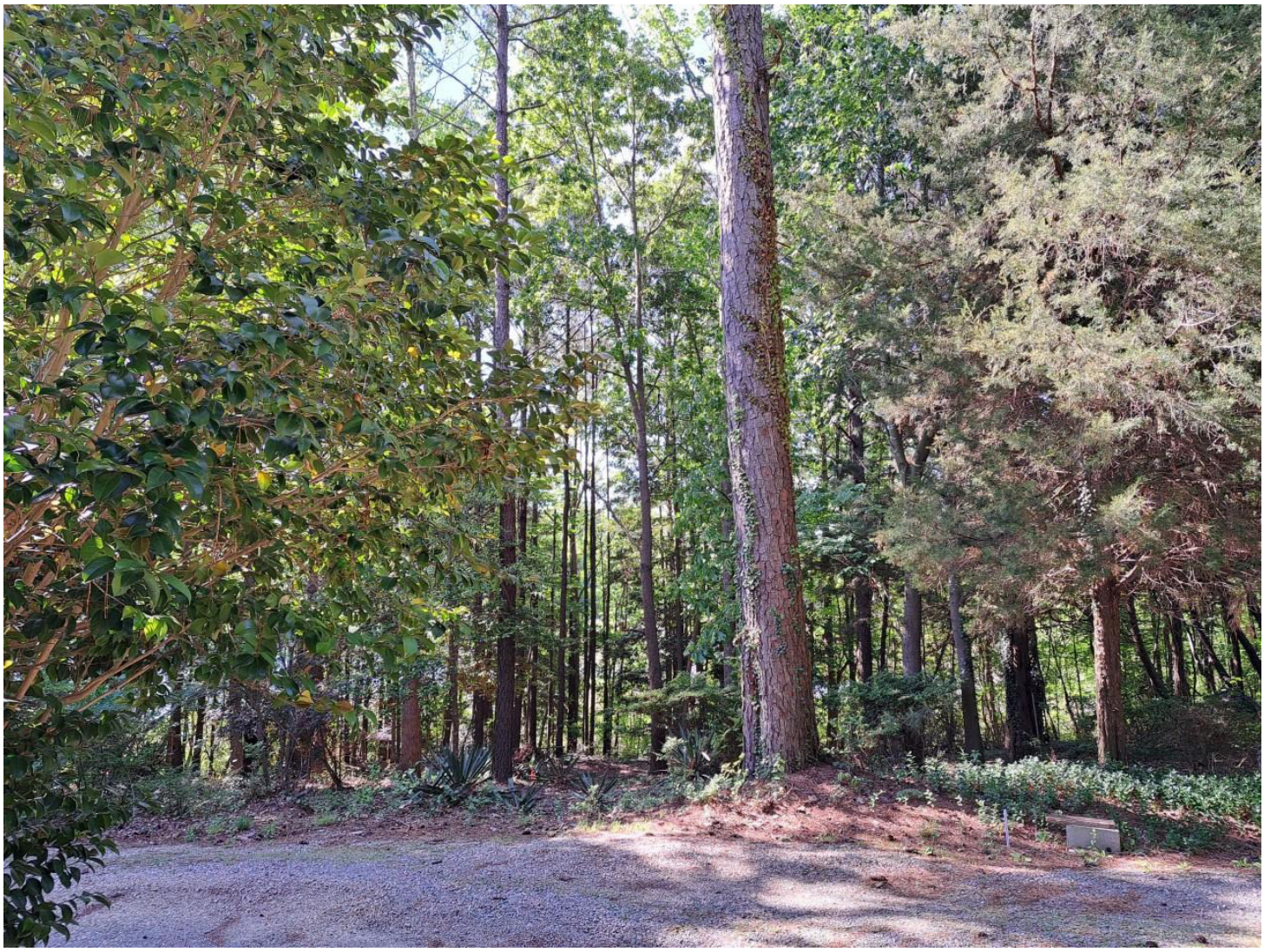
S

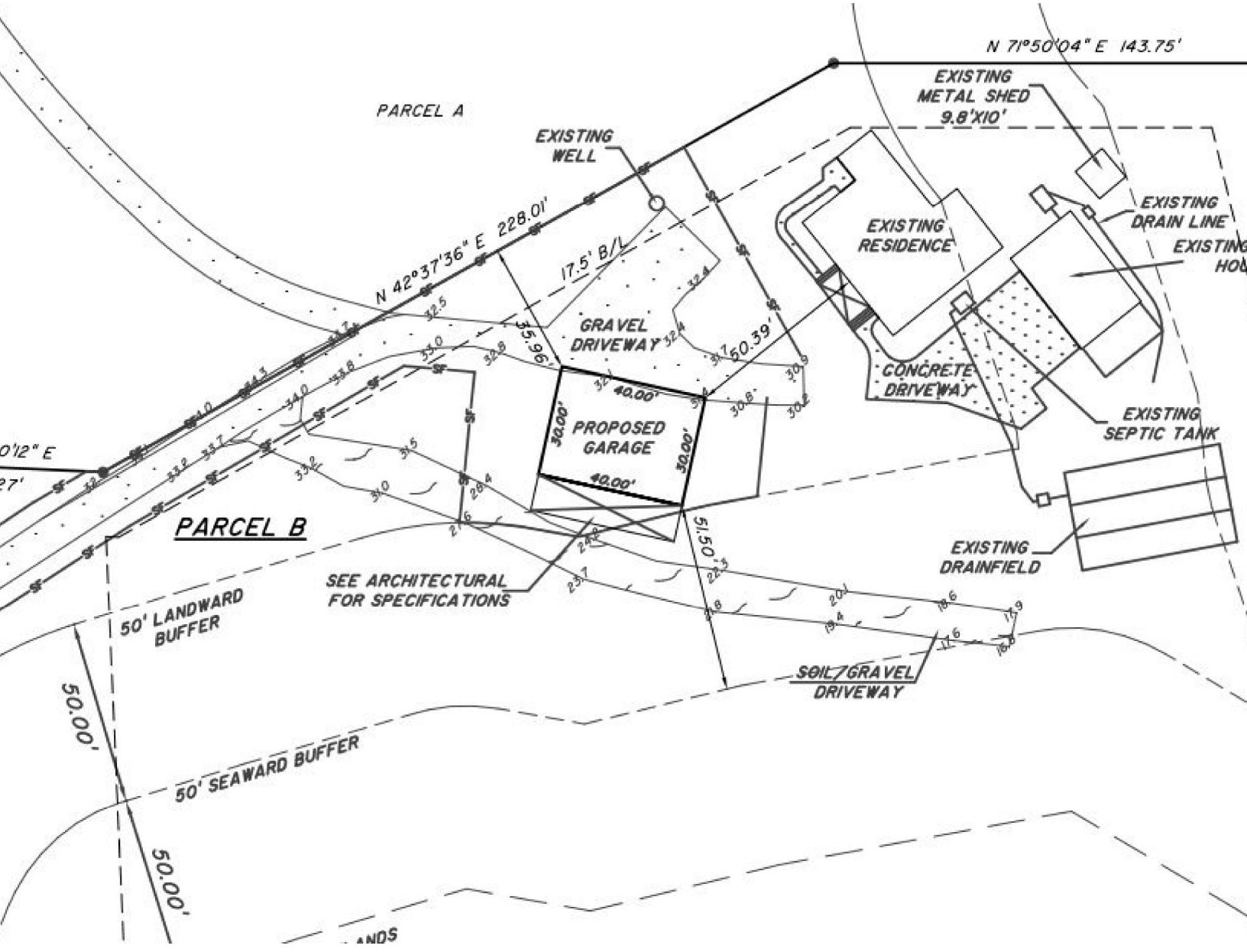
FUTURE RECOMMENDED LAND USE MAP

ZONING MAP








N 71°50'04" E 143.75'
EXISTING METAL SHED 9.8'X10'
PARCEL A
EXISTING WELL
N 42°37'36" E 228.01'
17.5' B/L
EXISTING RESIDENCE
EXISTING DRAIN LINE
GRAVEL DRIVEWAY
35.96'
50.39'
CONCRETE DRIVEWAY
40.00'
30.00'
PROPOSED GARAGE
30.00'
40.00'
EXISTING SEPTIC TANK
PARCEL B
EXISTING DRAINFIELD
SEE ARCHITECTURAL FOR SPECIFICATIONS
51.50'
50' LANDWARD BUFFER
SOIL/GRAVEL DRIVEWAY
50.00'
50' SEAWARD BUFFER
50.00'

PLANNING REPORT

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