A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
January 23, 2024

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

A. ELECTION OF CHAIRMAN FOR 2024

B. ELECTION OF VICE-CHAIRMAN FOR 2024

C. APPOINTMENT OF SECRETARY FOR 2024

D. ADOPTION OF 2024 PLANNING COMMISSION MEETING /INVOCATION SCHEDULE

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

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

A. November 28, 2023 Planning Commission Regular Meeting Minutes

B. December 14, 2023 Board of Supervisors Work Session Action List

C. December 12, 2023 Planning Commission Regular Meeting Minutes

6. CITIZENS' COMMENTS

7. PUBLIC HEARINGS

A. ZA-8-23 Owens Conditional Residential Rezoning Request

Application ZA-8-23 of Charles L. and Deborah C. Owens, Trustees, Owens Living Trust, property owner, for a change in zoning classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of approximately 18 acres. The application includes a proffer for no further subdivision of the parcel, a

waiver request to Section 4-3004 for the lot to contain more than ten acres and a request to withdraw the acreage from the Courthouse Agricultural and Forestal District upon rezoning.

B. ZA-7-23 Blue Sky Conditional Zoning Amendment

Application ZA-7-23 of 17466 Benns Church Blvd, LLC, property owner, for an amendment to conditional zoning to permit additional uses, such as a micro-brewery, distillery, or cidery, restaurant, retail sales, event center, farmers' markets, catering, business or trade school, cabinet, antique or craft shop, itinerant merchants, peddlers, and fine arts studio on approximately 3.15 acres located at 17466 Benns Church Blvd. on property with tax map numbers 42-01-007B, 42-01-007B1, and 42-01-007B2

8. OLD BUSINESS

9. NEW BUSINESS

A. COUNTY ATTORNEY'S REPORT

B. PLANNING DIRECTOR'S REPORT

1. Proposed Growth Management Task Force

Discussion on the Proposed Formation of a Growth Management Task Force by Renee Rountree, Board of Supervisor for District 1

2. Proposed Ordinance Change Discussion

Discussion of Proposed Ordinance Changes by the Board of Supervisors

10. CLOSED MEETING

11. ADJOURNMENT

PLANNING REPORT

APPLICATION:

A. ELECTION OF CHAIRMAN FOR 2024

PLANNING REPORT

APPLICATION:

B. ELECTION OF VICE-CHAIRMAN FOR 2024

PLANNING REPORT

APPLICATION:

C. APPOINTMENT OF SECRETARY FOR 2024

PLANNING REPORT

APPLICATION:

D. ADOPTION OF 2024 PLANNING COMMISSION MEETING /INVOCATION SCHEDULE

ATTACHMENTS:

Description	Type	Upload Date
2024 Planning Commission Meeting Invocation Schedule	Cover Memo	1/17/2024

2024 PLANNING COMMISSION MEETING AND INVOCATION SCHEDULE

Date	Time	Meeting	Invocation	District
January 9th	6:00pm	Work Session	Jennifer Boykin	District 5
January 23rd	6:00pm	Regular Meeting	Brian Carrol	District 5
February 13th	6:00pm	Work Session	George Rawls	District 4
February 27th	6:00pm	Regular Meeting	Bobby Bowser	District 3
March 12th	6:00pm	Work Session	Thomas Distefano	District 2
March 26th	6:00pm	Regular Meeting	Cynthia Taylor	District 2
April 9th	6:00pm	Work Session	Rick Sienkiewicz	District 4
April 23rd	6:00pm	Regular Meeting	James Ford	District 3
May 14th	6:00pm	Work Session	Raynard Gibbs	District 1
May 28th	6:00pm	Regular Meeting	Jennifer Boykin	District 5
June 11th	6:00pm	Work Session	Matthew Smith	District 1
June 25th	6:00pm	Regular Meeting	George Rawls	District 4
July 9th	6:00pm	Work Session	Brian Carroll	District 5
July 23rd	6:00pm	Regular Meeting	Thomas Distefano	District 2
August 13th	6:00pm	Work Session	Bobby Bowser	District 3
August 27th	6:00pm	Regular Meeting	Rick Sienkiewicz	District 4
September 10th	6:00pm	Work Session	Cynthia Taylor	District 2
September 24th	6:00pm	Regular Meeting	Raynard Gibbs	District 1
October 8th	6:00pm	Work Session	James Ford	District 3
October 22nd	6:00pm	Regular Meeting	Matthew Smith	District 1
November 12th	6:00pm	Regular Meeting	Brian Carroll	District 5
December 10th	6:00pm	Regular Meeting	Bobby Bowser	District 3
January 14th, 2025	6:00pm	Work Session	Thomas Distefano	District 2
January 25th, 2025	6:00pm	Regular Meeting	Cynthia Taylor	District 2

Work Sessions will be held on an as-needed basis

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
November 28, 2023 Planning Commission Regular Meeting Minutes	Minutes	12/18/2023

MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY PLANNING COMMISSION HELD ON THE TWENTY-EIGHTH DAY OF NOVEMBER 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 November 28, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Bobby Bowser delivered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL/DETERMINATION OF A QUORUM

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

ABSENT
Thomas Distefano

A quorum was determined.

ALSO IN ATTENDANCE
Bobby Jones, County Attorney
Amy Ring, Community Development Director
Caleb Kitchen, Planner I
Amanda Landrus, Secretary

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

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

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

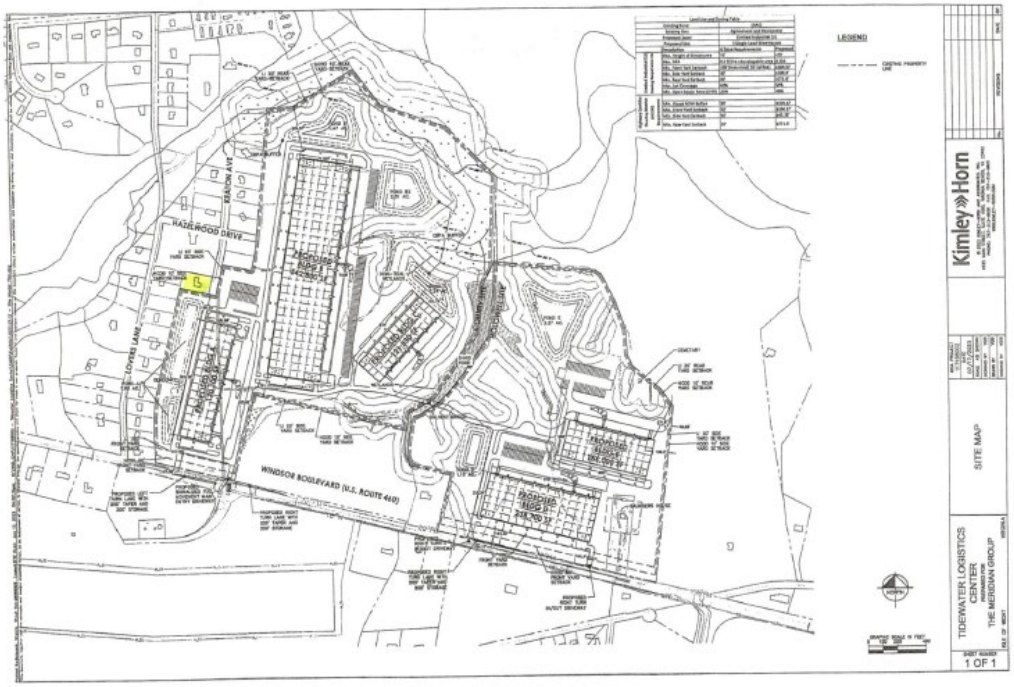
Chairman Carroll called for a vote to approve the consent agenda. Commissioner Bowser made a motion to approve the consent agenda. Commissioner Taylor seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

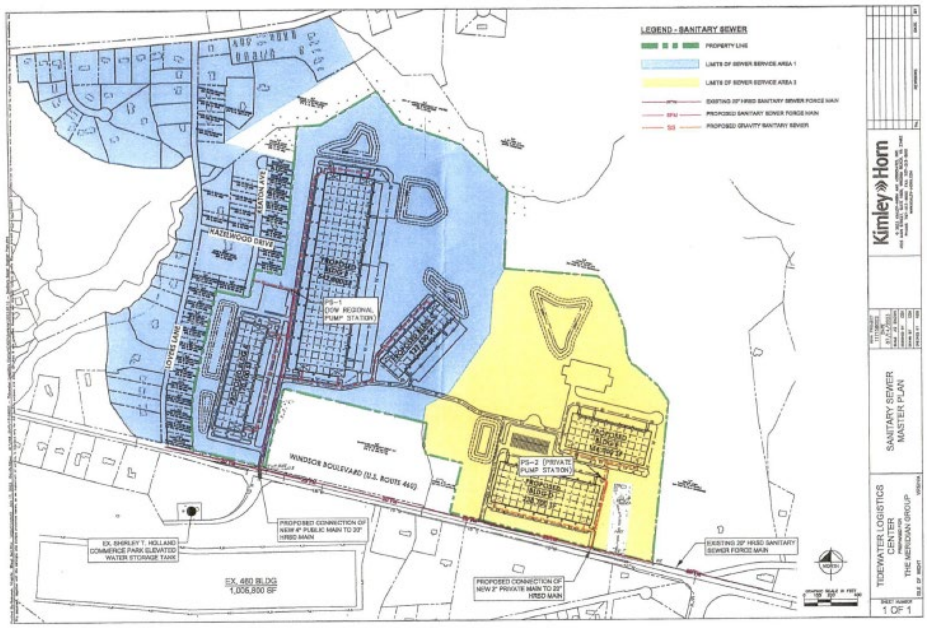
Chairman Carroll called for any citizen comment that is not up for Public Hearing.

James Villers, 12262 Keaton Avenue, Windsor, spoke against the proposed Tidewater Logistics Center saying he did not believe the proposed buffer between the center and his residence was acceptable.

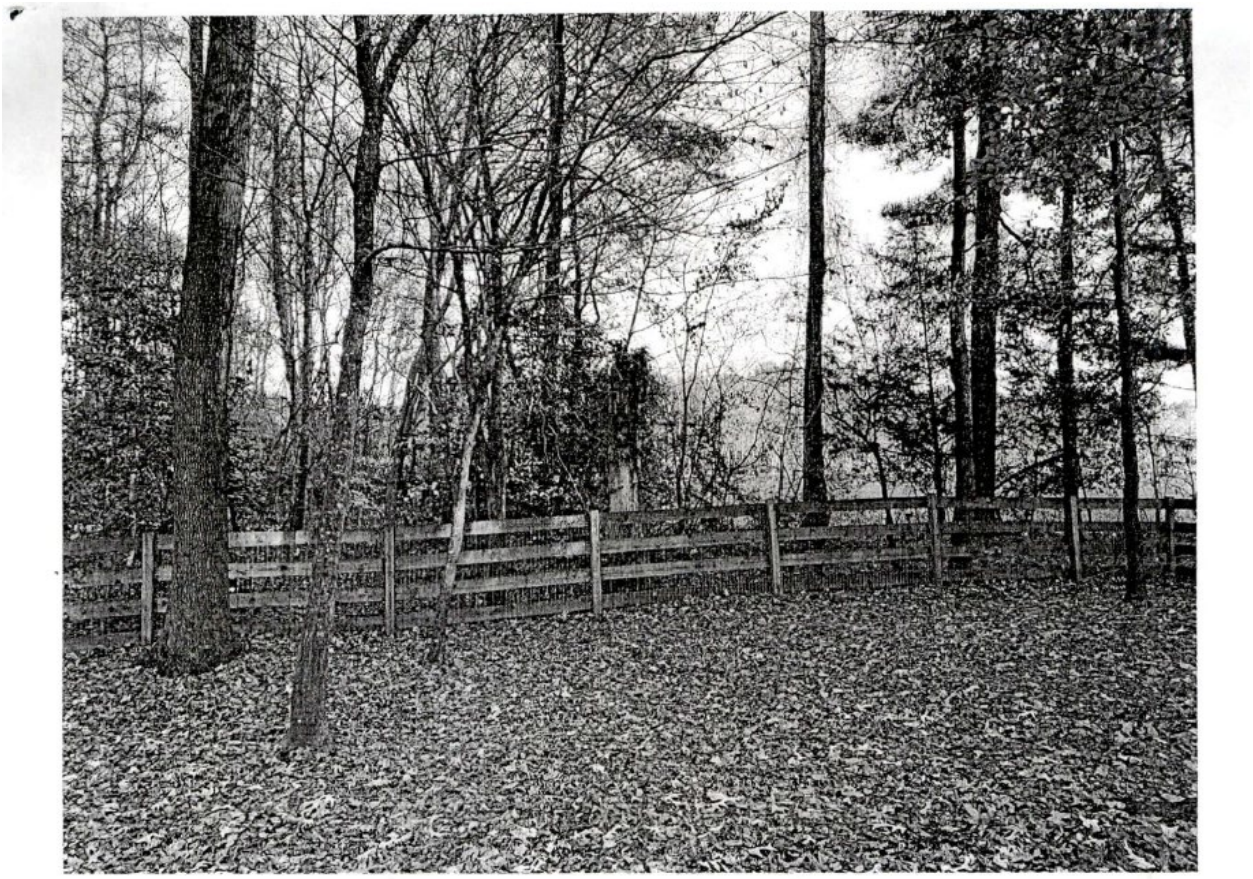
Walter Freeman 12215 Keaton Avenue, Windsor, shared the following packet. Mr. Freeman highlighted his property in yellow and shared his concerns and effects of having a retention pond, trailer parking area and a warehouse close to his home. On the second page of the packet shows a trailer parking area at World Market, his concern is this is what he would see to the rear of his property. Mr. Freeman added that the third page shows the proposed sanitary pump station, which he also had concerns with for the potential odor and noise along with the engineering of the system. Mr. Freeman asked the Planning Commission to compare the buffers installed at the World Market Center compared to the ones being proposed for the proposed facility.


LEGEND
EXISTING PROPERTY LINE
HAZELWOOD DRIVE
WINDSOR BOULEVARD (U.S. ROUTE 460)
PROPOSED BUILDING 1 800,000 SF
PROPOSED BUILDING 2 800,000 SF
PROPOSED BUILDING 3 206,700 SF
Kimley»Horn
TIDEWATER LOGISTICS CENTER
SITE MAP
THE MERIDIAN GROUP
1 OF 1




LEGEND - SANITARY SEWER
PROPERTY LINE
LIMITS OF SEWER SERVICE AREA 1
LIMITS OF SEWER SERVICE AREA 3
EXISTING 20" HRSD SANITARY SEWER FORCE MAIN
PROPOSED SANITARY SEWER FORCE MAIN
PROPOSED GRAVITY SANITARY SEWER
HAZELWOOD DRIVE
LOVERS LANE
PS-1 (DOW REGIONAL PUMP STATION)
PROPOSED BUILDING 1 800,000 SF
PROPOSED BUILDING 2 800,000 SF
PROPOSED BUILDING 3 206,700 SF
PS-2 (PRIVATE PUMP STATION)
WINDSOR BOULEVARD (U.S. ROUTE 460)
PROPOSED CONNECTION OF NEW 8" PUBLIC MAIN TO 20" HRSD MAIN
EX. SHIRLEY T. HOLLAND COMMERCE PARK ELEVATED WATER STORAGE TANK
EX. 460 BLDG 1,006,800 SF
PROPOSED CONNECTION OF NEW 2" PRIVATE MAIN TO 20" HRSD MAIN
EXISTING 20" HRSD SANITARY SEWER FORCE MAIN
Kimley»Horn
SANITARY SEWER MASTER PLAN
TIDEWATER LOGISTICS CENTER
THE MERIDIAN GROUP
1 OF 1

Wade Beale, 12284 Keaton Avenue, Windsor, shared his concerns about the proposed Tidewater Logistics Facility. Mr. Beale stated that he feels betrayed by what has happened in private and not shared with the public regarding this facility, and the fact that the Economic Development Department has changed their view for the proposed development of this parcel. He feels that the safety of the neighboring residential neighborhood should be prioritized. Mr. Beale shared his concern about the traffic impact, privacy of nearby homes, constant noise, transient employment, potential crime, his children's safety, and environmental effects. Mr. Beale shared the following pictures of his home in regard to the positioning of the proposed facility. Mr. Beale asked for his concerns to be considered and the application to be denied.



Backyard looking at warehouse and parking area.
No berm proposed here.



Photo from parking area looking into backyard.
No berm proposed here.



View of home illuminated at night visible from warehouse.



View at night of home from parking area.
. No berm proposed here.
Picture does not do justice for how well you can see into windows.

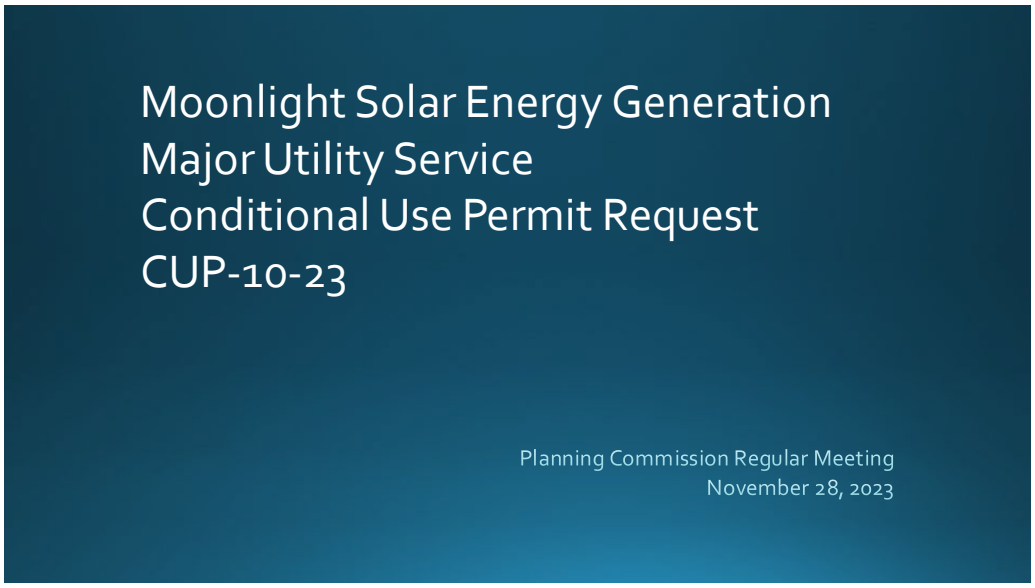
PUBLIC HEARINGS

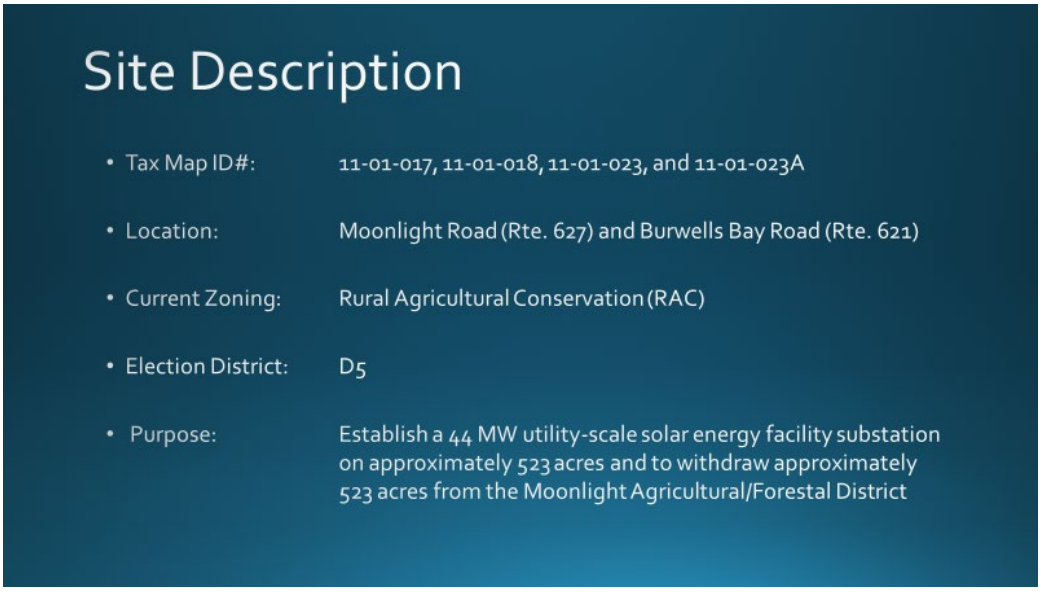
Chairman Carroll called for the public hearing on the following item:

> Application of Moonlight Solar, LLC (CUP-10-23), applicant, and George Benjamin Edwards, Jeanette J. Edwards, George W. Edwards, LeAnne Ricks Edwards Wait, and Dana Louise Edwards, property owners, for a conditional use permit to establish a major utility service, specifically a 44 MW utility-scale solar energy generation facility and substation, on approximately 523 acres located on Moonlight Road (Rte. 627) and

Burwells Bay Road (Rte. 621) on tax parcels 11-01-017, 11-01-018, 11-01-023 and 11-01-023A in the Rural Agricultural Conservation zoning district. The application includes a request to withdraw approximately 523 acres from the Moonlight Agricultural/Forestal District.

Caleb Kitchen, Planner I, gave the following presentation.





Project Description

- 44 MW solar energy generation facility on a total of 523 acres that spans across four different parcels.
- Project will consist of solar panels along with their racking systems and metal posts, inverters, collection lines, a substation, fencing, underground conduits lines, and access roads that will connect different sections of the project.
- Substation area will include a transformer, utility interconnection lines, and switching station which will allow the electrical system to interconnect to the 230kV Surry to Chuckatuck Dominion Energy powerline.
- Agricultural and Forestal District Advisory Committee recommended approval of the withdrawal of 523 acres from the Moonlight Agricultural/Forestal District at their October 4th, 2023 meeting.

CUP-10-23 Conditional Use Permit Request - Location Map



CUP-10-23 Conditional Use Permit Request - Closeup Map #1



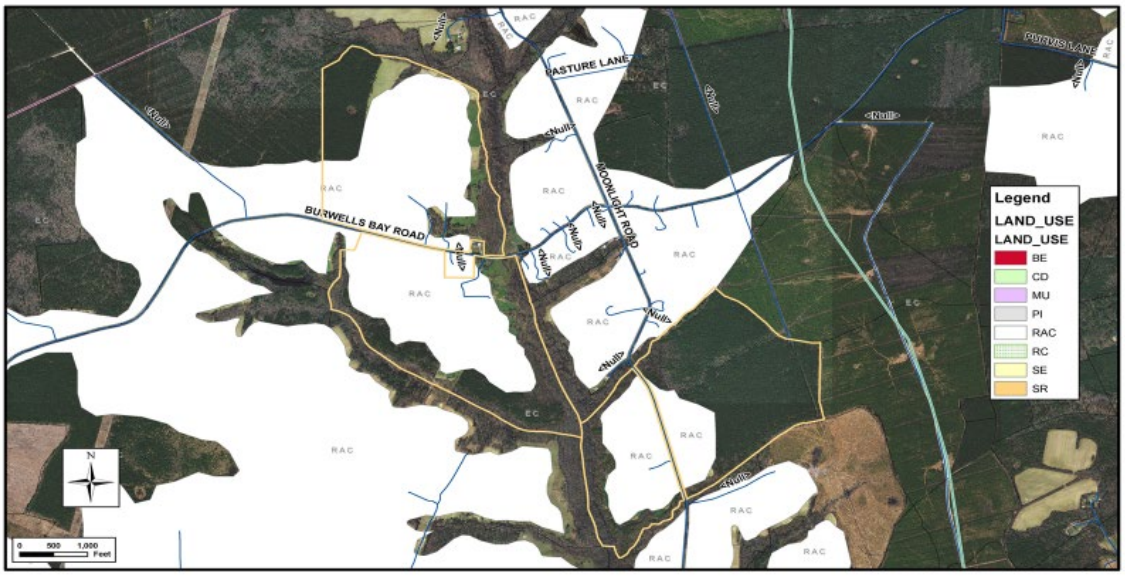
CUP-10-23 Conditional Use Permit Request - Closeup Map #2

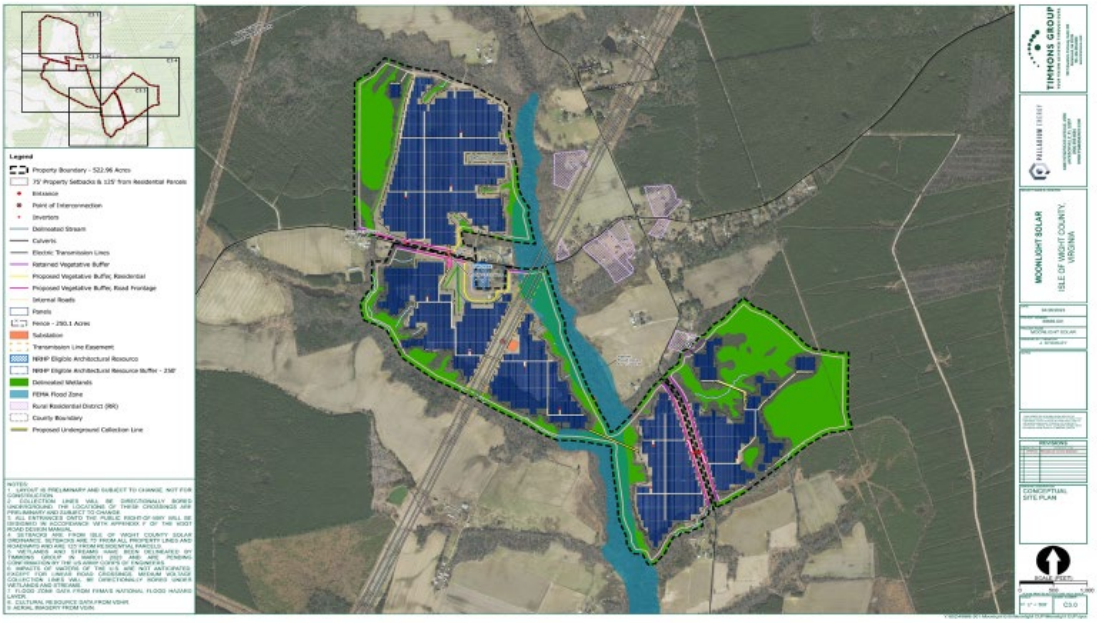


CUP-10-23 Zoning Map



CUP-10-23 Land Use Map




Legend
Property Boundary - 522.96 Acres
75' Property Setbacks & 125' from Residential Parcels
Entrance
Point of Interconnection
Inverters
Delineated Stream
Culverts
Electric Transmission Lines
Retained Vegetative Buffer
Proposed Vegetative Buffer, Residential
Proposed Vegetative Buffer, Road Frontage
Internal Roads
Panels
Fence - 250.1 Acres
Substation
Transmission Line Easement
NRHP Eligible Architectural Resource
NRHP Eligible Architectural Resource Buffer - 250'
Delineated Wetlands
FEMA Flood Zone
Rural Residential District (RR)
County Boundary
Proposed Underground Collection Line
TIMMONS GROUP
MOONLIGHT SOLAR
ISLE OF WIGHT COUNTY, VIRGINIA
REVISIONS
CONCEPTUAL SITE PLAN
C3.0









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

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

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

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

Staff Analysis – Public Facilities

- Impacts on public roads will occur primarily during construction where neighboring properties may be temporarily impacted by construction traffic and noise generation.
- Applicant has provided a proposed construction traffic route which states that deliveries will be coming from Old Stage Highway (Rte. 10) and down Burwells Bay Road.
- Applicant proposes that hours of construction be limited from 7:00 a.m. to 6:00 p.m.

Staff Analysis – Environmental Resources

- Project lies within the Blackwater River watershed area
- There are two instances of underground collection lines crossing wetlands, of which one of these includes the underground collection line crossing a Zone A floodplain along Stallings Creek.
- Department of Conservation and Recreation's Division of Natural Heritage (DCR) confirms no impacts to threatened or endangered plants or animals.
- Impacts to ecological cores classified as high, moderate, and general (C_3, C_4, C_5) as identified in the Virginia Natural Landscape Assessment through DCR.
- Total prime farmland impact: 274 acres

Staff Analysis – Historical Resources

- Phase 1B archeological study identified 5 archeological sites – None of these sites are considered eligible for listing in the National Register or Historic Places.
- Moonlight Solar will work with landowners to give the Isle of Wight County Museum the opportunity to be a repository for any new finds.
- Phase 1 architectural study identified 21 historic structures – None of the surveyed resources were eligible for listing in the NRHP.
- Carroll Plantation House (VDHR #046-0064) has been listed as eligible for the NRHP and is located on an adjacent parcel. Previously determined potentially eligible as a good example of an early to mid-nineteenth century plantation home.

Staff Analysis – Economic Impact

- Current Assessed Value: $505,600
  - Generates $1,500.50 in agricultural real estate tax revenue, or $63,100 over forty years.
- Previous Criteria for assessing land associated with CUP:
  - Only included fenced-in acreage and independent of a siting agreement.
  - Real Estate and Capital Investments generate approx. $3,241,400 over forty years.
- New criteria: $15,000 per acre for entire area approved for CUP - 492.38 acres
- Proposed siting agreement: $25,000 per megawatt, totaling $1.1 million
- Current Agricultural Economic Output: $146,832 market value (USDA-NASS)
- IMPLAN Model Assumptions for solar use: 2 jobs, $84,600 in wages and benefits, and $297,800 in economic output.




PALLADIUM ENERGY
Moonlight Solar
VS3
AT MATURITY
ISLE OF WIGHT COUNTY, VA
Visualization by Timmons Group


PALLADIUM ENERGY
Moonlight Solar
VS2
AT MATURITY
ISLE OF WIGHT COUNTY, VA
Visualization by Timmons Group



Comprehensive Plan Review

- Future Recommended land use designation for these properties is Rural Agricultural Conservation (RAC) and Environmental Conservation (EC) under the 2020 adopted Comprehensive Plan.
- Appropriate uses for the RAC land use designation include agriculture, horticulture, forest lands, and scattered low-density residential uses. Other uses such as recource extraction and utility scale solar facilities are also permitted when appropriately sited.
- Appropriate uses for the EC land use designation include wetlands, farms, forest uses, open space, and limited park facilities.
- Solar Energy facilities are considered compatible with the RAC land use when properly sited and with the application of appropriate development criteria. The areas designated as EC should be preserved due to environmental constraints unless site-specific analysis demonstrates there are no environmental concerns in a specific area.

Department and Agency Review

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

- Economic Development: No Concerns.
- Emergency Services: All concerns have been addressed in the application
- Environmental Planner: All concerns have been addressed in the application.
- Commissioner of the Revenue: The July 1, 2023 General Reassessment of Real Estate established new criteria for assessment of land associated with conditional use permits. The new methodology for solar farms establishes an assessment of $15,000 per acre for the entire area approved for the CUP. Moonlight Solar designates a 250-acre fenced-in aite as solar use property. The use permit application applies for 492.28 acres. The $15,000 per acre assessment will apply to the 492.38 acres. This will result in an increased amount of taxes, higher than the project's financial analysis projects.
- County Attorney: Only include conditions that go above what is now required under the Zoning Ordinance.

Department and Agency Review Cont.

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

- Sheriff's Department: Increase in patrol during the construction phase and the traffic impacts on proposed transportation routes. These are primarily secondary roads with no to minimal shoulders and are also shared with farm vehicles. During the construction phase they will be bringing in heavy equipment and large vehicles which will require escorts or even road closures. Also, there being multiple sites there is a concern of the operation of heavy equipment on the roads from one parcel to another.
- VDOT: All concerns have been addressed in the application
- Isle of Wight County Museum: No additional archeological work is recommended. Potential for archeological artifacts is highly likely. Museum should be considered for repository.

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

Staff Analysis

Strengths:

1. Application is generally consistent with the Comprehensive Plan and can meet all ordinance requirements.
2. The proposed use will have minimal impact on community facilities and resources.

Weaknesses:

1. The proposed use would remove agricultural land from production.
2. Temporary impact to residential development in the area from construction traffic and noise is expected during the construction phase.
3. The project will create visual impacts to historical properties which can be substantially mitigated upon landscaping maturity.
4. The project will impact identified ecological core areas, including 36 acres of cores with high importance, 4.4 acres of cores with moderate importance, and 12.7 acres of cores with general importance.
5. Approval of the project would result in a multiplicity and saturation of similar uses within a ½ mile distance to another solar energy generation facility.
6. With no to minimal shoulders and deep ditches at several points along the proposed transportation route there may be safety issues that arise as construction vehicles meet along the route.

CUP-10-23 Cavalier Solar and Moonlight Solar - Proximity Map







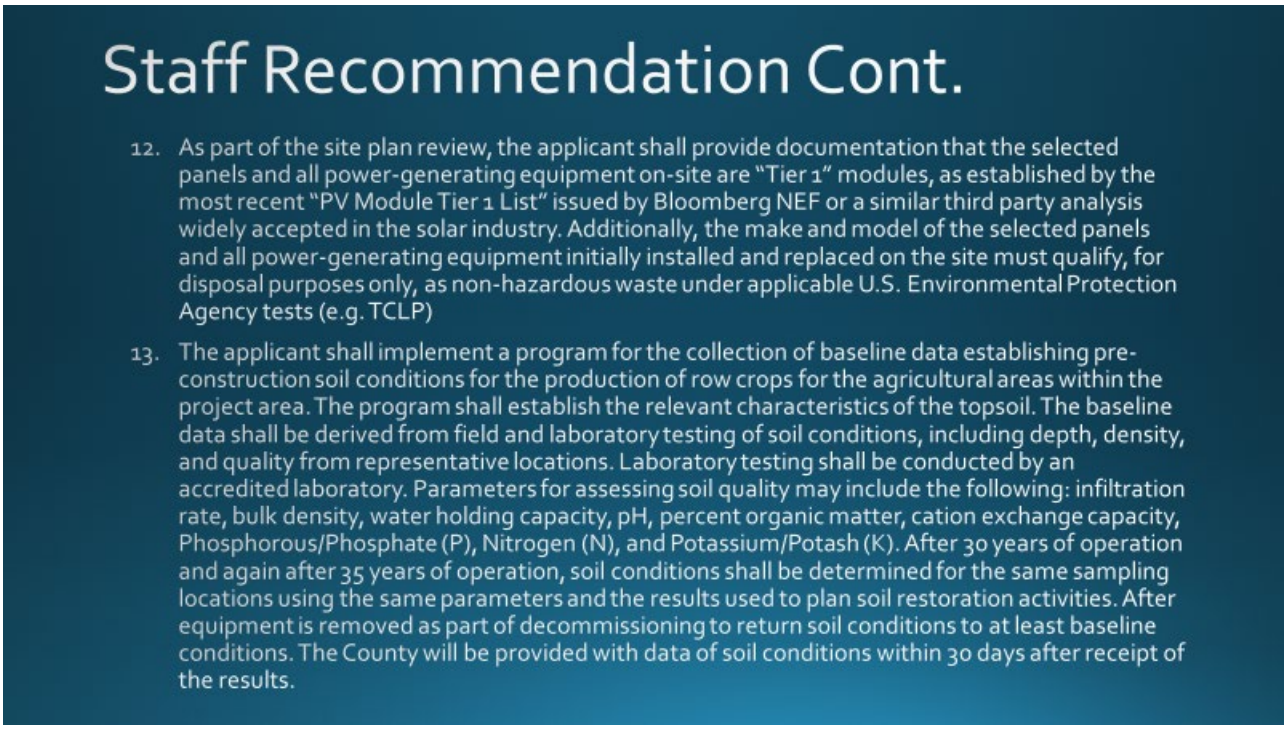
Staff Recommendation

Based on the identified weaknesses, staff recommends denial of the Conditional Use Permit and the Moonlight AFD withdrawal request. However, should the CUP and withdrawal be approved, staff recommends the following conditions:

1. Topsoil shall be stockpiled on the site and shall be stored out of view from adjacent properties and public roads.
2. The applicant shall submit an invasive species management plan as recommended by DCR with the submission of the final site plan.
3. The applicant shall submit a habitat assessment relative to the Barking treefrog as recommended by DCR.
4. The applicant shall submit a seed mix for site groundcover that includes native pollinators blooming in spring/summer as recommended by DCR.
5. A laminated Emergency Response Poster will be mounted near the front gate. The poster will include a general site plan, evacuation routes and muster points, emergency response chain of command, directions to the closest hospital, coordinates to the closest life flight landing area, and other pertinent information associated with the facility during an emergency response.

Staff Recommendation Cont.

6. The applicant will work directly with the Isle of Wight County Chamber of Commerce, Paul. D. Camp Community College, and the Economic Development Department to ensure inclusion of local contractors in the bidding process.
7. The facility perimeter fencing will be equipped with push bar pedestrian gates to permit emergency exits from the facility.
8. Adherence to the proposed transportation plan shall be required for all facility traffic. Truck traffic shall be limited to only the routes shown in the transportation plan. No other local routes in Isle of Wight County may be used.
9. Excluding the bufferyards, the ground between the panels and in areas not otherwise covered by gravel or infrastructure shall be planted and maintained with a vegetative cover. This vegetative cover will be managed with mowing and/or grazing.
10. Hours of operation for construction and post-construction operation shall be limited to Monday through Friday, 7:00 a.m. to 6:00 p.m. Saturdays from 7:00 a.m. to 5:00 p.m. No construction is to occur on Sundays by any party involved with the project.
11. Any recommendations provided by the Virginia Department of Historic Resources (VDHR) during site plan review will be adhered to, in addition to requirements in the zoning ordinance.



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

Chance Zajicek, Development Manager with Palladium Energy, gave the following presentation.



MOONLIGHT SOLAR

- Project Overview
- Project Location
- Project Extent
- Project Timeline

Project Overview

- Utility-Scale Solar Facility (44 MW)
- Originated by RES, acquired by Palladium Energy, and jointly developed
- Interconnection: Dominion Energy 230kV
- Construction commencement 2027
- $5,438,000 in tax revenue and economic benefit to the County over the Project lifetime
- Planning Staff concluded: The application is generally consistent with the Comprehensive Plan and can meet all ordinance requirements
- Requesting a deferral of recommendation for the Project's Conditional Use Permit application until January 2024

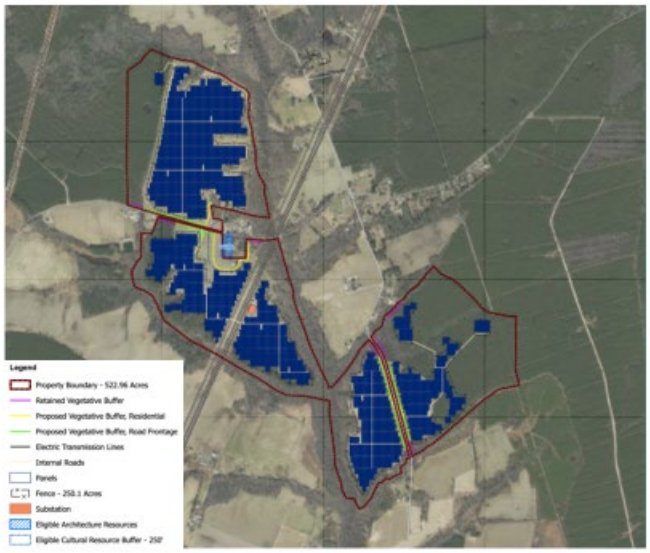


Project Location



- Located approximately 5 miles northwest of Smithfield; intersected by Burwells Bay Rd. and Moonlight Rd.
- Located in Rural Agricultural Conservation (RAC)
- Located outside the Chesapeake Bay RPA
- Current Use: agriculture
- Adjacent Uses: timber, agriculture, low-density residential

Project Extent

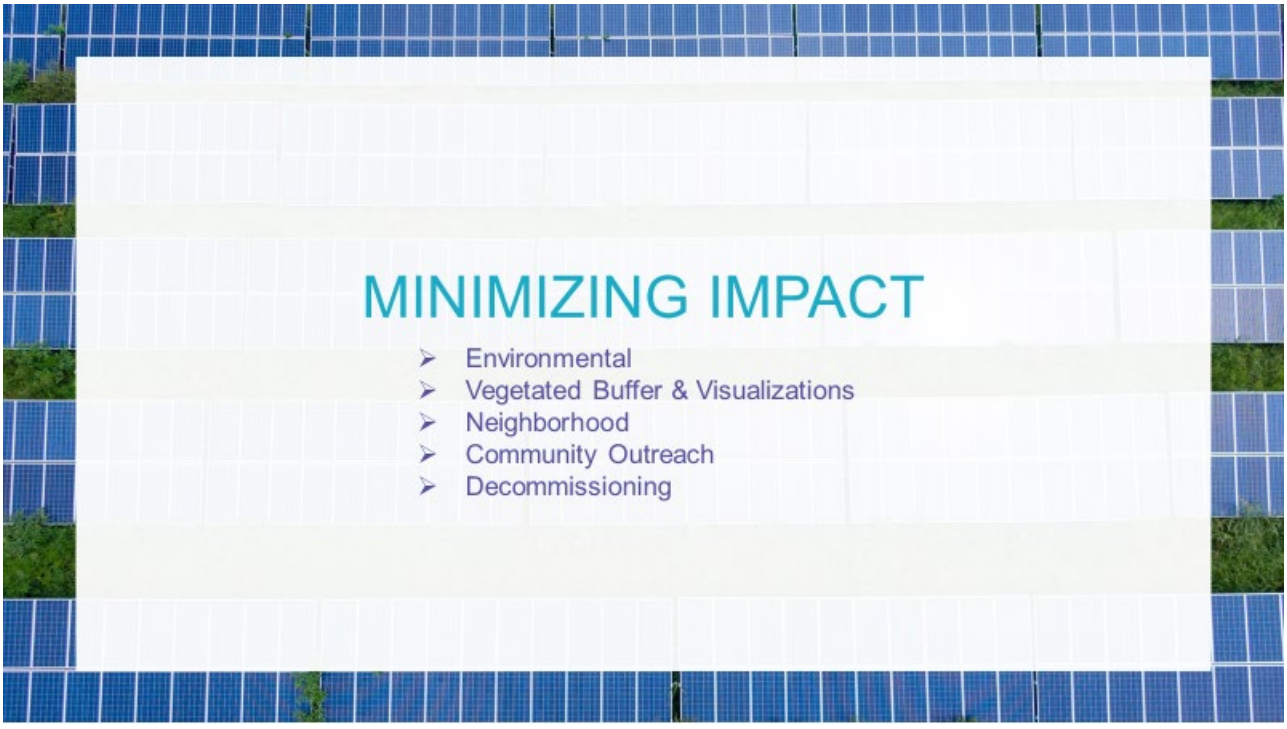


- **Total Site Control Area: ±522 ac.**
- **Area inside the fence line: ±250 ac.**
- **Significant open space & wildlife corridors throughout the site**
- **Setbacks and vegetative buffers meet or exceed the County's ordinance**
  - 75+ ft. setback from property boundary and public ROW,125+ ft. from residential property lines, & 250+ ft from eligible cultural resources
  - Substation, transformer and inverters 500ft + from any non-participating property line
  - Unseen at vegetative buffer maturity – protecting the character of surrounding properties
  - Vegetative buffer planted early in construction and maintained for the life of the facility
- **Connecting to Dominion 230kV line**
  - Electrical Point of Interconnection (POI) is on-site and won't require off-site easements

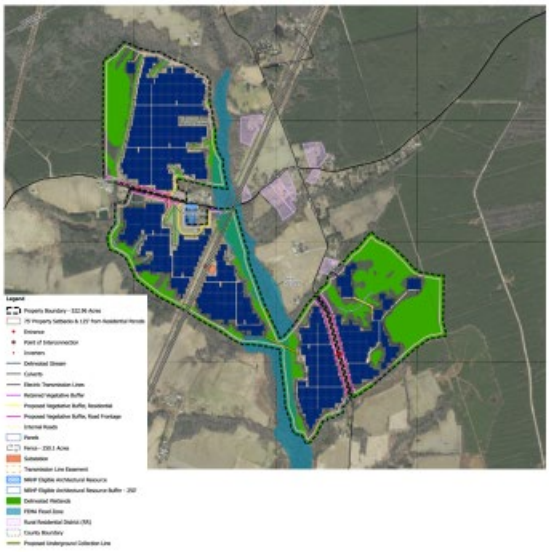
Project Timeline

1. Obtain Conditional Use Permit: **February 2024**
2. Interconnection Studies: **2025 – 2026**
3. Complete Remaining Permitting Activities: **2026***
4. Virginia Permit-by-Rule: **2025/2026**
5. Estimated Construction: **2027**
6. Commercial Operation: **Late 2027 – Early 2028**

*Final Site Plan Approval



Environmental



- Protection of water resources
  - Streams and Wetlands have been field-delineated
    - Wetland setbacks
    - Preservation of natural buffer
  - Streams and Wetlands avoided to greatest extent possible
  - Stormwater Pollution Prevention Plan (SWPPP) will be prepared prior to construction
    - BMPs will be implemented
    - All state & local laws will be strictly followed
- Ecological Cores
  - The Project will have minimal impact to Ecological Cores (Timmons Group, 2023)
- Protection of wildlife
  - Wildlife corridors
  - Native, pollinator-friendly ground cover
  - No known habitat for threatened or endangered species on site (Timmons Group, 2023)
- Soil testing
  - Pre-construction, post-construction, continuing every 5 years for the life of the project

Vegetative Buffer & Visualizations

- 50+ ft. vegetative buffer to minimize impacts on public viewsheds and residential properties
- Existing vegetation will be preserved where possible
- Planted vegetation will be installed in areas with insufficient existing vegetation
- Early planting of vegetation during construction
- Buffers supplemented with pollinator-friendly and wildlife-friendly landscaping as needed

BURWELLS BAY ROAD AT PLANTING



BURWELLS BAY ROAD AT MATURITY



Vegetative Buffer & Visualizations

MOONLIGHT ROAD AT PLANTING



MOONLIGHT ROAD AT MATURITY



Neighborhood

- Setbacks & Buffers:
  - 75+ ft. from non-participating property lines & public roads
  - 125+ ft. from residential property lines
  - 250+ ft from eligible cultural resources
  - Substation, transformer and inverters 500ft + from any non-participating property line
  - 50+ ft. vegetative buffer
- Compatible: able to exist together with adjacent uses without conflict
- Construction activity limited to 7:00am-6:00pm Monday-Friday and Saturdays from 7:00am-5:00pm. No construction to occur Sundays.
- Once operational Moonlight Solar won't contribute:
  - Noise, Light, Odor, Traffic
- No adverse impact on public health or safety (Tommy Cleveland, PE, 2023)
- No adverse impact on historical resources (Apogee, 2023)
- No adverse impact on neighboring property values (Kirkland Appraisals, 2023)
- Any damage to roadways during construction repaired at Applicant's expense
- Transportation plan to be refined with VDOT and the County to address Staff and community concerns

Community Outreach

- Contacted 61 neighbors with project information and an invitation to a community meeting
- Hosted a community meeting at the Moonlight Hunt Club on 11/16/2023
  - Presentation of project information, preliminary site plans, and proposed equipment haul route
  - Total of 14 neighbors attended
  - Primary questions and concerns were largely centered around the vegetative buffers and the proposed transportation haul route
- Health and Safety assessment made available to community members

Decommissioning

- Draft decommissioning plan and cost estimate submitted with CUP application
- Final decommissioning plan to be approved by County prior to construction
- All County and State decommissioning requirements will be met
- Plan details:
  - Decommissioning security posted prior to issuance of building and electrical permits
  - Security = full amount of estimated decommissioning and reclamation costs
  - Estimated cost to decommission the facility: ~$3.5M (Timmons Group, 2023)
    - Salvage value not included in estimated cost to decommission the facility
    - Security to be posted prior to final site plan approval
    - Security amount updated every five years



Economic Benefit

- Substantial benefit to Isle of Wight County
- **Economic Analysis Performed by Mangum Economics; 2 scenarios evaluated –**
  - Scenario 1 assumed standard taxation of the capital investment representing **over 85x** the tax revenue over 40 years compared to current use ($5.438M vs. $63,100)
  - Scenario 2 assumes a Solar Revenue Share Ordinance replacing traditional taxation of machinery and equipment. Should Isle of Wight County decide to adopt such an ordinance this would represent **over 97x** the tax revenue over 40 years compared to current use ($6.148M vs. $63,100)
- Notice of Intent to Negotiate Siting Agreement with the County filed
  - **~ $1.1 million** in additional revenue ($25,000 per Megawatt)

Tax Base Comparison* Scenario 1		
	Year 1	40 Year Total
Current Use	$1,580	$63,100
Moonlight Solar	**$1,175,164**	**$5,438,000**

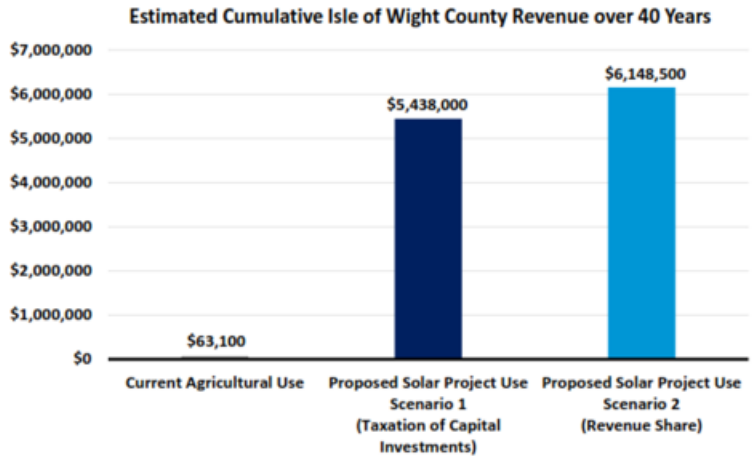
*Table above shows estimated County revenues from real property taxes, Siting Agreement payment, and Taxation of Capital Investment

Tax Base Comparison* Scenario 2		
	Year 1	40 Year Total
Current Use	$1,580	$63,100
Moonlight Solar	**$1,167,760**	**$6,148,500**

*Table above shows estimated County revenues from real property taxes, Siting Agreement payment, and revenue share taxation

Tax Base Comparison

- **Increased taxes without increased demand for tax-funded services**
- **Increased revenue funds County projects without raising residents' property taxes**



* Estimates based on current tax rates, Taxation of Capital Investments, Siting Agreement, and Solar Revenue Share

Project Request

Requesting a deferral of recommendation for the project's Conditional Use Permit application until January 2024. During this time, we will work to address and mitigate recently identified concerns including:

- Transportation route and safety concerns with VDOT and the County
- Impacts to residential development during construction from traffic and noise
- Impacts to ecological core areas
- Dust control and mitigation during construction



Mr. Zajicek stated they are requesting a deferral of recommendation for the project's conditional use permit application until January 2024.

Jill Edwards, 8266 Moonlight Road, stated her husband is one of the property owners applying for this application. Ms. Edwards stated she is in support of this application and the benefits it will bring to the County as well as financial security for her family's future. Ms. Edwards added the tax revenue will help fund public services for schools and first responders, bring new jobs and income diversity for her family.

Steve Murphy, 11250 Burwells Bay Road, stated he has concerns about the visual impacts, road conditions, property values, and school bus hazards. Mr. Murphy asked what the local energy benefits are, and if there was anything for Community Electric customers. Mr. Murphy also shared his concern about the environmental impacts and asked if the County was doing their own study.

Blake Cox, 6454 Waymore Lane, Chesterfield, VA, Energy Right, stated he believes local decisions should be left to the local leaders of the communities not the state. Mr. Cox also stated that solar provides farmers with a second income and provides tax benefits to the County with little to no impact on county resources.

Chairman closed the public hearing and asked for discussion from the Commissioners.

Commissioner Smith asked the applicant what the available capacity in the transmission lines is.

Mr. Zajicek stated the third-party report submitted with the application stated there was sufficient capacity to accept the power generated at the facility.

Commissioner Gibbs asked if some of the components from the solar system would be left in the ground as the presentation stated.

Garret Weeks, 4446 Hendrix #356, Jacksonville, FL, representing the applicant, stated that statement was addressing the equipment's deep pile foundations that would be from the larger equipment driven down twenty to thirty feet into the ground. He added that the solution is to dig them up and cut them at three feet below grade.

Commissioner Gibbs asked how that could affect farm equipment.

Chairman Carroll stated farm equipment doesn't go three feet into the ground. He added his concern is the ability to bring the land back to its original existing conditions.

Commissioner Boykin asked if staff believed the transportation concerns could be corrected.

Caleb Kitchen stated the current proposed route makes the most sense on paper, and when looking to choose a secondary route, there are additional concerns as well.

Commissioner Smith addressed the use saturation concern and asked how many acres of this use are within the half mile of the project.

Chairman Carroll asked if the Planning Commission wanted to continue discussion, move forward with the requested deferral, or take action.

Commissioner Boykin stated she didn't believe they would bring anything back in January that would make her change her mind and is ready to take action.

Commissioner Gibbs stated that he believed the application should be allowed to come back in January.

Commissioner Taylor stated that some of the concerns are not going to change, like the 274 acres of prime farmland to be taken out of production.

Commissioner Ford asked if the only reason for the deferral is for the concerns at the community meeting.

Chace Zajicek stated the reason for the deferral is to address the concerns of the community and feedback from the staff report and would like the opportunity to mitigate some of the issues.

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

The motion passed, and the item will go to the December 14, 2023, Board of Supervisors meeting.

Commissioner Bowser stated there was a mistake in the October Meeting minutes and made the motion for the corrections to be made, Commissioner Smith seconded the motion. Chairman Carroll asked for all in favor to signify by saying aye. The motion passed unanimously.

OLD BUSINESS

Chairman Carroll called for the following old business item:

> Application of NVR, Inc., applicant, and, Henry Layden, special trustee for the William Grover Yeoman, III Trust, property owner, for a Conditional Rezoning (ZA-06-19) of approximately 250 acres of property with tax map number 32-01-009 located on Benns Grant Boulevard (Rte. 10) from the Rural Agricultural Conservation (RAC) zoning district to the Conditional - Planned Development - Mixed Use (C-PD-MX) zoning district.

Ms. Ring gave the following presentation on the updates of this application since the last meeting.



SITE DESCRIPTION

Tax Map ID#:	32-01-009
Location:	East Side of Benns Church Boulevard (Rte. 10) adjacent to Sherwin Williams Paint Store and Smithfield Town Limits
Current Zoning:	RAC, NDSO, and CBPA Overlay District
Election District:	District 1
Request:	To allow up to 390 age-restricted single family detached residential units, 225 residential townhomes, and approximately 5 acres of commercial uses up to 18,000 SF of retail & commercial uses & up to 55,000 SF of office

Local Roots, Global Reach

BACKGROUND

- Planning Commission held a public hearing on the proposed application at their September 26, 2023, regular meeting.
- Following the public hearing, the Planning Commission moved to continue their discussion to their next regular meeting in order to allow staff time to provide additional information to the Commission.
- Staff met with Fire and Rescue and Schools to further discuss operational impacts.
- Staff recommended no action for the Planning Commission at their October 24, 2023, regular meeting to allow more time for schools. Planning Commission voted to continue their discussion of the application to their November 28 meeting.

Local Roots, Global Reach

Changes Since September 26, 2023 Public Hearing

- Staff submitted to follow-up questions to Schools and met with fire and rescue and school staff to discuss operational impacts.
- Fire and Rescue found no detrimental impacts to their current operations
- Schools provided some information but still waiting on outstanding questions. Information provided in staff report under Current Project Status.
- Applicant submitted revised application documents to address Planning Commission concerns on October 23, 2023.

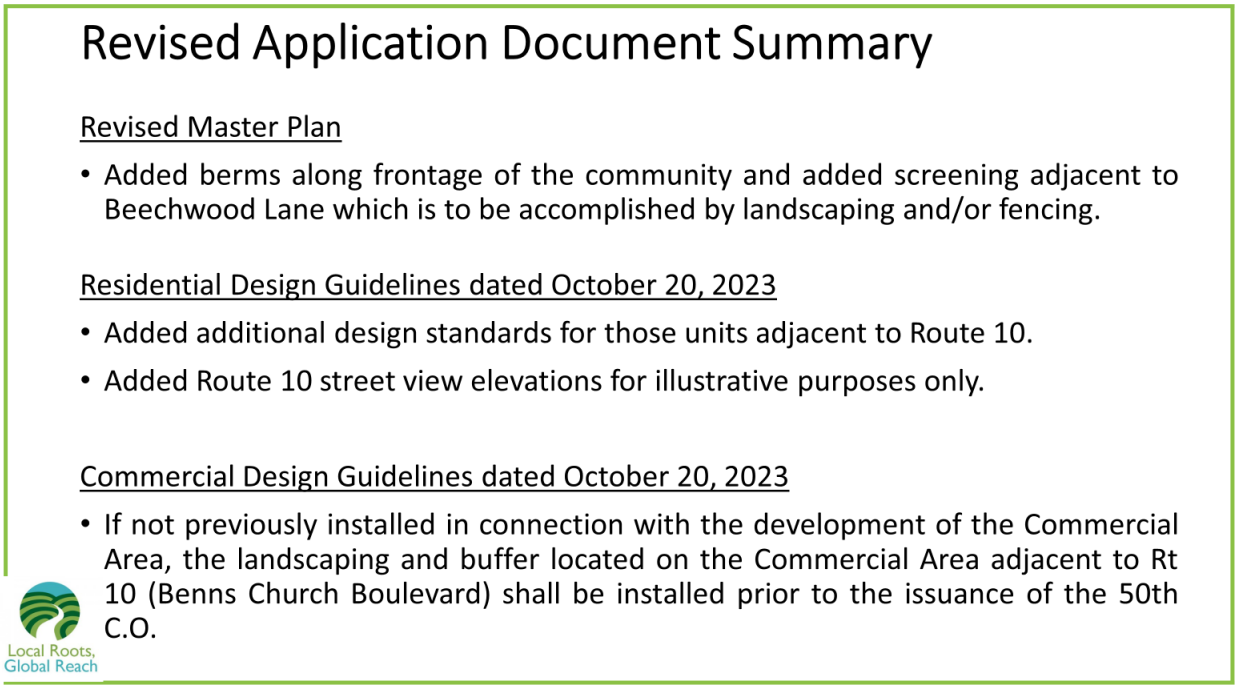
Local Roots, Global Reach

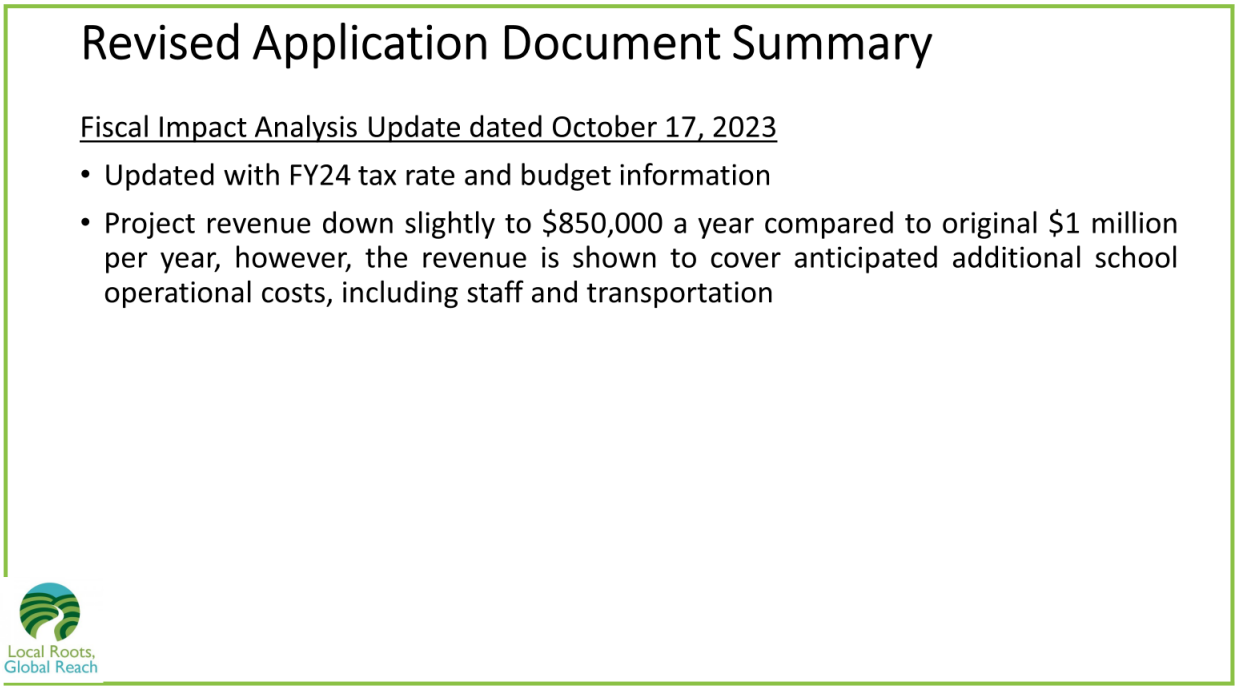
Revised Application Document Summary

<u>Proffer Statement</u>

- Revises proffered document submission dates include the master plan, residential design guidelines, and Sweetgrass Elevations – even though the Elevations submitted still reference a June 2023 date and needs to be changed.
- Proffers also commit to installing the landscaping buffer adjacent to the commercial area prior to the 50th CO in the residential area, if not previously installed by commercial development. Staff does not agree with a berm for reasons I will describe in a moment.
- Removes the 90-day limit of persons under 19 years of age
- Prohibits the short term rentals which staff recommends be included in the HOA covenant and restrictions.

Local Roots, Global Reach





Chairman Carroll called for discussion from the Commissioners.

Chairman Carroll asked if there was anyone present representing schools.

Ms. Ring stated no one from schools is present.

Chairman Carroll stated several questions have been asked to schools, and he invited staff to tonight's meeting.

Commissioner Bowser asked if staff could get involved to help facilitate.

Ms. Ring said she was copied on the correspondence and has not heard anything back either.

Commissioner Bowser stated its concerning there has been no additional information provided by the schools.

Chairman Carroll agreed that it is concerning and stated it is unfair to the applicant.

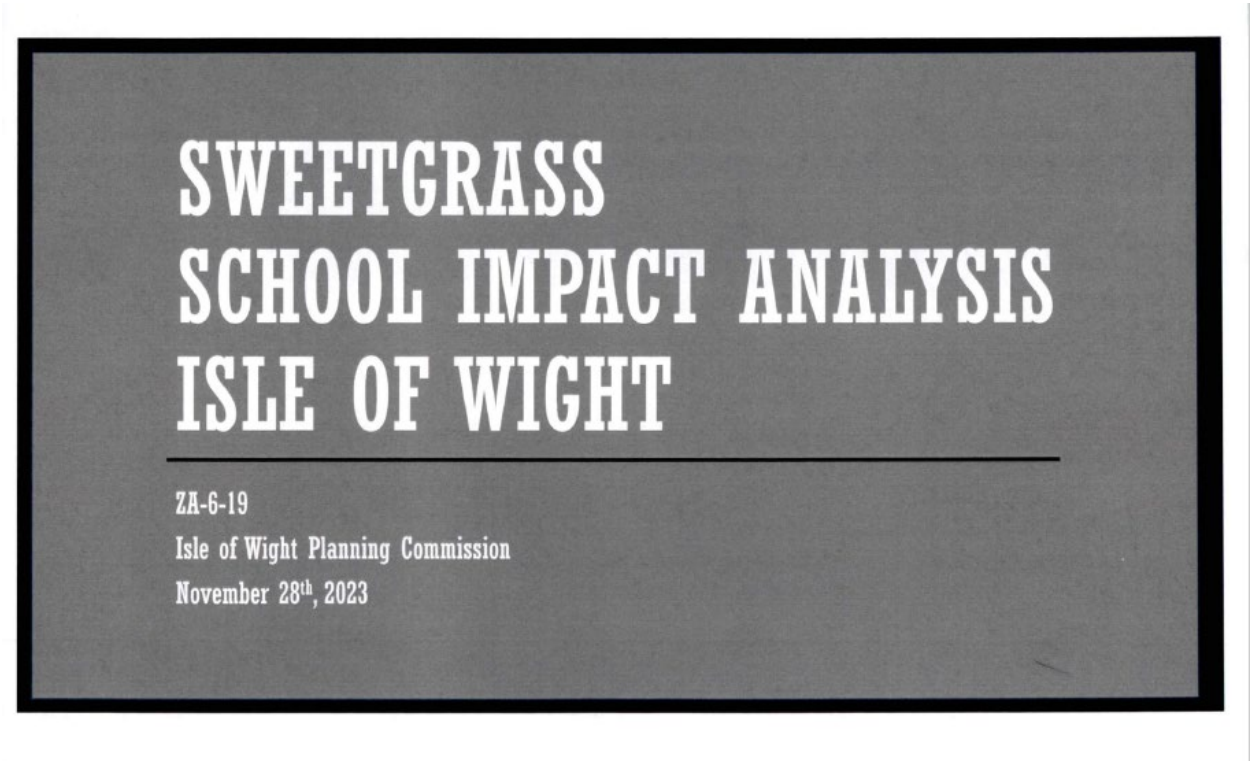
Commissioner Boykin asked if the presentation to the School Board was thought to be enough.

Ms. Ring stated it answered a few of the questions but not all of them.

Chairman Carroll stated the one-hundred days for this application will be up in January, and they could table this until the December 12th meeting.

Chairman Carroll called the applicant to speak.

Adam Edbauer, 556 Rivergate Road, Chesapeake, representing the applicant, passed out and discussed the following presentation.



CALCULATING SCHOOL IMPACT

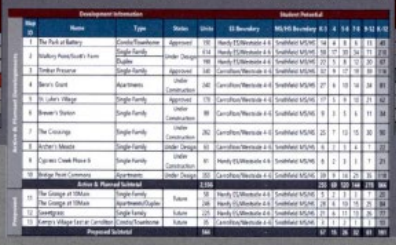
DATA FROM ISLE OF WHITE SCHOOL BOARD MEETING ON 11.8.23

Yield by Boundary & Grade Configuration	Apartment	Manufactured Home	Single Family Home	Townhome
Carrollton/Westside 4-6	0.09	0.12	0.13	0.09
Carrsville ES	-	0.07	0.12	-
Hardy ES/Westside 4-5	-	-	0.04	-
Hardy ES/Westside 4-6	0.15	0.06	0.07	0.16
Windsor ES	0.09	0.12	0.10	-
Windsor ES/Westside 6	-	-	0.05	-
K-3 Subtotal	**0.11**	**0.10**	**0.09**	**0.09**

Yield by Boundary & Grade Configuration	Apartment	Manufactured Home	Single Family Home	Townhome
Carrollton/Westside 4-6	0.02	0.04	0.04	0.02
Carrsville ES	-	0.02	0.02	-
Hardy ES/Westside 4-5	-	-	0.01	-
Hardy ES/Westside 4-6	0.03	0.03	0.02	0.05
Windsor ES	0.05	0.03	0.03	-
Windsor ES/Westside 6	-	-	0.01	-
4th Subtotal	**0.02**	**0.03**	**0.03**	**0.03**

COOPERATIVE STRATEGIES
COMPLETE FINANCIAL & DEMOGRAPHIC PLANNING FOR EDUCATION

Housing Type	Units	22-23 Students	22-23 Yield
Apartment	1,121	379	0.338
Manufactured Home	1,174	427	0.364
Single Family Home	8,380	2,888	0.345
Townhome	577	172	0.298
Total	11,252	3,866	0.344



Yield by Boundary & Grade Configuration	Apartment	Manufactured Home	Single Family Home	Townhome
Carrollton/Westside 4-6	0.03	0.04	0.07	0.05
Carrsville ES	-	0.03	0.03	-
Hardy ES/Westside 4-5	-	-	0.01	-
Hardy ES/Westside 4-6	0.03	0.04	0.04	0.04
Windsor ES*	0.05	0.03	0.04	-
Windsor ES/Westside 6	-	-	0.04	-
5-6 Subtotal	**0.04**	**0.03**	**0.05**	**0.05**

Yield by Boundary & Grade Configuration	Apartment	Manufactured Home	Single Family Home	Townhome
Optional MS**	-	-	0.05	-
Smithfield MS**	0.06	0.06	0.05	0.04
Tyler MS***	0.06	0.18	0.07	-
Middle Subtotal	**0.06**	**0.08**	**0.06**	**0.04**
Optional HS	-	-	0.09	-
Smithfield HS	0.10	0.12	0.12	0.09
Windsor HS	0.14	0.11	0.10	-
High Subtotal	**0.10**	**0.11**	**0.12**	**0.09**

CALCULATING SCHOOL IMPACT

TISCHLER BISE = 52 students

*COOPERATIVE STRATEGIES REPORT = 77 students

225 x .34 = 77 Students

(Used Single Family yield metrics vs TH metrics)

Smithfield High = 26

Smithfield Middle = 13

Westside Elementary = 17

Hardy Elementary = 21

COOPERATIVE STRATEGIES COREECTED NUMBERS = 69

225 x .298 = 69 Students

(Using TH impact + Rounding up on per school impact)

Smithfield High = 21

Smithfield Middle = 9

Westside Elementary = 18

Hardy Elementary = 21

COOPERATIVE STRATEGIES
COMPLETE FINANCIAL & DEMOGRAPHIC PLANNING FOR EDUCATION

77 Students

*Isle of White Schools commissioned Cooperative Strategies to review school Capacity. This report was presented at the Isle of Wight School Board meeting on November 8th, 2023. The information & numbers used in this presentation are from this report.

SWEETGRASS SCHOOL CAPACITY IMPACT

School	Oct 31,2023 Enrollment	Capacity	Current Utilization	Plus Sweetgrass	Future Utilization	Future Capacity
Smithfield High	1305	1560	84%	26	1331	85%
Smithfield Middle	602	635	95%	13	615	97%
Westside Elementary	742	849	87%	17	759	89%
Hardy Elementary	639	1011	63%	21	660	65%

COOPERATIVE STRATEGIES CONCLUSION:

THERE IS SCHOOL CAPACITY

For All School Levels

PER STUDENT TOTAL CAPTIAL OPERATIONAL COSTS

*$11,500

***DATA FROM STAFF REPORT AND COUTNY IMPACT MODEL.**

THIS INCLUDES:

BUSSES/TRANSPORTATION SPED STUDENTS CTE EXPENSES

TISCHLER BISE CONCLUSION:

Updated fiscal impact analysis addresses the additional operational expenses raised by School Division and the Project generates $850,000 in reserve annually to cover any potential underestimated or unforeseen costs.

CAPACITY RESOLUTION PROPOSALS

DATA FROM ISLE OF WHITE SCHOOL BOARD MEETING ON 11.8.23

K-3/4-6/7-8 Option (requires redistricting)

School	23-24 Enrollment	Capacity	Utilization	+ Housing Development	Future Utilization	Facilities Considerations
Carrollton Elementary (PreK-3)	1,681	1,995	84%	312	100%	Addition(s), or construct new North side elementary
Carrsville Elementary (PreK-3)						
Hardy Elementary (PreK-3)						
Windsor Elementary (4-6)	1,245	1,584	79%	230	93%	Addition, or construct Westside ES larger than current
Westside Elementary (4-6)						
Georgie Tyler Middle (7-8)	840	1,169	72%	176	87%	Continue to track enrollment trends
Smithfield Middle (7-8)						
Smithfield High (9-12)	1,824	2,435	75%	339	89%	Continue to track enrollment trends
Windsor High (9-12)						
TOTAL	5,590	7,183	78%	1,057	93%	

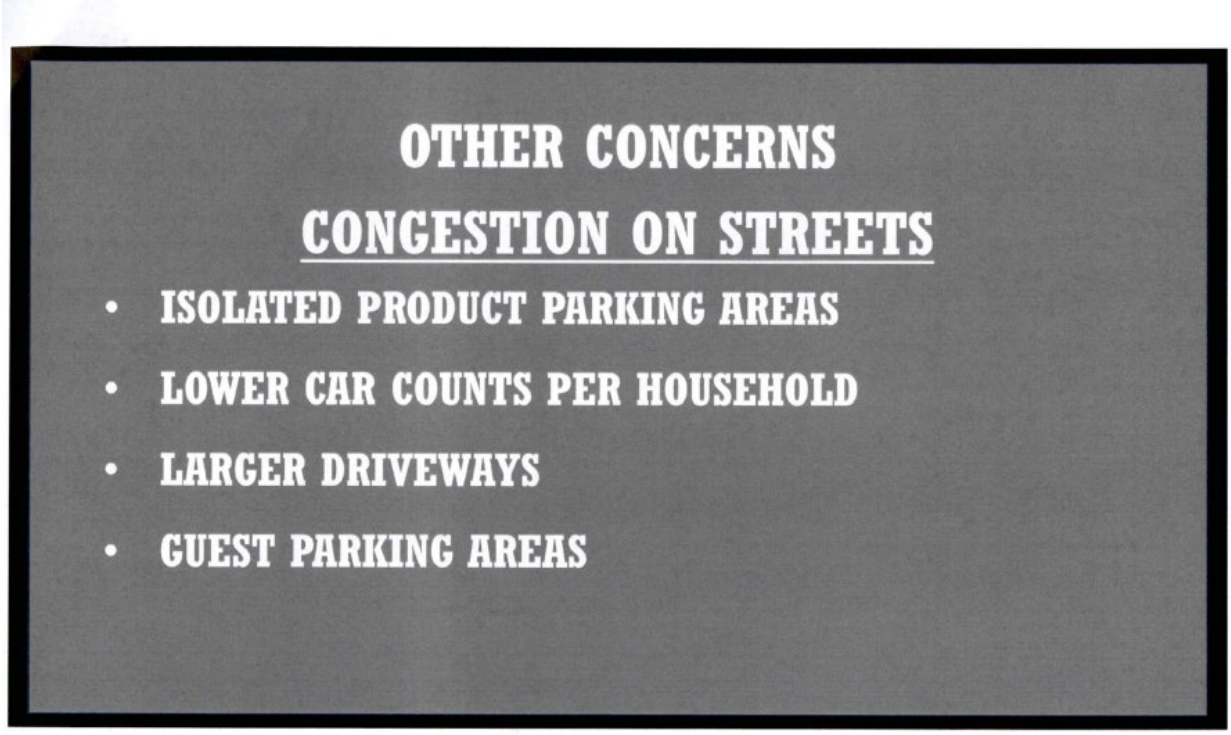
K-6/7-8 Option (requires redistricting)

School	23-24 Enrollment	Capacity	Utilization	+ Housing Development	Future Utilization	Facilities Considerations
Carrollton Elementary (PreK-6)						
Carrsville Elementary (PreK-6)						
Hardy Elementary (PreK-6)	2,926	3,579	82%	542	97%	Additions, or construct Westside ES larger than current, or construct new North side elementary
Windsor Elementary (PreK-6)						
Westside Elementary (PreK-6)						
Georgie Tyler Middle (7-8)	840	1,169	72%	176	87%	Continue to track enrollment trends
Smithfield Middle (7-8)						
Smithfield High (9-12)	1,824	2,435	75%	339	89%	Continue to track enrollment trends
Windsor High (9-12)						
TOTAL	5,590	7,183	78%	1,057	93%	

COOPERATIVE STRATEGIES PROVIDED MULTIPLE SOLUTIONS WITHOUT BUILDING NEW FACILITIES

SUMMARY

- **$850,000 positive fiscal impact annually**
- **Project revenues cover all potential increased operational expenses raised by School Division**
- **Over $250,000 reduction in water fees annually**





Ms. Edbauer asked the Planning Commission to move forward with the application and recommend approval.

Commissioner Taylor asked if VDOT agrees to the traffic warrant analysis being broken down per CO.

Mr. Edbauer stated that was correct and has also offered to do a cash in lieu due to the other potential development in the area if that's a better scenario.

Commissioner Boykin asked why the underage clause was taken out of the age restriction rules.

Ms. Ring stated it was due to a concern brought up at the September meeting, that even with that 90-day limit, a potential impact on the schools may be created if the child moved in at any point in the school year.

Commissioner Boykin stated that at completion, Benns Grant was projected to generate only 384 students and currently has 363 students with the subdivision not complete. She shared her concerns with the projected numbers being conservative.

Commissioner Smith asked how the berm can be addressed.

Ms. Ring stated she has seen more examples of more bad examples of berms than good ones, and over time, the berms tend to become overgrown. Ms. Ring added it does not look natural and does not promote pedestrian activity. Ms. Ring stated she would suggest additional landscaping, fences, walls, and increased building design criteria.
Commissioner Boykin asked if proffers could be changed.

Bobby Jones stated a proffer could only be changed with the Boards approval.

Commissioner Taylor stated that she still has concerns with the traffic in this area with the upcoming development.

Commissioner Ford made the motion to defer this application to the December Planning Commission Meeting. Commissioner Bowser seconded the motion, which was adopted with Commissioners, Bowser, Ford, Gibbs, Smith, and Carroll voting in favor of the motion and Commissioners Boykin, Rawls, Taylor, and Sienkiewicz voting against the motion (5-4)

NEW BUSINESS

Chairman Carroll called for the New Business item.

> Application of Elizabeth K. Russell, property owner, for a height exception to Section 4-2006.A of the Zoning Ordinance for a proposed single-family dwelling, to be located at 9615 Old Stage Highway on property with tax map number 13-01-048C which will exceed the maximum height of 35 feet by eight feet, eight inches for a total height of 43 feet, 8 inches.

Caleb Kitchen gave the following presentation.

APPLICATION EXC-11-23 OF ELIZABETH K. RUSSELL FOR A WAIVER TO SECTION 4-2006.A OF THE ZONING ORDINANCE

Planning Commission Regular Meeting

November 28, 2023

Details

- Tax Parcel #: 13-01-048C
- Location: 9615 Old Stage Highway
- Current Zoning: RAC
- Election District: D1
- Purpose: Single-Family Dwelling built at a height of 43'8" which exceeds the maximum height limit of 35' by 8'8".

Background

- Two-story single-family dwelling constructed June 2020.
- Applicant applied for zoning and building permits to construct a large expansion of the existing home in September 2023.
- Owner is requesting a building height exception in accordance with Section 5-2000.D.5 for an expansion of an existing single-family dwelling to exceed the maximum building height in the RAC zoning district (35 feet) by 8'8" for a total of 43'8".

EXC-11-23 Height Exception Request - Location Map

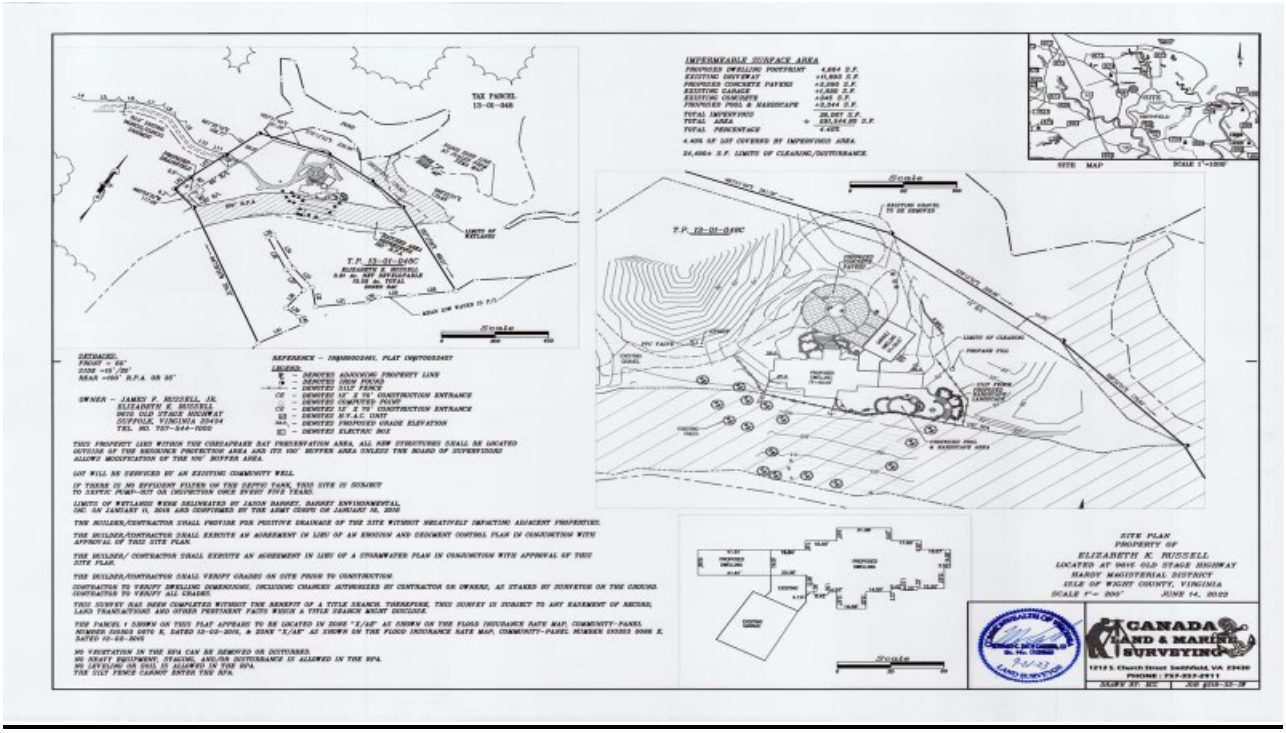


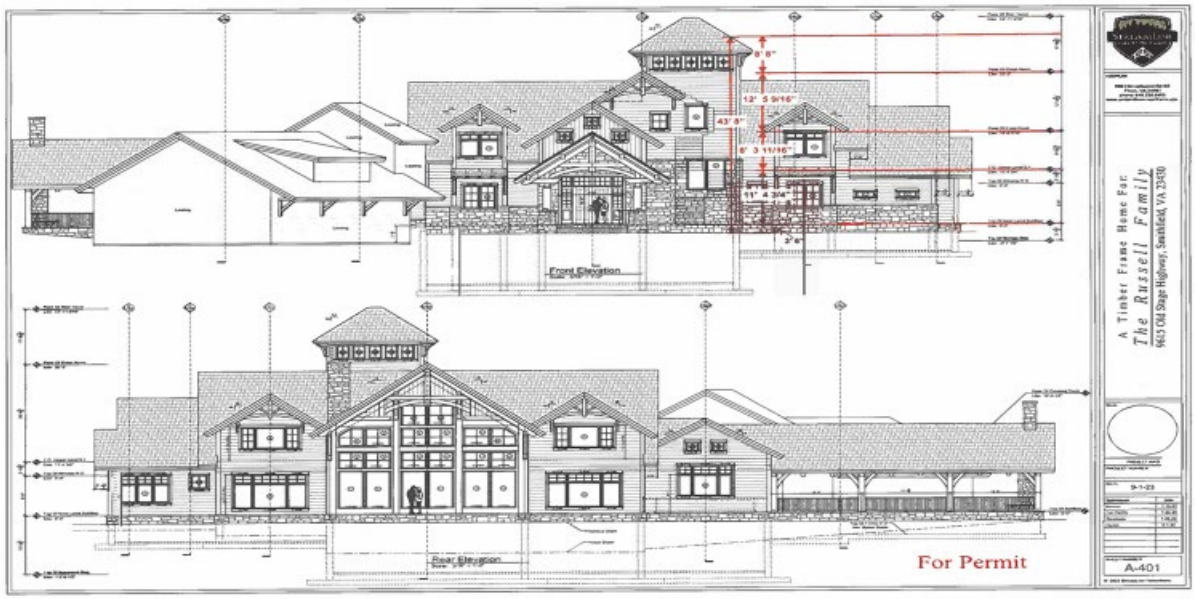
EXC-11-23 Zoning Map



EXC-11-23 Land Use Map




IMPERMEABLE SURFACE AREA
SITE MAP
SCALE 1"=1000'
TAX PARCEL
13-01-048
T.P. 13-01-048C
Scale
SITE PLAN
PROPERTY OF
ELIZABETH K. RUSSELL
LOCATED AT 9615 OLD STAGE HIGHWAY
HARDY MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1"= 200' JUNE 14, 2023
CANADA LAND & MARINE SURVEYING
1212 S. Church Street Smithfield, VA 23430
PHONE: 757-357-2111


Front Elevation
Rear Elevation
A Timber Frame Home For:
The Russell Family
9615 Old Stage Highway, Smithfield, VA 23430
9-1-23
A-401
For Permit







Comprehensive Land Use Plan Review

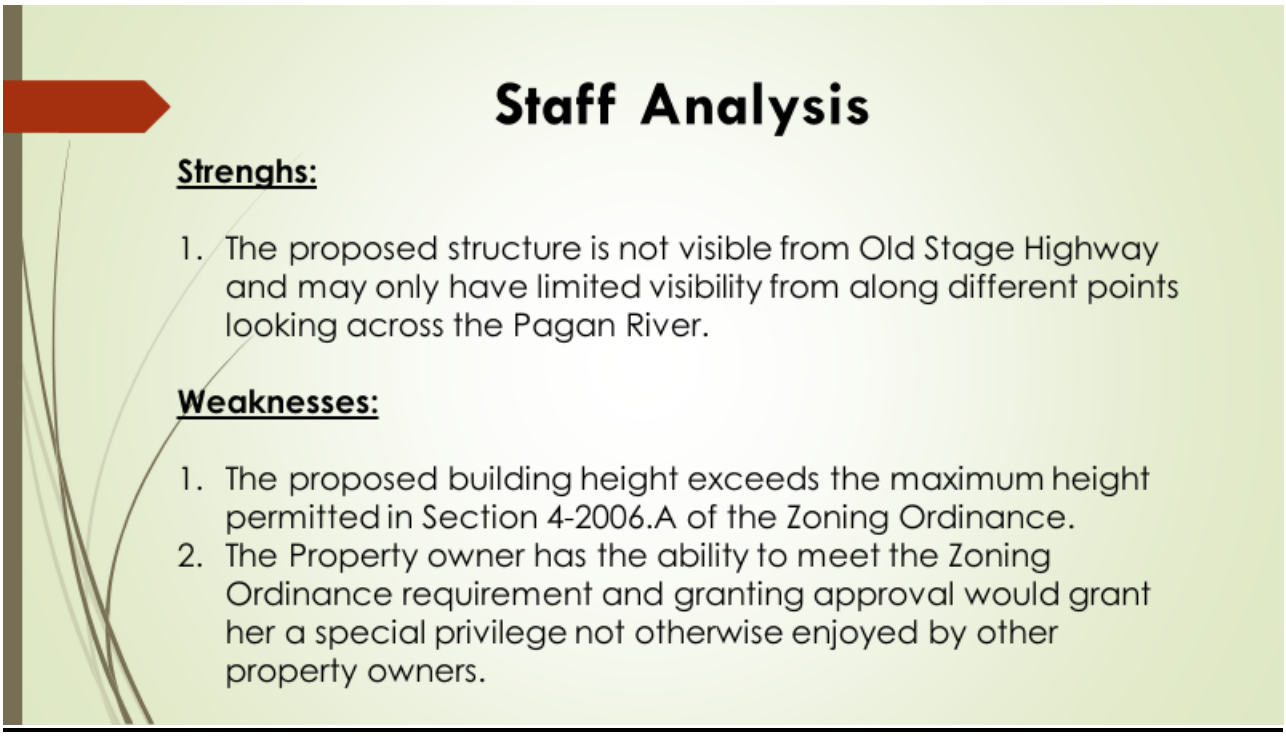
- Future recommended land use designation for the subject property is Rural Agricultural Conservation (RAC) and Environmental Conservation (EC).
- Role of the RAC designation is to maintain and conserve rural character and farmlands, and to provide for a full range of agricultural and farming activities and related uses, along with some low-density residential development.
- EC 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.

Zoning Ordinance Review

- The subject property is zoned Rural Agricultural Conservation (RAC), and Section 54-2006.A of the Zoning Ordinance limits building heights within the RAC zoning district to 35 feet or three stories, whichever is less.
- Property is also within the CBPA Overlay District. The applicant 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 departmental review.





William Riddick, legal representative, stated the applicants learned that a height exception would be required during the plan review process for the addition. Mr. Riddick stated this is a 500-acre parcel, and this exception will have no affect to neighboring properties and asked for the Planning Commission's favor in approving this application.

Commissioner Taylor asked if they are able to meet the height restriction.

Mr. Riddick stated it would be extremely expensive to revise.

Commissioner Gibbs asked how far this house sits from the road.

Mr. Riddick responded that it's approximately 4,200 feet from the road.

Commissioner Ford made the motion to recommend approval to the Board of Supervisors Commissioner Gibbs seconded the motion, which failed with Commissioners, Bowser, Ford, Gibbs, and Carroll voting in favor of the motion and Commissioners Boykin, Rawls, Taylor, Sienkiewicz, and Smith voting against the motion (4-5)

This application will move forward to the Board of Supervisors with the recommendation of denial from the Planning Commission.

Chairman Carroll called for the next new business item.

> Application of Carrollton Ventures, LLC, applicant and owner, for an exception to Section 6-2010.A.1.b, Section 6-2010.A.1.c, and Section 6-2010.A.3 of the Zoning Ordinance, Newport Development Service Overlay (NDSO) District regulations, for the property located on Carrollton Boulevard with Tax Map Number 34-01-108. The purpose of the application is to allow for an exception to the NDSO design standards for building facades, building materials, and building entryway design elements.

Caleb Kitchen gave the following presentation.



Details

Tax Map ID#:	34-01-108
Location:	15411 Carrollton Boulevard
Current Zoning:	Conditional-General Commercial (C-GC)
Election District:	D2
Purpose:	Exception to Section 6-2010.A.1.b, Section 6-2010.A.1.c, and Section 6-2010A.3 of the Newport Development Service Overlay (NDSO) District regulations. The purpose is to allow for an exception to the NDSO architectural guidelines for nonresidential uses to allow metal exterior walls along the street-facing storage unit buildings.

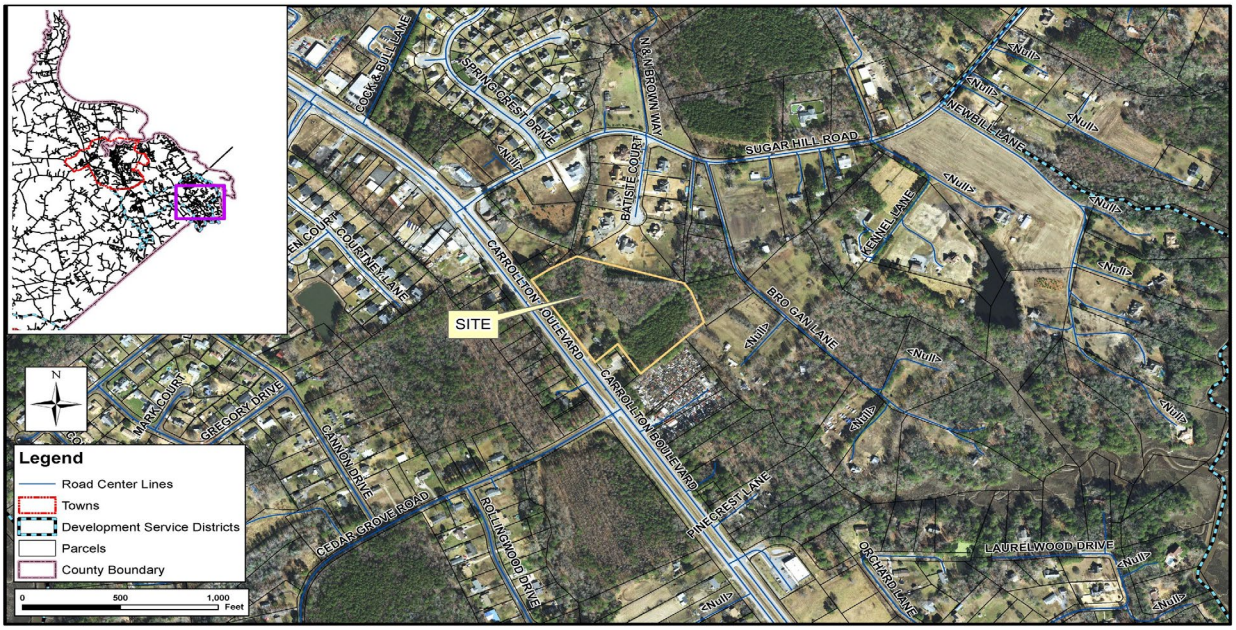
Background

- Rezoned to C-GC in 2008 with proffers limiting use types.
- Proffers were amended in 2019 to allow for additional uses that are generally consistent with those permitted by right in the GC zoning district.
- Applicant submitted a site plan in December 2022 to establish a miniwarehouse commercial use, specifically SAWCO South Self Storage.
- Upon review, staff communicated to the applicant that the two storage unit buildings that are visible from the public right-of-way along Carrollton Boulevard must meet NDSO architectural standards.
- Applicant submitted building elevations showing the metal-sided buildings to be 9 feet in height, and similar in design to the storage unit buildings at SAWCO Self Storage, located at 15111 Carrollton Boulevard.

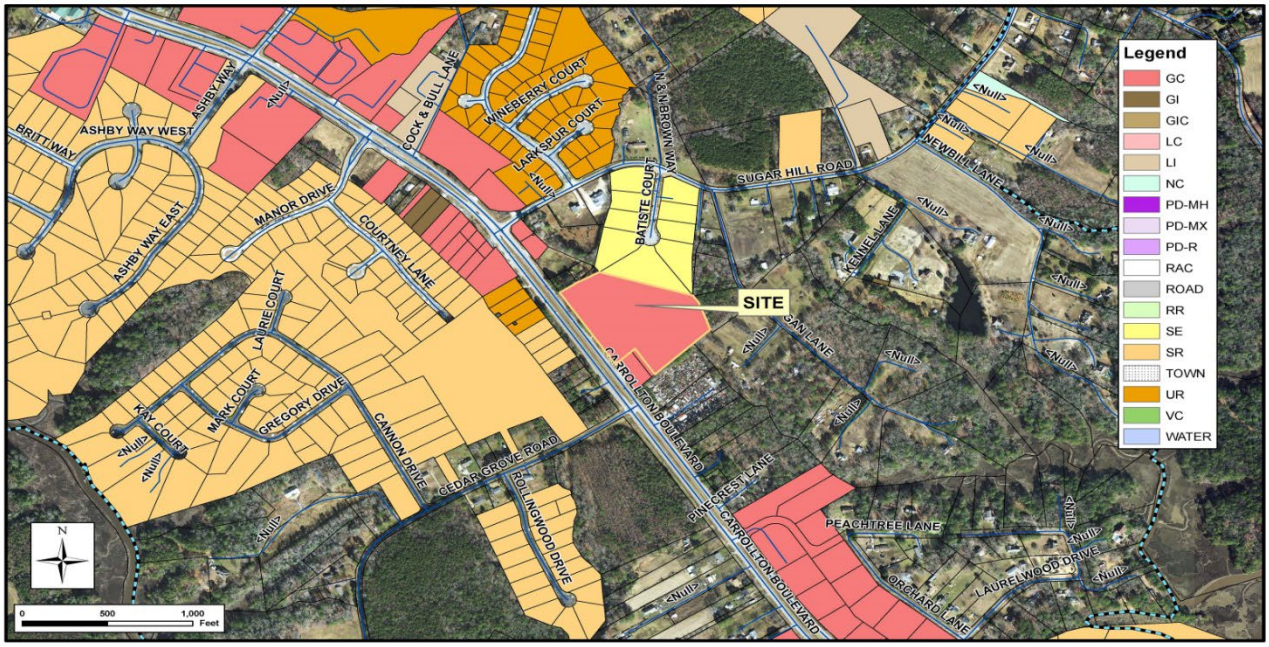
Background Cont.

- Section 6-2010.A.1.b requires that facades in excess of 200 horizontal feet in length shall incorporate vertical elements and material changes which break the visual monotony of the façade, as well as installing recesses and projections.
- Section 6-2010.A.1.c requires that facades in excess of 100 horizontal feet, that face public streets and vehicle moving areas, shall have architectural features such as arcades, entry areas, awnings, and arches or similar enhancements of no less than 50% of their horizonal length of the façade.
- Section 6-2010.A.3 requires the exterior of buildings that are visible from the public right-of-way be built utilizing one of the following: brick, decorative block, stone, stucco, natural wood siding, or cementious siding. Furthermore, the use of either concrete block, flat or corrugated metal or vinyl siding is prohibited for new development within the NDSO.

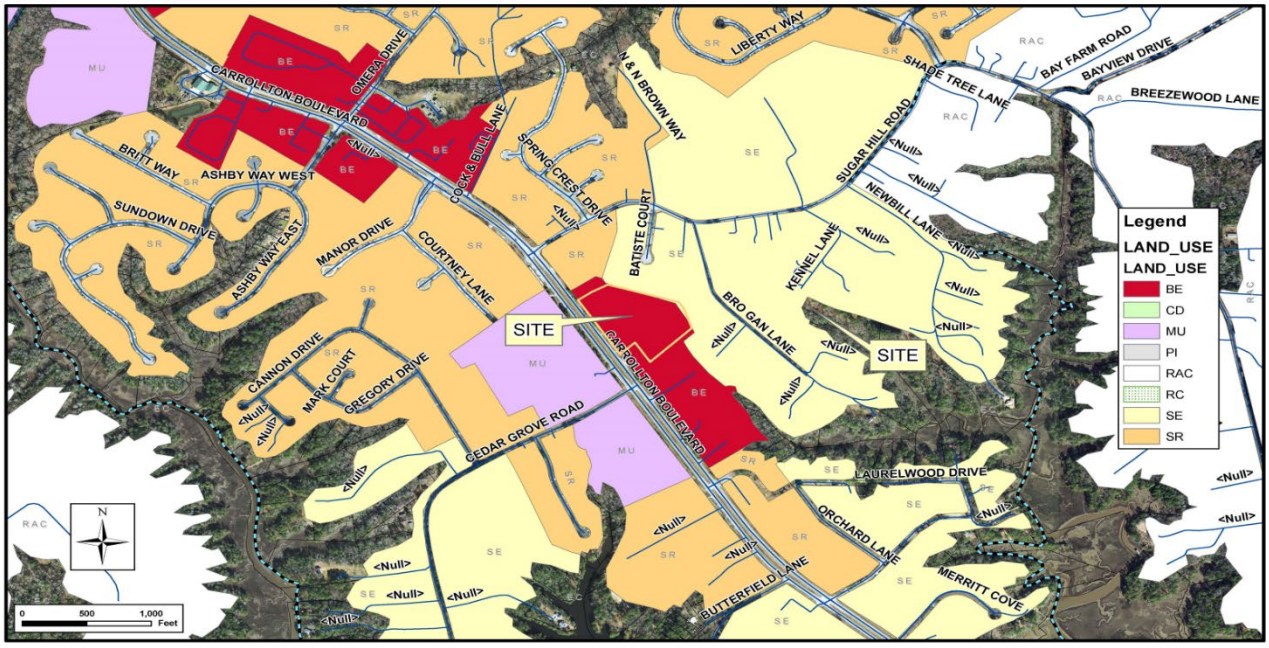
EXC-10-23 NDSO Exception Request - Location Map

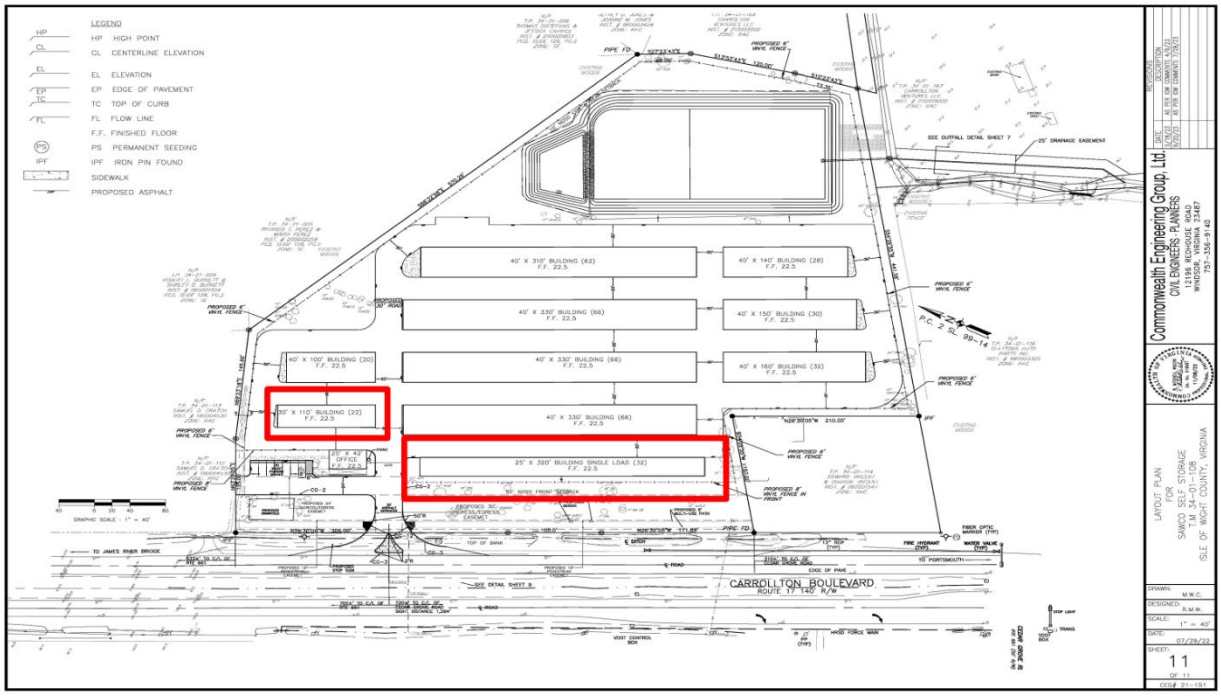


EXC-10-23 Zoning Map



EXC-10-23 Land Use Map



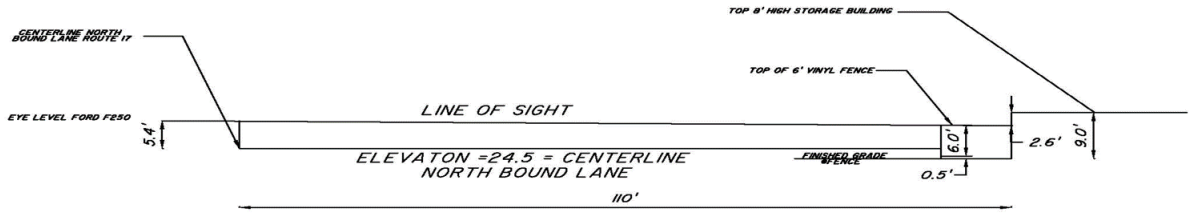




NOTES:

BUILDING #2-#10 TOP OF ROOF WILL BE 9'
BEIGE AND FOREST GREEN
ALL BUILDINGS WILL BE CORRUGATED METAL
PANELING WITH BAKED ON SANDSTONE FINISH




TOP 8' HIGH STORAGE BUILDING
CENTERLINE NORTH BOUND LANE ROUTE 17
TOP OF 6' VINYL FENCE
EYE LEVEL FORD F250
LINE OF SIGHT
5.4'
6.0'
2.6'
9.0'
ELEVATON =24.5 = CENTERLINE NORTH BOUND LANE
FINISHED GRADE @ FENCE
0.5'
110'





Future Land Use Analysis

The recommended future land use designation is Business and Employment. The 2020 Comprehensive Plan states that building design which promotes the character and values stated in the NDSO regulations is encouraged. Architectural guidelines are recommended for non-residential structures to ensure compatible and positive aspects of the district's visual experience from the arterial roadways. Buildings should reflect an individual design that considers site location, conditions, intended use, and the character/building mass of the surrounding properties.

Criteria

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

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

Staff Analysis

- A portion of the storage unit buildings would be visible from Route 17 with the 6-foot wooden fence or masonry wall that is required for street-facing property lines in the supplementary use regulations for miniwarehouses. Only 2 storage unit buildings would be visible and could be treated with veneer to meet the ordinance requirements.
- Proposed office building does meet the NDSO architectural guidelines for all nonresidential uses.
- Proposed landscape plan maintains several large trees within the frontage zone that will help to shield the view of the neighboring properties and Carrollton Boulevard.
- There is not a high level of design present with the proposed metal buildings.
- Building plans have not yet been submitted. Prior to being permitted, the plans must be in accordance with all applicable building codes.

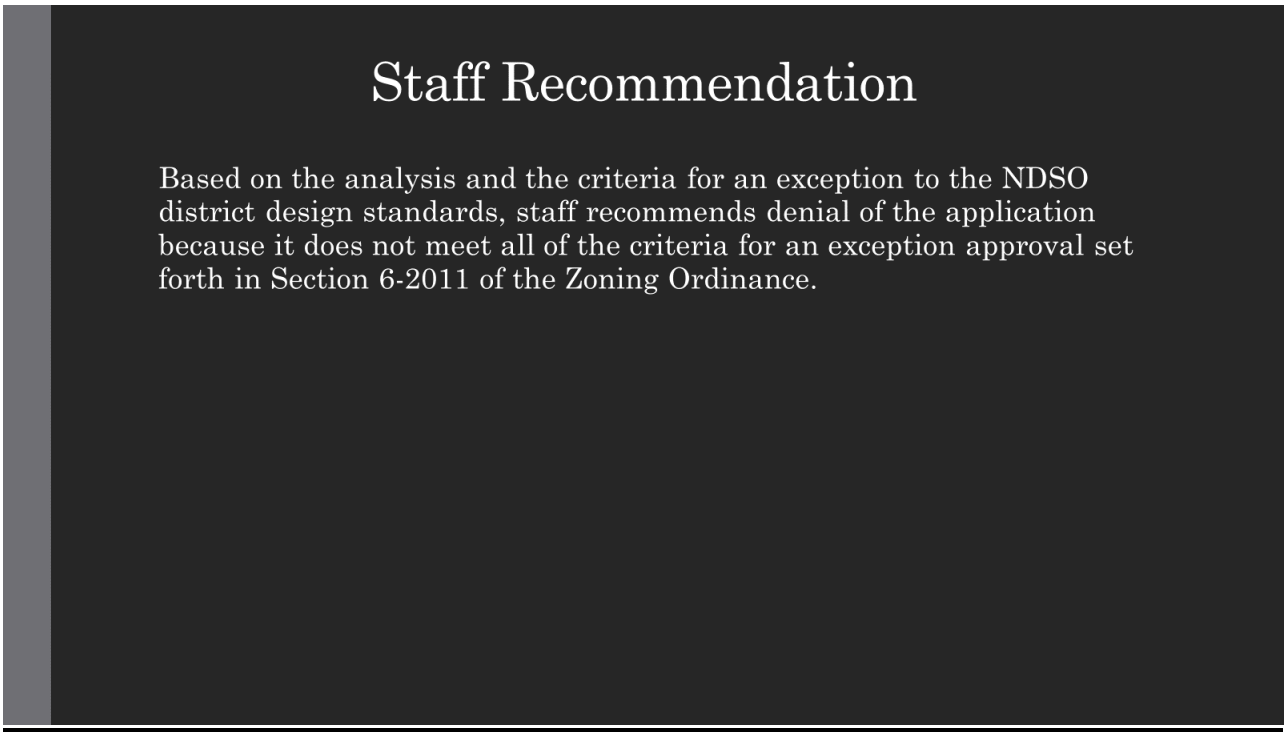
Staff Analysis Cont.

Strengths:

1. The proposed use is consistent with the County's future recommended land use plan.
2. The storage unit buildings will be partially screened by a required wooden fence or masonry wall, and existing trees within the landscape frontage zone.

Weaknesses:

1. The proposed storage unit building facades will not meet NDSO requirements from nonresidential uses.
2. The proposed development is new construction and has the ability to meet the design requirements.
3. 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.



Chairman Carroll invited the applicant to speak.

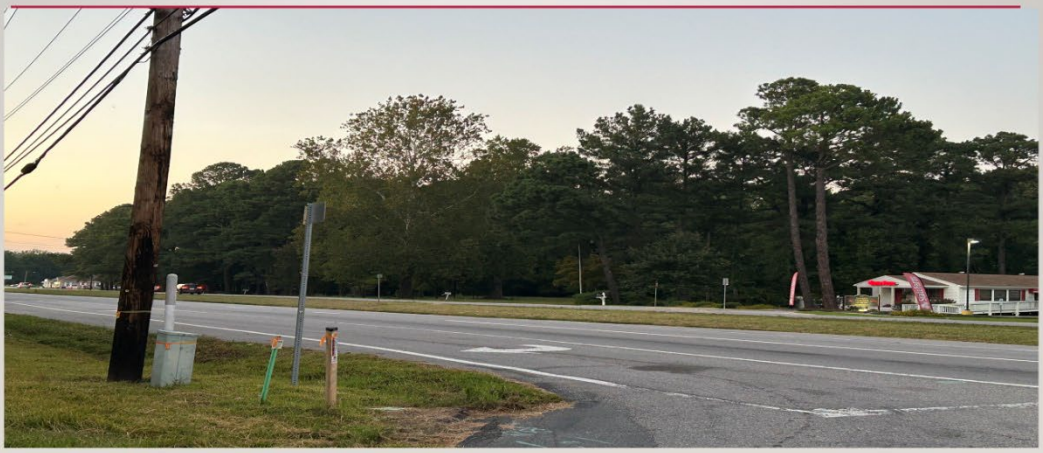
Melissa Sawyer Vick, representing the applicant, shared the following presentation.



SAWCO SOUTH SELF STORAGE EXCEPTION REQUEST

- **Proposed Use:** Miniwarehouse and Outdoor Storage of Motors Vehicles, Trailers, and Recreational Vehicles
- **Exception Request:** Article VI, Section 6-2000 Newport Development Service Overlay (NDSO) District, specifically Section 6-2010 (A)(1)(b)and (c), 6-2010 (A)(3) and 6-2010 (A)(5)

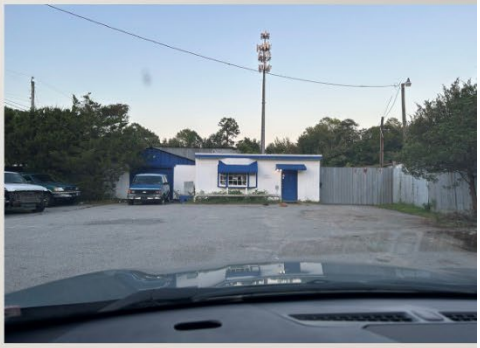
THE PROPERTY IS LOCATED ON THE EAST SIDE OF CARROLLTON BOULEVARD AND IS CURRENTLY VACANT AND PARTIALLY WOODED.



IT IS LOCATED BETWEEN CLAYTON AUTO PARTS, INC. (JUNKYARD) AND SHARON VINCENT'S INSURANCE OFFICE ON THE SOUTHEAST SIDE AND SINGLE-FAMILY RESIDENTIAL ON THE NORTHWEST SIDE, AND TO THE REAR OF THE SITE.

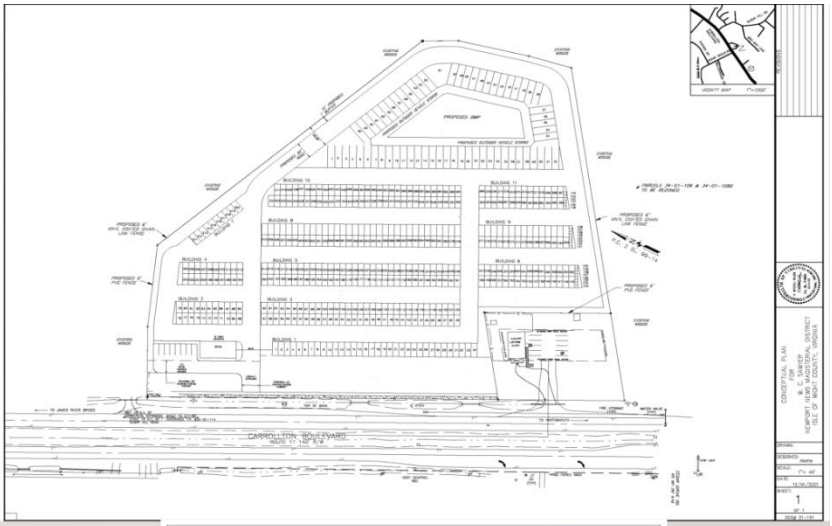






SITE LAYOUT

- The office building will be located on the property's frontage, facing Carrollton Boulevard.
- The office will be located behind the required 50' minimum visual buffer, and has been designed to meet the architectural requirements of the NDSO with windows on 50% of the building facing Carrollton Boulevard.

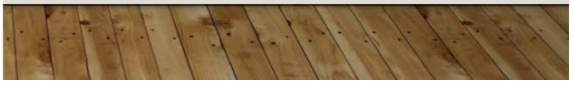




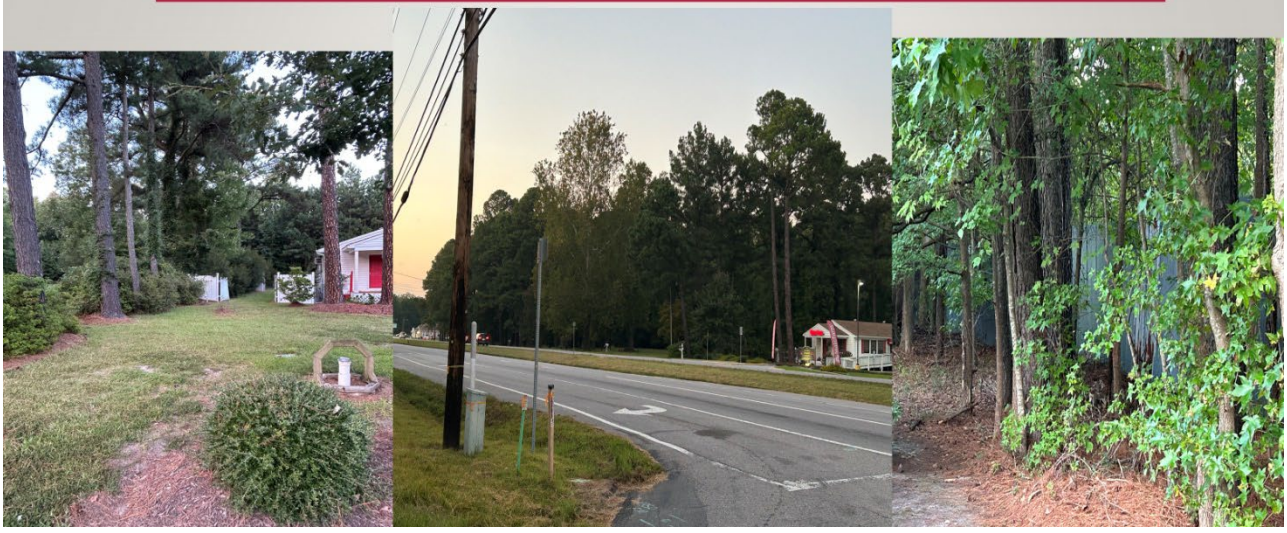
The exception(s) being requested are from the provisions of the NDSO that require architectural recesses and entryway enhancement features, building materials, and building entryway design elements due to the length and visibility of the first 2 storage units.



We are proposing instead to install a 6' vinyl fence to be located 17' behind the 50' minimum visual buffer with landscaping to screen the first 2 mini-storage units that would otherwise be seen from the road. The proposed fencing will be white vinyl and will be tall enough to cover all except the top 2.6' of the 2 storage units in question, screening the units from Carrollton Boulevard.



THE FENCE WILL TIE INTO THE EXISTING FENCES ON CLAYTON AUTO PARTS, INC. (JUNKYARD) AND SHARON VINCENT'S INSURANCE OFFICE WHERE PRACTICAL.



We believe we have addressed the Weaknesses identified by staff, as follows:

Staff Weakness #1. The proposed storage unit building facades will not meet NDSO requirements for nonresidential uses.

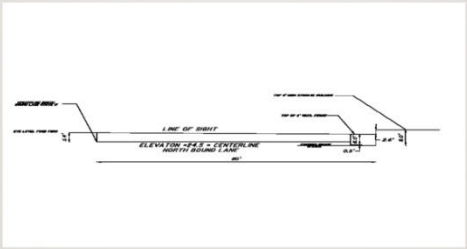
- **Response: The NDSO provides for exceptions on a case-by-case basis, based upon the following: 1.The exception shall be no less beneficial to the residents or occupants of the development, as well as neighboring property, that would be obtained under the applicable regulation; 2.That the exception is reasonable because of the high level of design and construction that will be incorporated in the development;3.That the exception will result in design and construction that is in accordance with accepted engineering and building standards.**

  - ✓ **We are proposing a quality view that is no less beneficial for the neighboring property. We believe that focus of the site to be the brick office building which will certainly add value to the adjacent properties, and which meets the NDSO requirements.**
  - ✓ **We propose that the remainder of the site will maintain a remote, secure setting by putting everything behind the fence which will be nicely landscaped and recessed behind the required NDSO setback.**
  - ✓ **We are leaving much of the visual buffer in place and visually screening the storage units.**

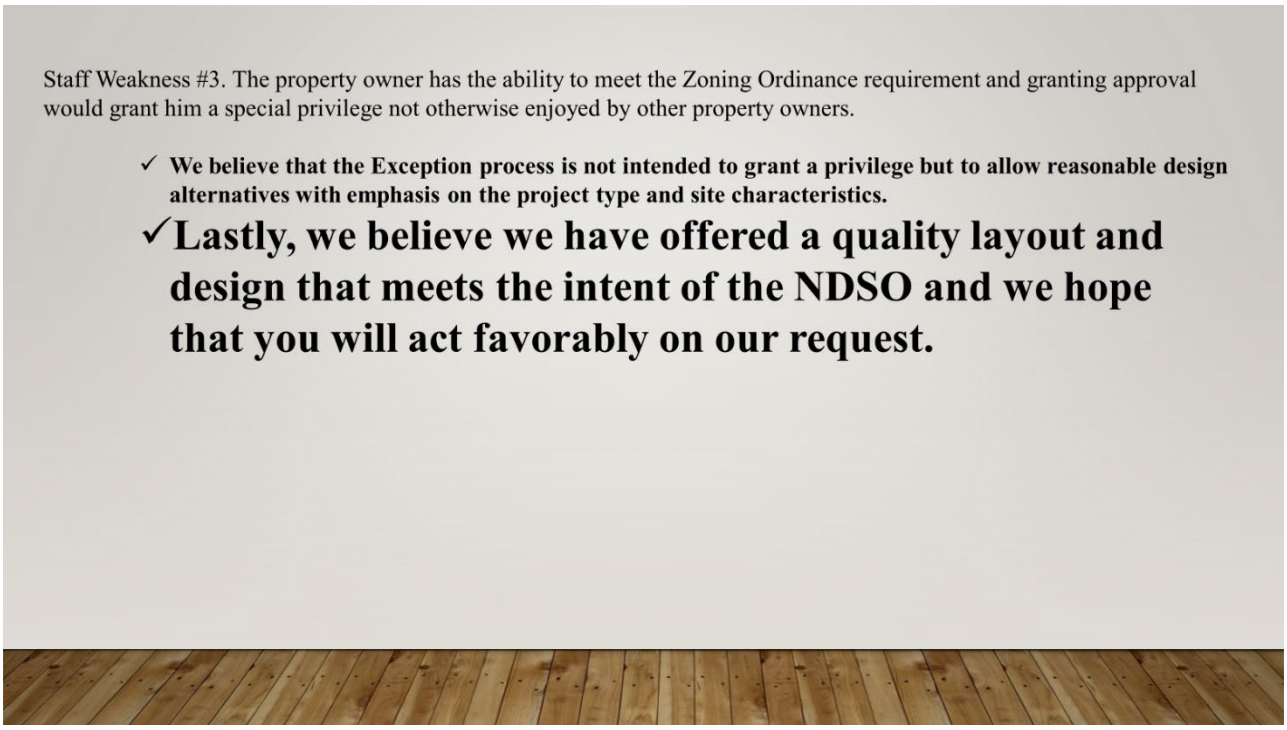
✓**Therefore, we believe we meet the criteria for an exception and we hope that you will act favorably on our request.**

Staff Weakness #2.The proposed development is new construction and has the ability to meet the design requirements.

- ✓ **The NDSO does not specifically address every situation and not every project or site has the same characteristics.**
- ✓ **We propose to install a 6' vinyl fence with recesses that jog behind the brick building and the adjacent insurance site keeping much of the mature landscaped buffer (maintaining the rural nature of the site) in addition to installing the required amount of landscaping per the ordinance provisions.**
- ✓ **Only the top 2.6' of the storage units will be visible from travelers on Rt. 17 based upon the units being set back farther than required and as shown in the exhibit below.**



✓**Again, we believe that the recessed fencing along with the natural, existing, and enhanced bufferyard design will effectively break the visual monotony of the 2 units in question.**



Chairman Carroll called for discussion from the commissioners.

Commissioner Sienkiewicz asked if there were comments from adjoining properties.

Mr. Kitchen stated that public notice is not required for exception applications.

Chairman Carroll asked about the vinyl fence being a different topic.

Mr. Kitchen stated that this property would be required to go through the Board of Zoning Appeals if they wanted to use vinyl as the material for their fence per the zoning ordinance.

Commissioner Gibbs asked if this exception was due to financial reasons.

Ms. Vick stated it is more costly and impractical for the type of building they are proposing.

Commissioner Taylor asked if during the conditional use permit process, she was aware of the NDSO design standards.

Ms. Vick stated that she was unaware of the standards and working with her engineer, Mitch Wilcox. She was hoping for the same type of building as her other location.

Commissioner Smith asked if they were to meet the requirements for the façade and fence, this application would not have come before the Planning Commission.

Caleb Kitchen agreed and stated that this was rezoned previously, and this use was an allowed use.

Amy Ring clarified that this rezoning was approved in 2019, and the staff report addressed the design requirements for the NDSO district.

Commissioner Smith asked if the brick would be required to completely to the roof line.

Ms. Ring stated that only the part visible would be required to meet the NDSO requirements.

Ms. Vick stated that she is willing to add any elements to the top part of the structure if that would help to get approval. She added that the road is approximately three feet higher than the grade of the property.

Commissioner Sienkiewicz asked if they would be required to raise the grade of the building to match the road.

Mitch Wilcox, engineer representing the applicant, stated the first buildings match the existing grade of the road and slopes to the back. He added that several existing trees have been left along with the six-foot fence to provide screening for the building.

Commissioner Bowser made the motion to recommend approval to the Board of Supervisors Commissioner Ford seconded the motion, which failed with Commissioners, Bowser, Ford, voting in favor of the motion and Commissioners Boykin, Rawls, Taylor, Sienkiewicz, Gibbs, Smith and Carroll voting against the motion (2-7)

This application will move forward to the Board of Supervisors with the recommendation of denial from the Planning Commission.

COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there were no items to discuss.

PLANNING DIRECTORS REPORT

Amy Ring confirmed there were no items to discuss.

CLOSED MEETING

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

ADJOURNMENT

There being no further information to discuss, Chairman Carroll adjourned the meeting at 8:40 PM.

Adopted this _____day of _____, 2023.

_____

Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: _____

Amanda Landrus, Secretary

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
December 14, 2023 Board of Supervisors Work Session Action List	Cover Memo	12/18/2023

ACTION LIST
BOARD OF SUPERVISORS' WORK SESSION
DECEMBER 14, 2023
3:00 P.M.

1. *APPROVAL OF AGENDA*

Supervisor Rosie moved that the agenda be approved with the invocation to be delivered at the 5:00 p.m. regular meeting. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisors voting against the motion.

2. COUNTY ADMINISTRATOR'S REPORT

A. Jamie Oliver, Transportation Manager, provided an overview of VDOT's alternatives for the Route 17 Arterial Plan. The Board was advised that VDOT will be requesting action from the Board at its 5:00 p.m. regular meeting under Old Business.

B. County Administrator Keaton notified the Board about two accidents that had occurred on Route 620 within two hours of each other, one of which resulted in a fatality.

Ms. Oliver was requested to contact the State Police's crash reconstruction team and inquire what potential improvements can be made to Route 620 to make it safer for motorists to pull out onto Highway 258. She was further requested to contact local law enforcement and the State Police to look at enforcement (trending).

Assignment: Oliver

C. Proposed Landscaping Plan for the Courthouse Complex: Mike Frickanise, Director of Parks & Recreation, provided an overview of the proposed landscaping improvements to the front of the Courthouse complex which has overgrown shrubs that are creating safety issues. Said work will begin in March and end in April with all improvements going through the Historical Architectural Review Committee.

The benches are to be preserved, if possible, due to their historical value.

D. CIP Committee Committees:

Garry Windley, Chief of Emergency Services, reviewed the current policy of replacing apparatus. The consensus of the Board was to accept the policy and add a condition for wrecked vehicles for continued discussion at the Board's January meeting.

Assignment: Windley

E. Stormwater Fee: Don Jennings, Director of Utility Services, advised that the fee can be reduced by 50%.

ACTION LIST
BOARD OF SUPERVISORS' REGULAR MEETING
DECEMBER 14, 2023
5:00 P.M.

1. *APPROVAL OF AGENDA*

Supervisor Jefferson moved that the agenda be approved as presented. The motion passed unanimously (5-0) with Supervisors McCarty, Acree, Rosie, Grice and Jefferson voting in favor of the motion and no Supervisors voting against the motion.

2. *CLOSED MEETING*

There was no action following the closed meeting.

3. *CITIZENS' COMMENTS*

A. Rex Alphin of River Run Trail thanked Supervisor Grice for his service to the County.

B. Wayne Gusties of Ivor addressed a list of concerns regarding solar projects and spoke against the solar project that will be built in front of his home.

In response, Vice-Chairman Acree recommended keeping a running list of concerns.

Supervisor Grice encouraged staff to review the document submitted by Mr. Gusties and take action as appropriate.

Chairman McCarty encouraged citizens in District 5 to consider serving on the Energy Task Force representing that district.

4. *CONSENT AGENDA*

Following an overview of the Consent Agenda by County Administrator Keaton, Vice-Chairman Acree moved to adopt the following Consent Agenda as presented which passed unanimously (5-0) with Supervisors McCarty, Acree, Jefferson, Grice and Rosie voting in favor of the motion and no Supervisor voting against the motion:

A. Resolution to Amend the FY2023-24 Grant Fund Budget and Appropriate Funds from the Virginia Department of Motor Vehicles Animal Friendly License Plate Program ($1,260)

Assignment: Wells

B. Resolution to Amend the FY2023-24 Budget and Appropriate Insurance Proceeds ($2,530)

Assignment: Wells

C. Resolution to Amend the FY2022-23 Operating Budget and Appropriate Funding for a Virginia Department of Environmental Quality Litter Prevention & Recycling Grant ($19,629)

Assignment: Wells

D. Resolution to Amend the Budget and Appropriate Funding for National Night Out ($3,750)

Assignment: Wells

E. Lease Modification Agreement

Assignment: Wells

F. Minutes of September 21, 2023 Regular Meeting; October 16, 2023 Joint Meeting with the Town of Smithfield; and the October 19, 2023 Regular Meeting Minutes.

Assignment: Storm

5. *REGIONAL AND INTER-GOVERNMENTAL REPORTS*

A. Volunteer Fire and Rescue Association: Vice-Chairman Acree spoke to the service rendered by the members of the Volunteer Fire and Rescue Advisory Board.

B. Hampton Roads Military Federal Facilities Alliance: Supervisor Rosie reported on issues discussed at the most recent meeting of the Alliance related to affordable housing and mental illness.

C. EVRIFA: Supervisor Grice reported on EVRIFA matters.

D. Hampton Roads Transportation Accountability Commission: Chairman McCarty advised that the County has been invited to take a tour of the Port. County Administrator Keaton is to set up a date for the tour.

Assignment: Keaton

E. Southeastern Public Service Authority: County Administrator Keaton reported on issues related to the landfill.

6. *APPOINTMENTS*

A. Commission on Aging: Supervisor Rosie moved to appoint Michelle Billups to represent the Windsor District. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

B. Western Tidewater Mental Health Community Services Board: Supervisor Grice moved to appoint Alysia Pack. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

C. Western Tidewater Mental Health Community Services Board: Supervisor Grice moved to reappoint Don Robertson. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

D. Commission on Adults with Disabilities: Supervisor Grice moved to appoint James Hiteck to represent District 1. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

E. Commission on Adults with Disabilities: Supervisor Grice moved to appoint Howard Mitzel to represent District 1. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

F. Western Tidewater Mental Health Community Services Board: Supervisor Jefferson moved to reappoint Toni Brown. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

7. *SPECIAL PRESENTATIONS*

A. Resolution to Recognize and Comment Richard "Dick" Grice: Vice-Chairman Acree moved that the Resolution be adopted which passed by unanimous vote (4-0) with Supervisors McCarty, Acree, Jefferson and Rosie voting in favor of the motion; no Supervisor voting against the motion; and, Supervisor Grice abstaining.

B. The International Association of Emergency Managers presented Will Drewery, Isle of Wight County's Emergency Management Coordinator, as a 2023 "Rising Star" Award Winner.

8. *COUNTY ATTORNEY'S REPORT*

By-Laws and Rules of Procedure: The Board was requested to review and provide any suggested revisions for consideration and final adoption at the Board's Organizational meeting in January 2024.

Assignment: Jones

9. *COUNTY ADMINISTRATOR'S REPORT*

A. A written copy of an update from members of the Energy Task Force was provided relative to the Force's findings. Thomas Distefano addressed the Board regarding the progress to date of that Task Force.

B. Board of Supervisors' Meeting Schedule: A schedule was presented for 2024 for the Board's consideration.

Supervisor Rosie asked that the January 18th meeting be changed to January 16th.

The consensus of the Board was to remove the work session on July 11th.

C. Matters for the Board's Information included the most recent sales tax which is up by 2.5%.

10. *UNFINISHED/OLD BUSINESS*

A. Resolution to Amend the Budget and Appropriate Funding for School Employees' Compensation ($485,616): Supervisor Grice moved, but the motion was not acted upon, that the Board approve funding the teacher's 2% increase with acceptance by the School Board of the terms specified.

Chairman McCarty moved to provide $475,000 as a cap on the expenditures and strike Item 4. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

The reason behind the Board arriving at the $475,000 cap is to be explained to the School Board.

County Administrator Keaton was requested to inform the School Board of the above motion. When he returned, he advised the Board that Dr. Cramer accepted the modified conditions and a cap at $475,000.

Assignment: Wells

B. Ms. Oliver briefed the Board on the options associated with the Route 17 Arterial Plan. Supervisor Rosie moved to approve the partial displaced left turn, the through cut and the two turbo T's. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

- Assignment: Oliver

C. Ordinance to Amend Appendix B. Zoning: Article III, Section 3-6000 (Use Types), Article IV (Zoning Districts and Boundaries), Article V (Supplementary Use Regulations), and Section 5-5005 for the Purpose of Allowing Short - Term Rentals as a Commercial Use Type in Residential Zoning Districts under Certain Conditions: Chairman McCarty moved to table until the January meeting. The motion failed (4-1) with Supervisors Acree, Jefferson, Rosie and Grice voting against the motion and Supervisor McCarty voting in favor of the motion.

Vice-Chairman Acree moved to approve the Ordinance amendments. The motion passed by a vote of (4-1) with Supervisors Acree, Jefferson, Rosie and Grice voting in favor of the motion and Supervisor McCarty voting against the motion.

Vice-Chairman Acree requested a briefing from staff in six months on how the Ordinance amendments are working.

Assignment: Jones

D. Ordinance to Amend and Reenact Chapter 10, Licenses, Short Term Rental Registry of the Isle of Wight County Code: Vice-Chairman Acree moved that the Ordinance be adopted. The motion passed by a vote of (4-1) with Supervisors Acree, Jefferson, Rosie and Grice voting in favor of the motion and Supervisor McCarty voting against the motion.

Assignment: Jones

E. Application of Carver Solar I, LLC to Increase the Nameplate Electrical [power Generation Capacity of the Proposed Carver Solar Energy Generation Facility from 71 MW to 91 MW: Supervisor Jefferson moved that the public hearing requirement be waived. The motion passed (3-2) with Supervisors McCarty, Jefferson and Grice voting in favor of the motion and Supervisors Acree and Rosie voting against the motion.

Assignment: Ring

F. Siting Agreement for the Carver Solar Energy Generation Project: Supervisor Grice moved that the Siting Agreement be approved. The motion passed by a vote of (3-2) with Supervisors McCarty, Jefferson and Grice voting in favor of the motion and Supervisors Acree and Rosie voting against the motion.

Assignment: Jones

11. *NEW BUSINESS*

A. Septic Pump-Out Requirements: Vice-Chairman Acree moved to authorize staff to include this matter in the County's legislative items. The motion passed by unanimous vote (5-0) with Supervisors McCarty, Acree, Jefferson, Rosie and Grice voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Robertson

B. At the request of Supervisor Jefferson, staff was requested to provide an update at the Board's January meeting on the Henry H. Bradby Memorial Park; the Rushmere Volunteer Fire Department; and, Tyler's Beach Boat Harbor. Vice-Chairman Acree requested an update on the Carrollton Volunteer Fire Department.

Assignment: Robertson

C. Personal Property Tax Exemption/Second Vehicle: Following up to Brian Hill's inquiry at the Board's November 16, 2023 meeting, County Administrator Keaton advised that the County offers one exemption as required by the State.

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
December 12, 2023 Planning Commission Regular Meeting Minutes	Cover Memo	1/16/2024

MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY PLANNING COMMISSION HELD ON THE TWELFTH DAY OF DECEMBER 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 December 12, 2023, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Bobby Bowser delivered the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL/DETERMINATION OF A QUORUM

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

ABSENT
James Ford
Raynard Gibbs

A quorum was determined.

ALSO IN ATTENDANCE
Bobby Jones, County Attorney
Amy Ring, Community Development Director
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 Taylor 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 confirmed there were no items under consent agenda.

CITIZENS' COMMENTS

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

PUBLIC HEARINGS

Amy Ring confirmed there were no Public Hearing items.

OLD BUSINESS

Chairman Carroll called for the following old business item:

> Application of NVR, Inc., applicant, and, Henry Layden, special trustee for the William Grover Yeoman, III Trust, property owner, for a Conditional Rezoning (ZA-06-19) of approximately 250 acres of property with tax map number 32-01-009 located on Benns Grant Boulevard (Rte. 10) from the Rural Agricultural Conservation (RAC) zoning district to the Conditional - Planned Development - Mixed Use (C-PD-MX) zoning district.

Ms. Ring stated that the school staff is present and will present additional information and answer any additional questions.

Dr. Coleman and Lynn Briggs presented and reviewed the following information on potential impacts on Isle Wight County Schools.

Subdivision Yields & the Potential Impact on IWCS

School	HES	CAES	WSES	SMS	SHS	Northern Total
Program Capacity 2019	657	682	849	634	1,588	4,410
Program Capacity 2023	883	674	874	698	1,560	4,689
October 31, 2023 Enrollment	639	563	610	602	1305	3719
Utilization	**72%**	**84%**	**70%**	**86%**	**84%**	
Developments Under Construction						
Benns Grant Apts	0	27	16	14	24	81
Brewers Station Apts	0	9	8	6	11	34
The Crossings Condos	0	25	20	15	30	90
Cypress Creek Phase 6	8	0	3	3	7	21
Mallory Point/Scott's Farm (SFD)	75	0	30	34	71	210
Mallory Point/Scott's Farm (SFA)	41	0	17	19	39	116
Total Students from Developments	**124**	**61**	**94**	**91**	**182**	**552**
Total Students (10/31/23 Enrollment + Total Students from Developments)	**763**	**624**	**704**	**693**	**1487**	**4271**
Utilization	**86.41%**	**92.58%**	**80.55%**	**99.28%**	**95.32%**	
Approved Developments						
Archers Meade	0	6	5	4	7	22
BridgePoint Commons	0	39	23	21	35	118
St. Lukes Village SFD & SFA (1)	0	17	14	10	21	62
The Grange SFD (2)	43	0	9	14	27	93
The Park @ Battery (1)	18	0	8	6	13	45
Timber Preserve SFD (3)	0	32	26	19	39	116
Total Students from Developments	**61**	**94**	**85**	**74**	**142**	**456**
Total Students	**824**	**718**	**789**	**767**	**1629**	**4727**
Utilization	**93.32%**	**106.53%**	**90.27%**	**109.89%**	**104.42%**	
Proposed						
Gwaltney Farms	0	31	22	18	32	103
Kemps Village East	0	3	3	1	2	9
Promontory	32	0	13	13	27	85
St. Lukes Village Expansion (4)	0	0	0	0	0	
Sweetgrass	27	0	11	13	26	77
Total Students from Developments	59	3	27	27	55	171
Total Students	883	721	816	794	1684	4727
Utilization	**100.00%**	**106.97%**	**93.36%**	**113.75%**	**107.95%**	

December 12, 2023

1. Developer is proposing changes to project
2. Recently approved with changes
3. Dormant since 1986
4. Not factored into totals to avoid duplication

Action 1: When a school reaches 85% capacity, the division will organize a Long Range Planning Committee to evaluate needs and potential solutions.
Action 2: When a school reaches 90% capacity, the Long Range Planning Committee will prepare a plan of action, and the School Board will review current and projected student enrollment numbers to determine whether a more aggressive approach is necessary.
Action 3: When a school reaches 95% capacity, the school division will have an architect create working drawings to address the plan of action identified by the Long Range Planning Committee.

Ms. Briggs stated that with the developments only currently under construction and including Sweetgrass development, the program capacity at Smithfield Middle School would be at 101%, Smithfield High School 97%, Hardy Elementary School 90% and Westside Elementary School 82%.

Ms. Briggs added that the local fiscal year cost per student is $5,728.

Commissioner Rawls asked if that amount includes instructors and buses.

Ms. Briggs stated that the number included buses. She added that there are four funding sources; state funds, sales and use tax, federal funds and local funds, and the total cost per student is $14,309 a year.

Commissioner Distefano asked if it was the total cost per student or capital cost per student.

Ms. Briggs stated it was a total cost.

Commissioner Distefano asked if the costs can be separated out.

Ms. Briggs stated that those numbers can be provided by their finance department.

Ms. Briggs stated they implemented using a recommended best practice of 85, 90, 95 percent capacity triggers for facilities to determine when to start planning to expand capacity.

Commissioner Distefano asked if this information would be shared with Windsor and Smithfield.

Ms. Briggs said yes, and since this was presented before the School Board Meeting, they would also be getting this presentation.

Commissioner Boykin asked if there would be a new building, and what schools would be expanded.

Dr. Coleman stated Westside is in the plan for a new school. He added that renovations and expansions are done at a school level during the school year.

Ms. Briggs stated Westside has a need for replacement due to condition not capacity. She also stated that redistricting grades could potentially help.

Commissioner Boykin stated that it would be beneficial to view the CIP again.

Dr. Coleman stated creative planning would be required to determine the functionality of a new school.

Bobby Jones stated the definition of public improvements and capacity expansion as it relates to proffers:

- "Public facility improvement" means an offsite public transportation facility improvement, a public safety facility improvement, a public school facility improvement, or an improvement to or construction of a public park. No public facility improvement shall include any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. For purposes of this section, the term "public park" shall include playgrounds and other recreational facilities.
- "Public school facility improvement" means construction of new primary and secondary public schools or expansion of existing primary and secondary public schools, to include all buildings, structures, parking, and other costs directly related thereto.
- If an offsite proffer, it addresses an impact to an offsite public facility, such that (i) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment.
- A locality may base its assessment of public facility capacity on the projected impacts specifically attributable to the new residential development or new residential use.

Commissioner Taylor shared her concern with the additional traffic impacts from this development.

The following memorandum from the applicant was distributed to the Commissioners.

MEMORANDUM

TO: Isle of Wight County Planning Commission

CC: Amy Ring and Bobby Jones

FROM: NVR, Inc.

DATE: December 11, 2023

SUBJECT: Sweetgrass Application – Response to Comments Received at the November 28, 2023 Planning Commission Meeting

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Thank you, again, for your thoughtful approach to the review of our application. We very much appreciate how conscientious the Planning Commission is in vetting applications and serving the best interest of the County. We have prepared this memorandum in response to the comments made at the last Planning Commission meeting regarding traffic.

We acknowledge that the Sweetgrass project will increase the number of vehicles on the adjacent roadways. However, from the very beginning of our planning for this project, we have sought to analyze and mitigate our traffic impacts using very conservative projections so that our project does not negatively impact the flow of traffic on the adjacent roadways in any material way. We are confident that we have accomplished this task, and our traffic impact analysis and proffered traffic improvements have been approved by VDOT and the County Transportation Manager. Below are some of the key components and important takeaways from our traffic analysis and proffers:

- The traffic analysis modeled future growth in traffic conditions on the adjacent roadways out to the year 2032 and applied a large and conservative growth rate in background traffic (i.e., traffic other than the project traffic) of 1.5% per year which equates to an assumption of approximately 375 additional vehicles per year on Rt. 10 alone. Accordingly, the traffic analysis upon which our project and its proposed improvements are based more than accounts for the projected growth in the corridor.

- Our proffered traffic improvements and mitigation measures are conservative and based upon a larger number of vehicle trips than are actually projected to be generated by the project.

- The traffic analysis actually shows that the traffic conditions on adjacent roadways are better in the future with our project and the proposed traffic improvements, than without the project and the improvements.

- Our proffers for the improvement of the Rt. 10/Turner Drive intersection convert to their cash equivalent if they are superseded by a redesign of the intersection associated with other unapproved development.

We understand that growth presents challenges for any community, and you are right to be cautious in considering our project. However, we also believe it is important to honor the County's Comprehensive Plan and to guide and direct the growth that will occur in a responsible and measured way in locations that are planned to receive it. This project is located in the exact location proposed by the County's Comprehensive Plan and addresses all of its goals and objectives. The project has been materially reduced in size and scope from the original proposal and "right sized" to best serve the interests of the County and its future residents. Thank you for your consideration of our application and we ask for your support for its approval.

Adam Edbauer, 556 Rivergate Road, Chesapeake, Ryan Homes, stated they will move the traffic improvements up as soon as VDOT allows it.

Commissioner Boykin made the motion to recommend denial to the Board of Supervisors. Commissioner Taylor seconded the motion, which was adopted with Commissioners, Bowser, Boykin, Distefano, Rawls, Taylor, Sienkiewicz voting in favor of the motion and Commissioners Smith and Carroll voting against the motion (6-2)

COUNTY ATTORNEY'S REPORT

Bobby Jones confirmed there were no items to discuss.

PLANNING DIRECTORS REPORT

Amy Ring confirmed there were no items to discuss.

Commissioner Distefano stated he would like to improve communications with the schools and establish a liaison to communicate back and forth with the school board.

CLOSED MEETING

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

ADJOURNMENT

There being no further information to discuss, Chairman Carroll adjourned the meeting at 6:55 PM.

Adopted this _____day of _____, 2024.

_____

Brian Carroll, Chairman, Isle of Wight County Planning Commission

Attest: _____

Amanda Landrus, Secretary

PLANNING REPORT

APPLICATION:

Application ZA-8-23 of Charles L. and Deborah C. Owens, Trustees, Owens Living Trust, property owner, for a change in zoning classification from Rural Agricultural Conservation (RAC) to Conditional-Rural Residential (C-RR) of approximately 18 acres. The application includes a proffer for no further subdivision of the parcel, a waiver request to Section 4-3004 for the lot to contain more than ten acres and a request to withdraw the acreage from the Courthouse Agricultural and Forestal District upon rezoning.

ELECTION DISTRICT:

D3

LOCATION:

The proposed lot is part of tax map number 31-01-029 and will be located off the east side of of Carroll Bridge Road (Rt.654) on a private ingress/egress easement.

BACKGROUND:

A previous rezoning to create two single family residential lots was approved in January 2011. Under the sliding scale option in the Rural Residential Zoning Designation, a total of three single family residential lots are allowed. If this rezoning is approved, there will be no more rezoning options for this property.

The Agricultural and Forestal District (AFD) Advisory Committee met on January 3, 2024, and recommended approval of the removal of the acreage from the Courthouse AFD upon rezoning.

DESCRIPTION:

The property currently consists of one home site, approximately 50 acres of woods, and the remainder of the land is farm and pasture land.

The proposal will allow the lot to be used for one single family residence. A proffered condition of the rezoning to C-RR prohibits the proposed lot from being re-subdivided to include family member subdivisions.

The Capital Impacts Model results show there additional capacity is needed at the middle school for the projected one additional student, because existing enrollment at the school has reached 95% capacity. The schools policy states that capacity expansion planning and implementation begins at the 95% school capacity level. The model also shows an existing deficit for neighborhood park, event center and community center space in the northern service area which is exacerbated with any new development in this area. However, there are no capacity expansion projects included in the County's Capital Improvement Plan for these types of parks and recreation facilities. The model shows sufficient capacity for fire and rescue, transportation, and law enforcement facilities to serve the parcel.

COMPREHENSIVE LAND USE PLAN:

The property is designated Rural Agricultural Conservation on the Future Recommended Land Use Map in the Comprehensive Plan. This designation is intended to maintain and conserve rural character and farmlands and to provide for a full range of agricultural and farming activities and related uses along with scattered, low density residential development. The proposal is consistent with the future recommended land use.

ORDINANCE REVIEW:

The required lot area in the RR zoning district is a minimum of 40,000 square feet. The minimum lot frontage is 120 feet with 150 feet of lot width at the front setback line. The parcel meets the minimum requirements of the RR zoning district. A waiver has been requested to Section 4-3004 B.1. which states that "the maximum lot size for any new lot created shall be ten acres unless otherwise approved by the Board of Supervisors." The property owners request a waiver to this request, because they desire a larger lot.

The proposed lot is in the Chesapeake Bay Preservation Area Overlay District and does contain a Resource Protection Area which has a 100-foot buffer. A wetlands delineation has been provided for the lot. The proposed lot also has a special flood hazard zone along the rear property line which does not effect the buildable area. The subdivision plat will be required to demonstrate the new lot meets the net developable area requirement.

The proposed lot is in the Courthouse AFD District and it has been requested to be removed upon rezoning.

Following approval of the rezoning, a plat will be required to be submitted, approved and recorded to create the new lot.

AGENCY REVIEW:

The following departments have stated no concerns with the application as presented:

- Emergency Services
- Transportation Manager
- General Services
- Environmental Planner
- Virginia Department of Transportation
- Health Department
- County Attorney

STAFF CONCLUSIONS:

Strengths:

The application is compatible with the existing land uses in the vicinity and within the guidelines of the future Recommended Land Use Plan Designation.

Weaknesses:

The sliding scale option limits a maximum lot area of ten acres without Board of Supervisors approval, and this application exceeds that area.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning application as proffered, along with the waiver and removal from the Courthouse AFD District upon rezoning.

ATTACHMENTS:

Description	Type	Upload Date
Rezoning Application	Cover Memo	1/12/2024
Location Map	Exhibit	1/12/2024
Land Use Map	Exhibit	1/12/2024
Zoning Map	Exhibit	1/12/2024

Exhibit
Resolution

October 23, 2023

Agricultural Advisory Committee
Isle of Wight County Planning Commission Members
Isle of Wight County Board of Supervisors Members

We are requesting to rezone part of tax map parcel 31-01-029 to enable the sale of a parcel containing approximately 18 acres. The proffered condition of the rezoning to Conditional Rural Residential is the condition of the creation of one single family residential lot. The proposed lot will be off Carroll Bridge Road on a private ingress/ egress easement. The proposed parcel is shown on the zoning exhibit. In addition to requesting to rezone to Conditional Rural Residential, (C-RR), a waiver to Section 4-3004 is being requested to allow the lot to contain more than ten (10) acres. Also, if the land is rezoned, it is requested that it be be removed from the Courthouse District. Your favorable consideration of this application will be greatly appreciated.

Sincerely,

Charles L Owen

Owner/Applicant

Revised 4/7/23

2A-8-23
29116

31-01-029

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING

APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

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

A. APPLICATION FOR:

[ ] Rezoning

[✓] Conditional Rezoning (Are voluntary proffered conditions attached?): ✓ Yes _____ No

Request to change the subject property(s) from the RAC to the C-RR zoning district.

Proposed Use or Activity: one single family residential lot.

[ ] Amendment to Conditional Zoning

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

B. PROJECT DESCRIPTION:

Project Name: N/A (OWENS)

Property Address (if any): _____

Election District: D3

Comprehensive Plan Designation: RAC

The rezoning will apply to approx. 18 acres out of 89 total acres

Tax Parcel Identification # 31(01)029 Number of Acres to be Rezoned: approx. 18

Requesting Zoning District Change from: RAC to C-RR

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

Requesting Zoning District Change from: _____ to _____

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

Requesting Zoning District Change from: _____ to _____

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

Public Sewer _____ Private Septic _____

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): Charles L & Deborah C. Owens Trustees Owens

Address: 15433 Carroll Bridge Road, Smithfield, Living Trust

City, State, Zip Code: VA 23430

Phone No.: 757-650-1216 Email: Owenspwt@gmail.com Fax No.: _____

Property Owner(s) Name(s): JOE Post Property 757-635-6956 Same

Address: _____

City, State, Zip Code: _____

Phone No.: _____ Email: _____ Fax No.: _____

X Charles L Owens 10-23-23

Applicant Signature **Date**

_____

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

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

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

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: ✓

Tax Query: [✓] Current [ ] Delinquent Distribution Date: _____

Posted/Date to Post: 01/03/2024

AGENCIES REFERRALS:

___ Department of Conservation & Recreation	___ Inspections
___ Economic Development	___ Sheriff's Office
✓ Emergency Services	___ Town of Smithfield
✓ General Services	___ Town of Windsor
✓ Environmental Planner	✓ VDOT
___ Health Department	___ Schools
✓ Transportation Manager	___ Budget & Finance
___ Commission of Revenue	✓ County Attorney
✓ Other Museum	

Verified By: _____ Date: 11-29-2023

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant: Charles L. Owens

Address: 15433 Carroll Bridge Rd. Smithfield, Va. 23430

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
15433 Carroll Bridge Rd.	Agricultral Land

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	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: X Charles L. Owens (Printed or Typed Name) Applicant: X Charles L Owens (Signature) Date: 23rd October, 2023

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 23 day of October, 2023.

Sandra Walker Robinson
Notary Public

My Commission Expires 08/31/2024

REZONING/CONDITIONAL ZONING AMENDMENT APPLICATION CHECKLIST

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

In conjunction with Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for an exception shall be certified as complete unless the following information is provided. ***The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.*** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

☐ **Ten (10) copies of the following:**

- ☐ original, executed application
- ☐ a statement of the reasons for seeking a rezoning, and if applicable, a statement of proffered conditions with owner(s) original, notarized signature.
- ☐ narrative description of current condition and use of the property, which shall include the tax parcel identification number
- ☐ full size concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be 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)
- ☒ any additional information required for the proposed use in accordance with Section 5-5000, *Supplementary Use Regulations,* of the Zoning Ordinance.
- ☒ Community Impact Statement. Required for residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications. Please refer to Section 1-1015.F for detailed requirements of the Community Impact Statement.
- ☒ Water Quality Impact Assessment. For any rezoning in the Chesapeake Bay

Preservation Area prepared in accordance with Appendix B-1 of the County Code for applications containing any of the following:

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

☐ Planned Development supplemental information shall be submitted in accordance with Section 4-14005, *Submission Requirements,* of the Zoning Ordinance

☑ **One (1) original executed application**

☑ **One (1) digital copy of ALL application documents**

☑ **One (1) reduced 11"x17" copy of concept plan**

☒ **Voluntary Proffer Statement if applicable**

☐ **Waiver and Release of Claims if cash proffer is proposed**

☑ **Application fee submitted with the application. Checks should be made payable to treasurer, Isle of Wight, County**

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

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

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.

Charles L Owens

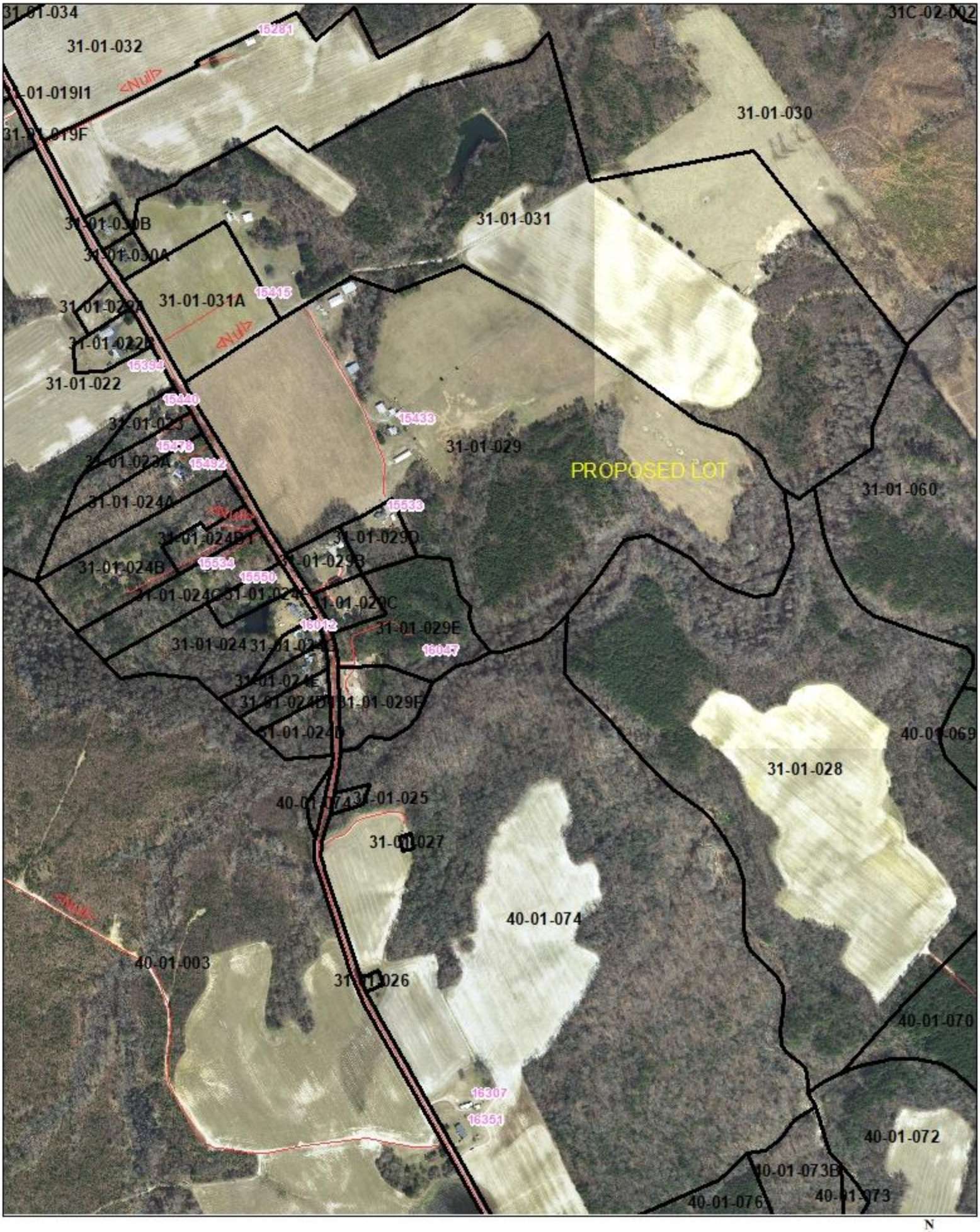
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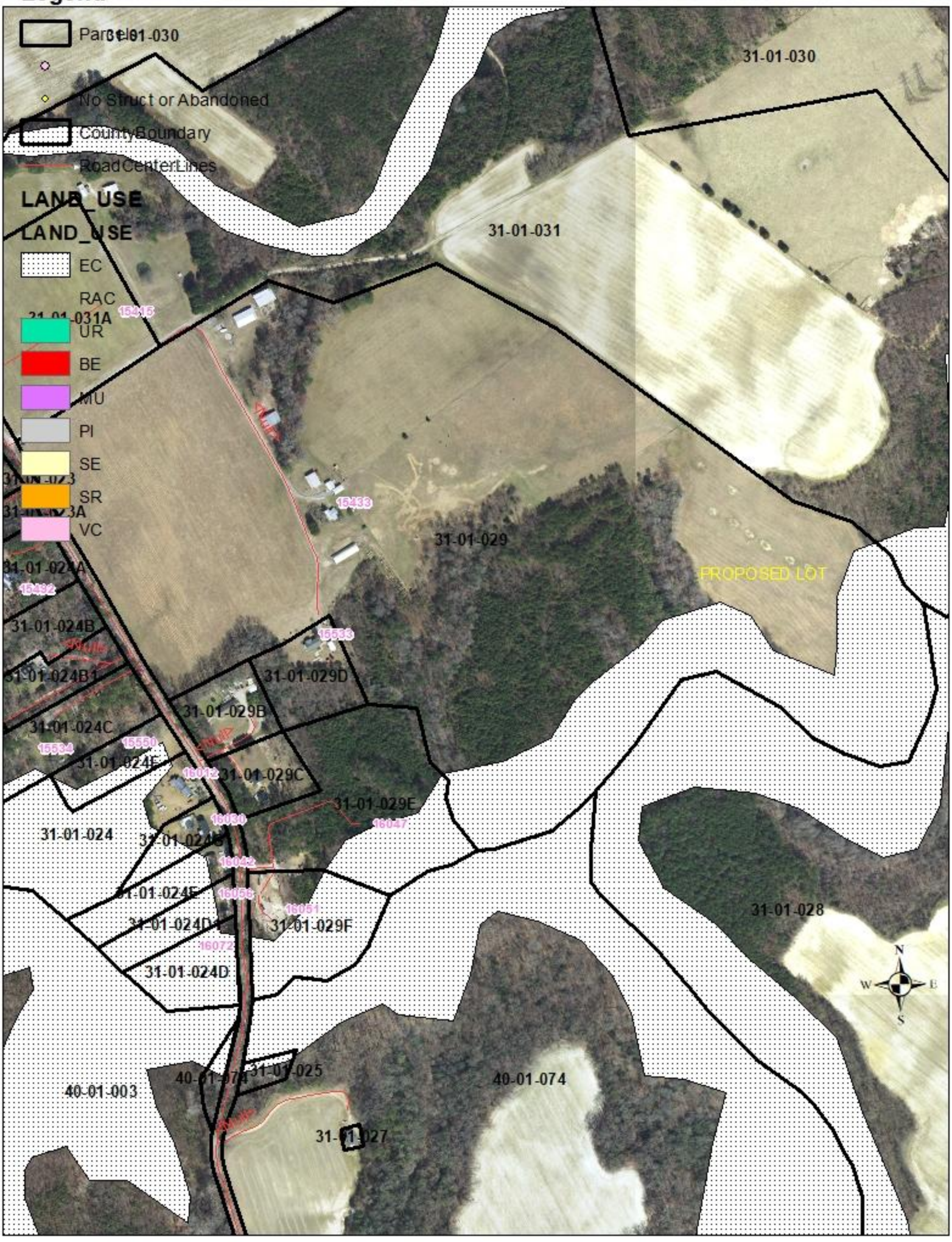
Charles L Owens

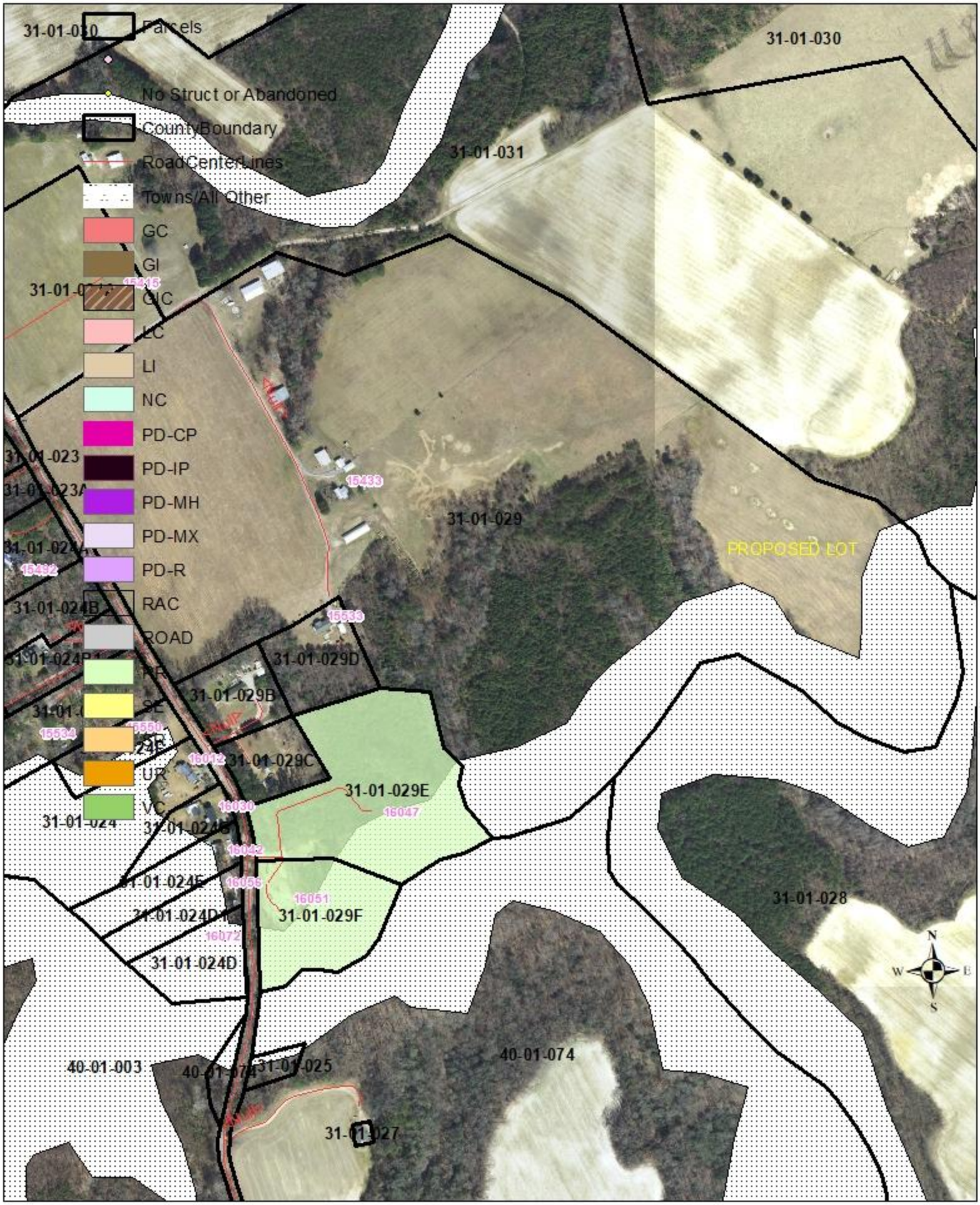
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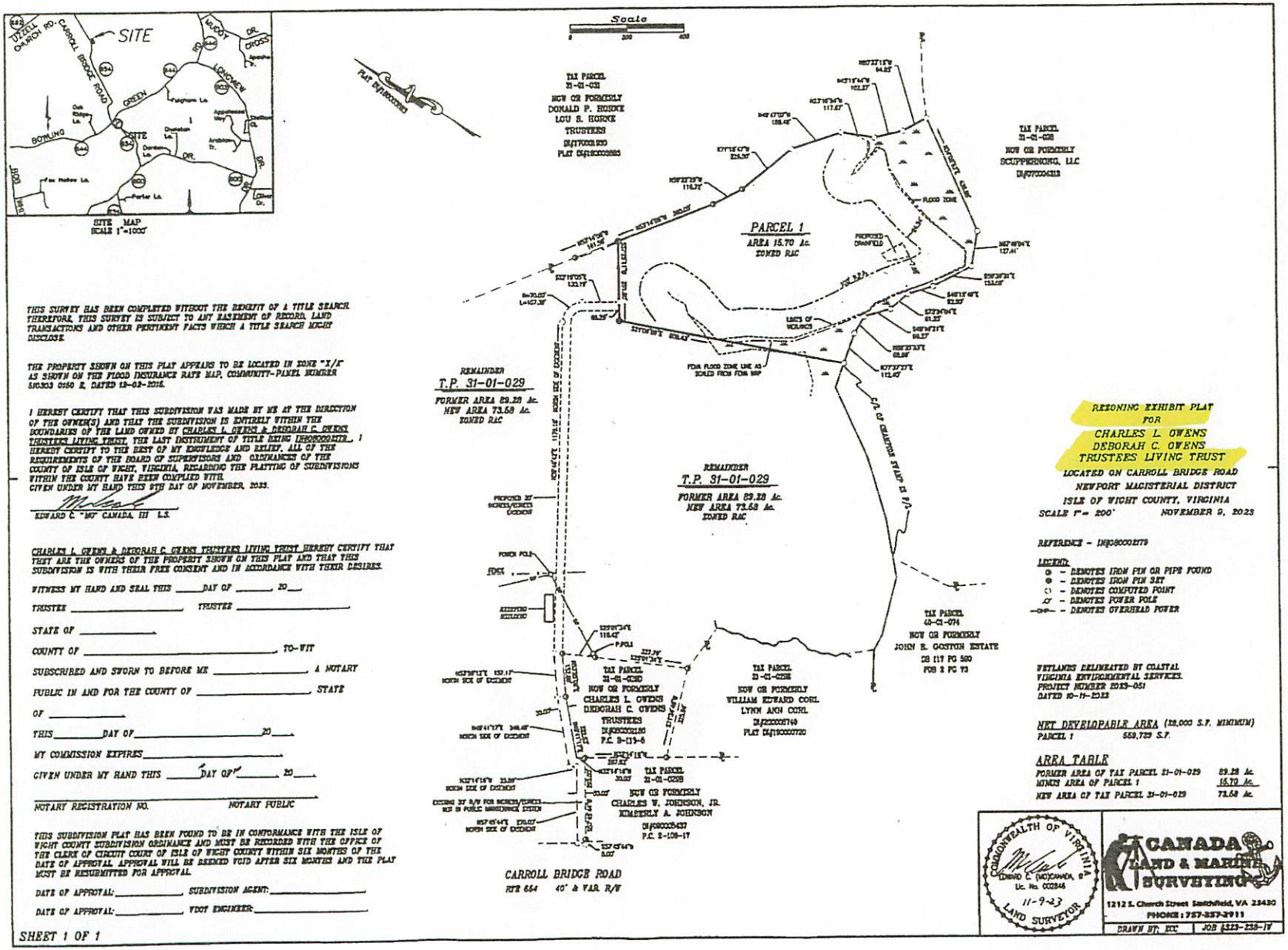
10-23-23

Date


31-01-034
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31-01-019I1
31-01-019F
31-01-030
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31-01-030A
31-01-031A
31-01-022A
31-01-022B
31-01-022
31-01-023
31-01-023A
31-01-024C
31-01-024B
31-01-029
PROPOSED LOT
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31-01-029D
31-01-029B
31-01-029C
31-01-029E
31-01-029F
31-01-028
31-01-025
31-01-027
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15550
16012
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16307
16351
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S


Legend
Parcel
No Struct or Abandoned
CountyBoundary
RoadCenterLines
LAND_USE
LAND_USE
EC
RAC
UR
BE
MU
PI
SE
SR
VC
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31-01-031
31-01-029
PROPOSED LOT
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31-01-024B1
31-01-024C
31-01-024E
31-01-029D
31-01-029B
31-01-029C
31-01-029E
31-01-024
31-01-024F
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31-01-029F
31-01-024D
31-01-028
40-01-003
40-01-074
31-01-025
N
W
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S


Legend
Parcels
No Struct or Abandoned
CountyBoundary
RoadCenterLines
Towns/All Other
GC
GI
GIC
LC
LI
NC
PD-CP
PD-IP
PD-MH
PD-MX
PD-R
RAC
ROAD
SE
UR
VC
31-01-030
31-01-031
31-01-029
PROPOSED LOT
31-01-029D
31-01-029B
31-01-029C
31-01-029E
31-01-029F
31-01-028
31-01-024
31-01-024D
31-01-025
40-01-003
40-01-074
31-01-027
15433
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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.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X/F" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 5103030150 B, DATED 12-02-2015.

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNER(S) AND THAT THE SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF THE LAND OWNED BY CHARLES L. OWENS & DEBORAH C. OWENS TRUSTEES LIVING TRUST, THE LAST INSTRUMENT OF TITLE BEING INST#. I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH.
GIVEN UNDER MY HAND THIS 9TH DAY OF NOVEMBER, 2023.

EDWARD C. "MO" CANADA, III L.S.

CHARLES L. OWENS & DEBORAH C. OWENS TRUSTEES LIVING TRUST HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAT AND THAT THIS SUBDIVISION IS WITH THEIR FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 20__.

TRUSTEE _____ TRUSTEE _____

STATE OF _____,

COUNTY OF _____, TO-WIT

SUBSCRIBED AND SWORN TO BEFORE ME _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF _____, STATE OF _____,

THIS _____ DAY OF _____, 20___.

MY COMMISSION EXPIRES _____.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20___.

NOTARY REGISTRATION NO. NOTARY PUBLIC

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 ENGINEER: _____

SHEET 1 OF 1

RESOLUTION NO. PC-23-12

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATING TO REZONING REQUEST ZA-08-23 TO CHANGE THE ZONING FROM RAC, RURAL AGRICULTURAL CONSERVATION, TO C-RR, CONDITIONAL RESIDENTIAL OF 15.70 ACRES OF LAND IDENTIFIED AS PART OF TAX MAP PARCEL 31-01-029

WHEREAS, Charles L. and Deborah C. Owens, Trustees, Owens Living Trust, property owner, Charles L. and Deborah C. Owens, Trustees, Owens Living Trust, property owner, have requested a change in zoning from RAC, Rural Agricultural Conservation, to C-RR, Conditional Rural Residential; 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, PC-22-03, 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.

READ AND PASSED: _____

TESTE: _____

Approved as to Form:

_____
Bobby Jones, County Attorney

PLANNING REPORT

APPLICATION:

Application ZA-7-23 of 17466 Benns Church Blvd, LLC, property owner, for an amendment to conditional zoning to permit additional uses, such as a micro-brewery, distillery, or cidery, restaurant, retail sales, event center, farmers' markets, catering, business or trade school, cabinet, antique or craft shop, itinerant merchants, peddlers, and fine arts studio on approximately 3.15 acres located at 17466 Benns Church Blvd. on property with tax map numbers 42-01-007B, 42-01-007B1, and 42-01-007B2

ELECTION DISTRICT:

District 4

LOCATION:

The subject property is located on the west side of Benns Church Boulevard. There are three separate parcels consisting of approximately 3.15 acres. The parcels are zoned Conditional General Commercial (C-GC). The property is located in the Newport Development Service Overlay District and is surrounded by largely industrial uses. To the north is the Isle of Wight Industrial Park. To the south, you have the Isle of Wight and Suffolk boundary line. To the west of the site, you have existing contractors' office along the private Spring Lane Drive. To the east is Bennetts Creek Nursery.

BACKGROUND:

The subject property was conditionally rezoned for commercial use in July 1984. As a part of the 1984 rezoning, the conditions specifically allow for the retaining of the A-1 uses, a cabinet/craft antique shop, and a business sign. The A-1 zoning district is now known as the Rural Agricultural Conservation (RAC) zoning district.

In August of 2023, the applicant applied to retain the prior approved use conditions as well as proposed new uses including a micro-brewery, distillery, or cidery, restaurant, retail sales, event center, farmers' markets, catering, business or trade school, cabinet, antique or craft shop, itinerant merchants, peddlers, and fine arts studio. These uses are to be the only uses permitted on site, which requires the applicant to amend the conditional zoning.

DESCRIPTION:

The applicant requests to amend the current C-GC zoning district list of permitted uses to allow micro-brewery, distillery, or cidery, restaurant, retail sales, event center, farmers' markets, catering, business or trade school, cabinet, antique or craft shop, itinerant merchants, peddlers, and fine arts studio. The uses that are proposed are currently permitted uses in the GC zoning district. The applicant has also applied to retain all the RAC uses.

The applicant has proposed to use the property for his distillery business. Blue Sky Distillery would use the back half of the existing shop building to house its distilling manufacturing operations where the distillery would produce its distilled spirits and related legally approved products. The front half of the building would be used as a tasting room, event and venue space, and a retail store area. As stated in the supplementary use regulations, tasting rooms, restaurants, retail space, and other uses shall not exceed fifty percent (50%) of the floor area of the establishment. The applicant has also proposed hosting events such as a book club, musical performance, or bartending class. The events would be held monthly or once every two months. The applicant has also included in their narrative the possibility of hosting outdoor events.

The concept plan shows no proposed exterior improvements with this application.

The property is currently served by a private well and septic system. The property was given an operations permit for a system that can accommodate 760 gallons per day in August of 2022. The health department has stated that the system can handle the uses proposed in this application.

The property is accessed by Spring Lake Drive, a private road that does not have a road maintenance agreement in place. The applicant has stated that he has routinely and cooperatively performed maintenance on the road. The applicant also stated access to Spring Lake Drive was acquired when the business purchased 17466 Benns Church Blvd. The only access proposed for the site is Spring Lake Drive

COMPREHENSIVE LAND USE PLAN:

The parcel is designated as Planned Industrial (PI) on the future recommended land use map in the Comprehensive Plan. The PI land use consists of some light industrial and all heavy industrial and manufacturing uses as well as warehousing, and distribution. The PI land use is best located in places with easy access to major highway corridors or rail transportation Expected development in PI might include light and heavy manufacturing, warehousing, distribution, rail-dependent uses, and other uses which may impact surrounding development due to noise, smell, dust or similar features. Supporting office, commercial uses, and other land uses with similar siting considerations such as enhanced buffering may also be appropriate.

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

ORDINANCE REVIEW:

The applicant has proffered that only the uses included in the proffer statement will be permitted on this site. Although the uses proposed are permitted in the GC zoning district, it doesn't appear there is adequate space for certain uses. Having a business /trade school or a restaurant may prove to be difficult without having improvements that would meet the current zoning ordinance requirements. Staff also does not support the retaining of all the RAC uses which are not consistent with the existing zoning or the recommended future land use designation.

The parcel is located in the NDSO District. Article VI, Section 6-2000 of the Zoning Ordinance states that the purpose for establishing the NDSO provisions is to create a clear and consistent set of uniform design standards that would apply to all properties throughout the Newport development service overlay district. The design standards outlined in this section are intended to facilitate the creation of a convenient, attractive, and harmonious community as stated in Section 15.2-2283 of the Code of Virginia. Furthermore, the design standards are established to preserve historical sites and architectural areas within the district and those lands that are contiguous to arterial streets that are significant routes of tourist access to designated historic landmarks, buildings, structures, or districts. To meet the intent

of the NDSO District, any future improvements, building materials, and outdoor storage area must comply with the NDSO design standards during site plan review, at which time all other applicable regulations of the Zoning Ordinance including parking, landscaping, lighting, etc. will be addressed.

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

AGENCY REVIEW:

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

Economic Development: Economic Development, along with Smithfield & Isle of Wight Tourism, supports Blue Sky Distillery's expansion project.
Virginia Department of Transportation: We recommend that the existing commercial entrance off of Route 10, known as Spring Lake Dr., a private road, be paved with asphalt from its intersection with Route 10 extending past the turn-off to the proposed tasting room. The existing entrance radius appears to be adequate, but we recommend that the paved entrance maintain a minimum 45' radius in order to accommodate larger design vehicles.
Health Department: On 8/9/2022 an Onsite Sewage System Construction Permit was issued for a total daily usage of 760 GPD. There is no proposed increase in daily water consumption, therefore; the change in zoning will have no impact on the issued permit.
County Attorney: If they are attempting to add the permitted uses allowed in the RAC district, this would be improper.
Emergency Services: No concerns were expressed with this application.
General Services: No concerns were expressed with this application.

STAFF CONCLUSIONS:

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

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

Strengths:

1. The additional uses are consistent with the permitted uses in the GC zoning district.
2. The application enables the reuse of an existing vacant commercial building and site with new commercial uses limited only to those listed in the conditions voluntarily proffered.

Weaknesses:

1. The proposed uses are not consistent with the PI's future recommended land use.
2. The application proposes to retain all RAC uses which is not consistent with the GC zoning district or the future recommended land use of PI.

STAFF RECOMMENDATION:

Given that the proffers included uses that are not appropriate for zoning district or land use, Staff recommends denial of the application.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	1/11/2024
Concept Plan	Backup Material	1/11/2024
Community Impact Statement	Backup Material	1/11/2024
Location Map	Backup Material	1/11/2024
Location Closeup Map	Backup Material	1/11/2024
Zoning Map	Backup Material	1/11/2024
Land Use Map	Backup Material	1/11/2024
Resolution	Resolution	1/17/2024

Revised 4/7/23

ISLE OF WIGHT
COUNTY, VIRGINIA

APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

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

A. APPLICATION FOR:

[ ] Rezoning

[ ] Conditional Rezoning (Are voluntary proffered conditions attached?):_____Yes _____ No

Request to change the subject property(s) from the_____to the_____zoning district.

Proposed Use or Activity: _____

_____

[X] Amendment to Conditional Zoning

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

See included Exhibit 1

B. PROJECT DESCRIPTION:

Project Name: Blue Sky Distillery

Property Address (if any): 17466 Benns Church Blvd, Smithfield, VA 23430

Election District: 4

Comprehensive Plan Designation: _____

The rezoning will apply to approx 3.15 acres out of approx 3.15 total acres

Tax Parcel Identification # 42-01-007B Number of Acres to be Rezoned: 1.15

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

Tax Parcel Identification # 42-01-007B1 Number of Acres to be Rezoned: 1.02

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

Tax Parcel Identification # 42-01-007B2 Number of Acres to be Rezoned: 0.98

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

Proposed Utilities (check all that apply): Public Water_____Private Well XX

Public Sewer_____Private Septic XX

C. **APPLICATION INFORMATION:**

Applicant(s) Name(s): 17466 Benns Church Blvd, LLC - Michael Miller

Address: 17466 Benns Church Blvd

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 703-638-5771 Email: mike@blueskydistillery.com Fax No.: n/a

Property Owner(s) Name(s): 17466 Benns Church Blvd, LLC

Address: 17466 Benns Church Blvd

City, State, Zip Code: Smithfield, VA 23430

Phone No.: 703-638-5771 Email: mike@blueskydistillery.com Fax No.: n/a

12 September 2023

Applicant Signature **Date**

Owner Signature *if different* **Date**

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

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

FOR OFFICE USE ONLY:

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

AGENCIES REFERRALS:

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

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

Verified By: _____ Date: _____

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant: 17466 Benns Church Blvd, LLC

Address: 17466 Benns Church Blvd, Smithfield, VA 23430

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
42-01-007B	1.15 acres; shop building on lot
42-01-007B1	1.02 acres; cabin on lot
42-01-007B2	0.98 acres; empty lot

OTHER OWNERS OF AFFECTED REAL ESTATE

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

Name of Individuals Corporation/Partnership Business Association	Address
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:
n/a

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

Applicant: Michael Miller (Printed or Typed Name) Applicant: [signature] (Signature) Date: 12 Sept. 2023

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me (Michael Miller 12th September 2023).
A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 12th day of September, 20 2023

[signature]
Notary Public

My Commission Expires 05-31-2025

DIANE M STEVENSON
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2025
COMMISSION # 7295290

REZONING/CONDITIONAL ZONING AMENDMENT APPLICATION CHECKLIST

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

In conjunction with Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for an exception shall be certified as complete unless the following information is provided. ***The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.*** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

- ☒ **Ten (10) copies of the following:**
  - ☒ original, executed application
  - ☒ a statement of the reasons for seeking a rezoning, and if applicable, a statement of proffered conditions with owner(s) original, notarized signature.
  - ☒ narrative description of current condition and use of the property, which shall include the tax parcel identification number
  - ☒ full size concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be 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)
  - ☒ any additional information required for the proposed use in accordance with Section 5-5000, *Supplementary Use Regulations,* of the Zoning Ordinance.
  - ☒ Community Impact Statement. Required for residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications. Please refer to Section 1-1015.F for detailed requirements of the Community Impact Statement.
  - ☐ Water Quality Impact Assessment. For any rezoning in the Chesapeake Bay

Preservation Area prepared in accordance with Appendix B-1 of the County Code for applications containing any of the following:

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

☐ Planned Development supplemental information shall be submitted in accordance with Section 4-14005, *Submission Requirements,* of the Zoning Ordinance

☒ **One (1) original executed application**

☒ **One (1) digital copy of ALL application documents**

☐ **One (1) reduced 11"x17" copy of concept plan**

☒ **Voluntary Proffer Statement if applicable**

☐ **Waiver and Release of Claims if cash proffer is proposed**

☒ **Application fee submitted with the application. Checks should be made payable to treasurer, Isle of Wight, County**

☐ **Other information may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.**

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

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.

Michael Miller

Name



Signature

12 September 2023

Date

17466 BENNS CHURCH BLVD, LLC
APPLICATION FOR REZOING

Concept Plan

The plans for improvements and alterations to the property will not include altering the current footprint of the existing buildings, including the construction of new buildings. In other words, all the buildings on the property will not be expanded beyond their current footprint. In addition, all proposed uses under this application for the amendment to zoning should be understood as a request to amend the zoning of each parcel and equally and uniform apply to all three (3) parcels comprising the property purchased by Blue Sky Distillery.

A. A vicinity map is provided as two (2) attachments:
   1. Topographical Map, dated 28 August 2023; and
   2. Satellite Map, dated 28 August 2023.

B. Current zoning of parcels to be rezoned, including tax numbers and owners.

   1. There are three (3) lots comprising the property to be rezoned. All three (3) have the address of 17466 Benns Church Blvd, Smithfield, VA 23430 and the current application to amend the zoning applies to each parcel equally:

Parcel:	TPIN	Owner
1.	42-01-007B	17466 Benns Church Blvd, LLC
2.	42-01-007B1	17466 Benns Church Blvd, LLC
3.	42-01-007B2	17466 Benns Church Blvd, LLC

C. Current zoning of adjacent parcels, including tax numbers and owners.

# of Adjacent Parcels:	TPIN	Owner	Zoned As:
1.	42-01-007H	Shirley A. Weeks	LI
2.	42-01-007B3	David A. & Amy M. Stoup	LI
3.	42-01-007A	Spring Lake Storage Inc.	LI

D. Street names including route number and width of right-of-ways.

   1. The streets adjacent to the properties to be rezoned are:

Street:	Name	Width
1.	Benns Church Blvd (Route 10 / 32)	Standard state 4-lane highway
2.	Spring Lake Drive	2 lane drive, approx. 20 ft. wide

17466 Benns Church Blvd Concept Plan Attachment
Satellite Map
28 August 2023



17466 Benns Church Blvd Concept Plan Attachment
Topographical Map
28 August 2023



17466 BENNS CHURCH BLVD, LLC
APPLICATION FOR REZOING

Community Impact Statement

The applicant does not anticipate any negative impact to the community and only anticipates a beneficial impact to local business and industrial residents by increasing local awareness of their business ventures.

As the property is served by a private well and septic system, there will be no impact on existing county water or sewer facilities. In addition, since the parking lots and driveway are gravel and no additional buildings are being erected on the property, local drainage and the larger watershed area should only be minimally impacted, if any at all. Blue Sky Distillery expects roadway usage to only be modestly impacted as BSD's past experience has demonstrated that most patrons will be local residents or visiting tourists that are already in the region visiting other points of interest. Finally, Blue Sky Distillery believes that all other facilities, such as schools, fire stations or other locally financed facilities, will not experience any negative impact at all.

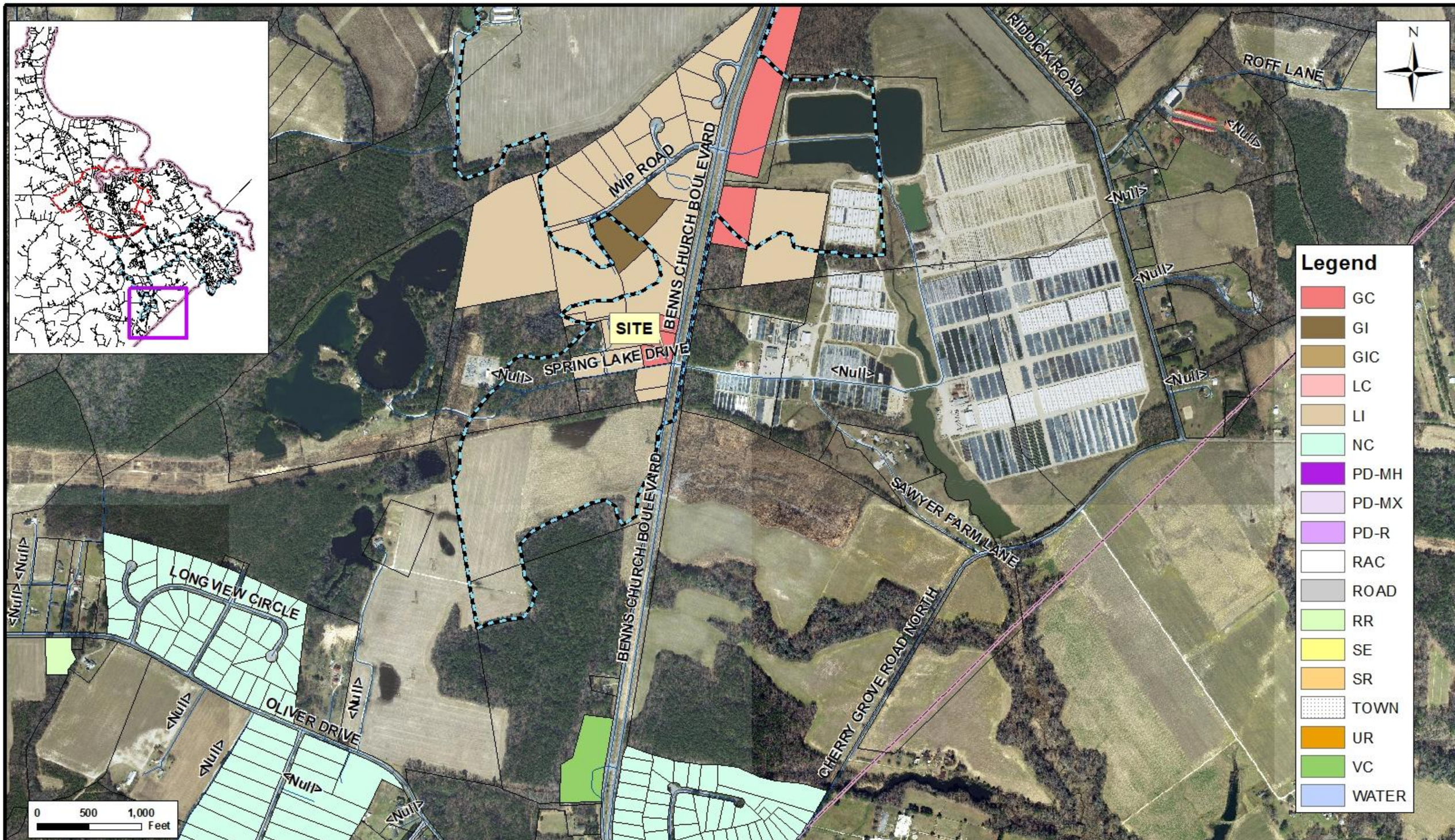
ZA-7-23 - Amendment to Conditional Zoning - Location Map



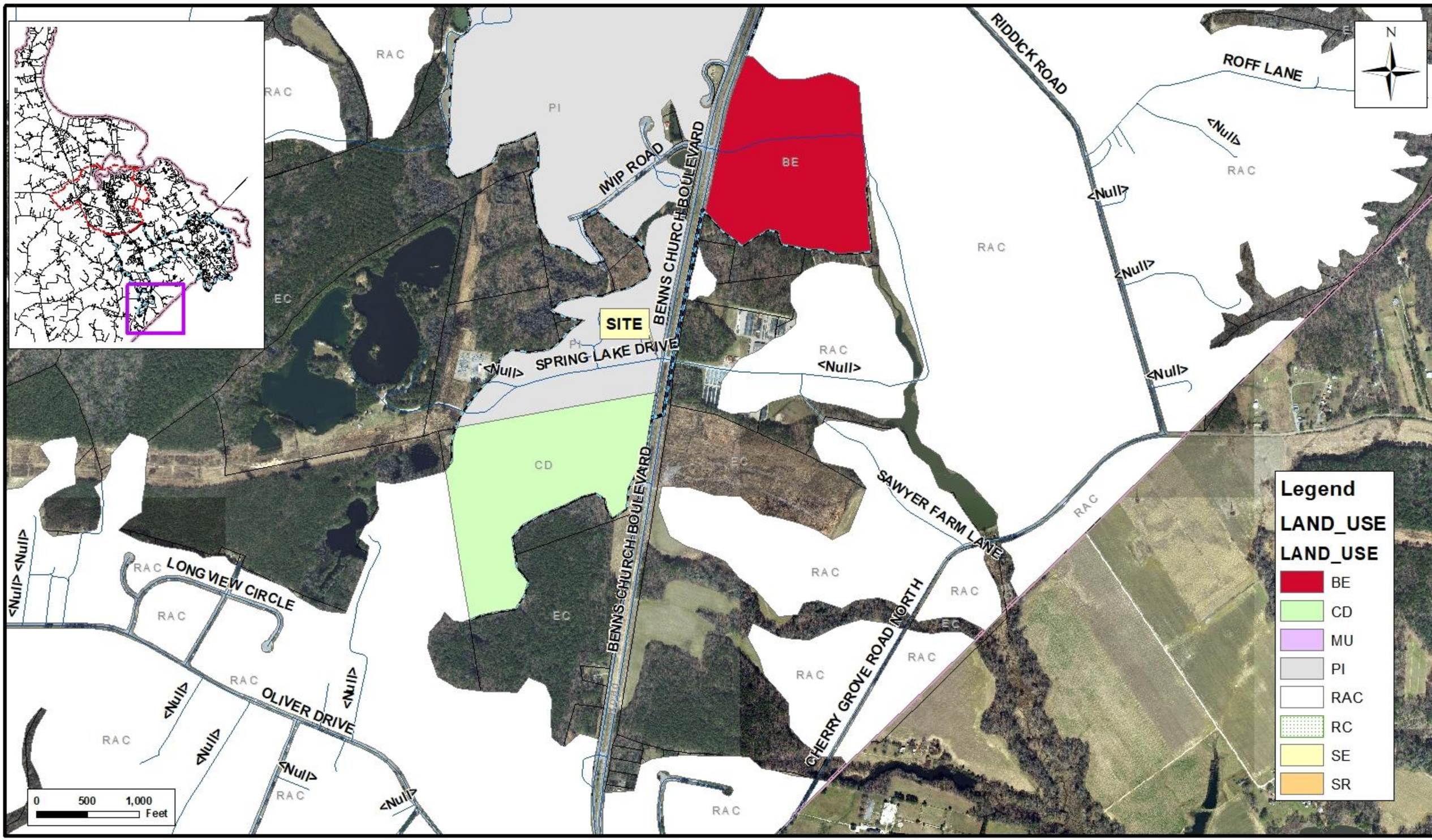
ZA-7-23 - Amendment to Conditional Zoning - Closeup Map



ZA-7-23 - Amendment to Conditional Zoning - Zoning Map



ZA-7-23 - Amendment to Conditional Zoning - Land Use Map



RESOLUTION NUMBER PC-24-01

ISLE OF WIGHT COUNTY PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO THE BOARD OF SUPERVISORS RELATING TO REZONING REQUEST ZA-07-23
TO AMEND CONDITIONAL ZONING OF APPROXIMATELY THREE ACRES OF LAND
IDENTIFIED AS TAX MAP NUMBERS 42-01-007B, 42-01-007B1, AND 42-01-007B2

WHEREAS, 17466 Benns Church Blvd LLC, owner, has requested an amendment to conditional zoning for property located at 17466 Benns Church Blvd with tax map numbers 42-01-007B, 42-01-007B1, and 42-01-007B2 to specifically permit the additional uses of business or trade school, catering, farmer's markets, commercial indoor entertainment, event center, itinerant merchant, micro-brewery, distillery, cidery, peddler, restaurant, general, retail sales, studio, fine arts; 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, PC-24-01, 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 and/or proffered conditions set forth on the attached exhibit, and that the Board of Supervisors adopt the proposed Ordinance with such modifications and/or conditions.

READ AND PASSED: _____

TESTE: _____

Approved as to Form:

_____
Robert W. Jones, Jr., County Attorney

PLANNING REPORT

APPLICATION:

Discussion on the Proposed Formation of a Growth Management Task Force by Renee Rountree, Board of Supervisor for District 1

DESCRIPTION:

A description of the proposed task force is attached to this report.

STAFF RECOMMENDATION:

For Discussion Purposes Only

ATTACHMENTS:

Description	Type	Upload Date
Task Force Description rev 1/22/24	Cover Memo	1/22/2024

IOW Growth Management Task Force Proposal (rev 1-22-24)

Composition: County board member, Windsor council person or planning commission member, Smithfield council person or planning commission member, IOW County Planning commission member, 5 citizens representing each district, two at large citizens (one from Carrollton DSD and one from Carrsville DSD), with modeling and statistical analysis skills.

- Smithfield and Windsor Town Managers are supportive, as is Mayor Bowman and Councilman Adams.

Supporting staff: Planning & Zoning

Mission: Identify & create a comprehensive listing of specifically costs, needs, benefits, & the impact of various growth rates within the county on projected growth. To begin to define the "output" of this task force, a complex model that allows "gaming" of inputs to see the impact of outputs, based upon a set of parameters is needed. This requires computer modeling skills, which abundantly exist in the area.

Task: The IOW Growth Task force should use county staff for expertise and the existing Comprehensive Plan as a guide. The TischlerBise modeling tool previously commissioned is exceptionally good, although outdated, and should be a good basis for moving forward on county land. The existing model was used to evaluate proffer scenarios only.

a. **Define growth, growth rate, and growth management** to assure the Board of Supervisors that everyone is speaking the same language with the same, as much as possible, meaning. Definitions should be pointed toward the intended purpose of this project; no unique definitions exist. Important for modelers to understand.

i. **Growth**: The concept of growth in the context of land use refers to the **changes in land utilization over time**. It encompasses the physical, economic, and social transformations that occur within a specific area, often involving the increase in population, housing, infrastructure, and built environment. It can have both positive and negative elements. In the case of this study, it would be measured in incremental expansion impacts of both

cost (capital) and amounts/volumes of services to baselines for all the variables cited in this study.

ii. **Growth management**: Land use growth management refers to a **purposeful strategic, planned approach aimed at guiding, regulating, and optimizing the growth and development of land within a specific jurisdiction**. This process involves the formulation and implementation of policies, regulations, and strategies to influence and control the spatial expansion, distribution, and intensity of various land uses. The primary goals of land use growth management are to achieve sustainable development; balance economic, environmental, and social considerations; and avoid unchecked sprawl. It would be the responsibility of county staff, planning commission, board of supervisors, and citizens inputs.

iii. **Growth rate**: Land management growth rate refers **to the pace or rate at which improvements, changes, or advancements are implemented in the management of land resources.** It can be both positive and negative. It is the input to the adoption of sustainable and efficient land use practices and regulations, the integration of technology for better resource management, and the implementation of policies aimed at conservation and environmental protection. Typically for this study, it would be input in terms of housing units.

b. **Define the variables to be considered in this study**. They should consist of what the previous study (2019) included, which are: Public schools, parks and rec, public safety sheriff, public safety fire and rescue, public safety animal protection, transportation/traffic, libraries, general government, courts, solid waste, water, and sewer. The following variables should be added to the model: natural gas, internet, capital project delay time (time from approved design to operational), age-group demographics (boomers, millennials, etc.), housing unit restrictions (55+), housing unit types (condo, single family, apartment ½ bedroom—as each type has different density factor) housing unit delay times (proposal to when occupied), IOW housing market trends over time (cost of materials, regulation changes, etc.), area demographics, developmental zones, and cost of housing (< 250K, 250-500K, >500K e.g.). Healthcare and religious facilities and industrial growth should be factored into the model. And any other variable that might be valuable in supporting leadership decision-making.

c. **Modify the model from capital basis to an operational basis**. Inputs to model should be developer proposed parameters (housing units, location, capital impacts, demographics, costs, etc.). Outputs of model should be incremental costs and impacts to model variables from stated baselines. Intent would be to feed model a proposed growth rate of housing units of specified types to be occupied over specified times. The model output would be variable impacts, county capital costs, first limitations, as phased over realistic timelines. The model should include IOW

unique aspects, like cost of housing units compared to Hampton and NNS, impact of northern Suffolk development on route 17 traffic, JRB traffic, routes 10 and 258 traffic.

d. **Develop from the model and other sources positive attributes to positive growth**. Previous model studies showed net revenue to county, attracting new services, and potential business and services growth, more youth organizations and so on. These should be identified and publicized as well as growth challenges.

e. **Community education on growth process**. Virginia and IOW county laws that pertain to growth proposals should be summarized and explained to the public. What is the process, how does the process flow, where can the public participate, what are property owner rights, how are zoning changes accomplished, etc. Learning the process when there is a contentious developer proposal is not helpful. Common knowledge should include the public role in zoning changes.

f. **Updating IOW Comprehensive Plan**. Page 139 of the IOW Comprehensive Plan (CompPlan) states that "The County shall proactively address the location, amount, and timing of growth in order to preserve its distinctive character, protect sensitive environmental and cultural resources, and control costs associated with growth" at five-year update intervals from JAN 2020. TischlerBise participated in the CompPlan development and many of the plan's attributes are visible in the growth model report. This is an excellent connection that should be maintained. The CompPlan is very professionally written document, backed-up and a guiding plan, that perhaps is shelved until that time again. It talks all about growth initiatives and how they should be managed. Does the planning commission follow it? Do builders and landowners follow it? There are too many questions being asked about growth to reflect a detailed and actionable knowledge of the work in the CompPlan to make one think it is actually being applied.

Recommendations:

1. Ask Planning and Zoning Director to update the TischlerBise growth study with the suggestions as appropriate from above. Support need for any

   funding needed to update the study.

2. Take appropriate action to request the study be updated at Annual

   intervals for the time being due to rate of changes and need for actions by governing bodies.

3. Act on the CompPlan implementation actions, hold accountability

   for what is stated to be done. Or replace it with an action plan to manage county growth centered on the updated TischlerBise growth study and discuss how to deal with the CompPlan later. Require

board updates on the CompPlan plan periodically.

4. **Determine where** the growth management plan is to be actionable and accountable: county staff, board of supervisors, planning commission(s), governing bodies, citizens group, others. Suggest best place is planning commission (s) as supported by staff and model, and governing bodies.
5. **Implement proposed growth task force.** Implement proposed task force to work with staff on model outputs, meaning, communications, CompPlan actions.
6. **Ask expert to perform** a high-level systems analysis on the existing growth management system, focus on system pathologies, reporting to Supervisor Rountree.

Timing: Provide a first report to a joint session of local governing bodies by September 2024.

Recommendations: This task force will not delay projects that have broken ground. Any project of more than three or more unit residential projects, requiring zoning amendment should consider outputs of the task force.

Respectfully submitted,

Renee K. Rountree

PLANNING REPORT

APPLICATION:

Discussion of Proposed Ordinance Changes by the Board of Supervisors

DESCRIPTION:

The Board has directed staff to take a look at revising both the sign ordinance and the regulations for the use of recreational vehicles as temporary living accommodations.

STAFF RECOMMENDATION:

This item is for discussion purposes only.