



March 8, 2024

Michael Miller  
17466 Benns Church Blvd  
Smithfield, VA 23430

**Subject: Application (ZA-7-23) of 17466 Benns Church Blvd, LLC, property owner, for an amendment to conditional zoning to permit additional uses, including cabinet, antique and craft shop, catering, farmer's markets, commercial indoor entertainment, event center, itinerant merchant, micro-brewery, distillery, cidery, peddler, general restaurant, retail sales, 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**

Dear Mr. Miller,

Please be advised that at its meeting on February 15, 2024, the Isle of Wight County Board of Supervisors approved the request (ZA-7-23) for an amendment to conditional zoning to permit additional uses including cabinet, antique and craft shop, catering, farmer's markets, commercial indoor entertainment, event center, itinerant merchant, micro-brewery, distillery, cidery, peddler, general restaurant, retail sales, 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. A copy of the Board ordinance with the proffered conditions is attached for your records.

Following the Board meeting, Community Development approved a simplified site plan for a distillery with tasting room and retail sales on February 27, 2024. The approval included a change for the upper sign face only. As an advisory note, any future external or internal improvements to the property, to include painting, signage, and architectural changes, may need building and/or zoning approval. Please feel free to contact me at 7457-365-6210 or by email at [aring@iwus.net](mailto:aring@iwus.net), if you have any questions.

Sincerely,

Amy M. Ring  
Community Development Director

P. O. Box 80  
17140 Monument Circle  
Isle of Wight, VA 23397  
(757) 357-9206

[www.co.isle-of-wight.va.us](http://www.co.isle-of-wight.va.us)

ORDINANCE NUMBER: 24-001

**AN ORDINANCE TO AMEND CONDITIONS OF APPROXIMATELY 3.15 ACRES OF PROPERTY IDENTIFIED AS TAX MAP NUMBERS 42-01-007B, 42-01-007B1, AND 42-01-007B2 IN THE CONDITIONAL GENERAL commercial ZONING DISTRICT TO LIMIT THE PERMITTED USES TO A CABINET, ANTIQUE AND CRAFT SHOP, CATERING, FARMER'S MARKETS, COMMERCIAL INDOOR ENTERTAINMENT, EVENT CENTER, ITINERANT MERCHANT, MICRO-BREWERY, DISTILLERY, CIDERY, PEDDLER, GENERAL RESTAURANT, RETAIL SALES, AND FINE ARTS STUDIO**

WHEREAS, 17466 BENNS CHURCH BLVD LLC, owner, has requested a conditional zoning amendment (ZA-7-23) for a 3.15 acre property with tax map identification numbers 42-01-007B, 42-01-007B1, and 42-01-007B2, which land is depicted on Exhibit "B"; to allow a cabinet, antique and craft shop, catering, farmer's markets, commercial indoor entertainment, event center, itinerant merchant, micro-brewery, distillery, cidery, peddler, general restaurant, retail sales, and fine arts studio; and

WHEREAS, the proposed amendment to the conditional zoning has been advertised and reviewed by the Planning Commission in compliance with the requirements of state law; and,

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A"; and,

WHEREAS, a public hearing before the Isle of Wight County Board of Supervisors was duly advertised as required by law and held on, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors of Isle of Wight County, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation" and Exhibit "B", "Property Map", and Exhibit "C" "Proffer Statement" are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

The Board of Supervisors finds that the amendment to conditional zoning application, ZA-4-23, as submitted or modified with conditions herein, for the expressed purpose to amend the conditional uses is in harmony with the standards of the Isle of Wight County Zoning Ordinance, and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other uses generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of the property, the Comprehensive Plan, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as

determined by population and economic studies and other studies, the transportation requirements of the community, the requirements of airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation floodplains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the County.

Section 3. Rezoning.

- A. The property as shown on the attached Exhibit "B" is hereby rezoned and the official zoning map be, and is hereby, amended to limit the uses to only include uses as listed in the proffered conditions shown on Exhibit "C".
- B. The foregoing rezoning and amendment to the official zoning map shall remain in effect until a subsequent amendment changes the zoning of the property.

Section 4. Severability.


It is the intention of the Board of Supervisors that the provisions, sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section, and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs, sections, and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination

Section 5. Effective Date

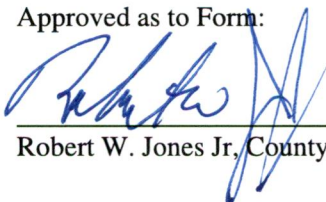
This ordinance shall be effective upon passage and shall not be published or codified.

DATE: Feb 15, 2014

READ AND PASSED:   
Chairman, Board of Supervisors

TESTE:   
Clerk, Board of Supervisors

Approved as to Form:

  
Robert W. Jones Jr, County Attorney

**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 Bennis Church Blvd LLC, owner, has requested an amendment to conditional zoning for property located at 17466 Bennis 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.

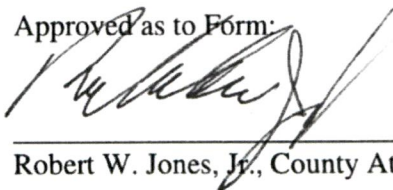
The Planning Commission recommends to the Board of Supervisors that the request, PC-24-01, be:

- 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: Bobly Bowser

TESTE: Amndrus

Approved as to Form:



Robert W. Jones, Jr., County Attorney

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



**Legend**

LAND_USE	LAND_USE
<span style="display:inline-block; width:15px; height:15px; background-color:red;"></span>	BE
<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen;"></span>	CD
<span style="display:inline-block; width:15px; height:15px; background-color:lightpurple;"></span>	MU
<span style="display:inline-block; width:15px; height:15px; background-color:lightgrey;"></span>	PI
<span style="display:inline-block; width:15px; height:15px; background-color:white;"></span>	RAC
<span style="display:inline-block; width:15px; height:15px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></span>	RC
<span style="display:inline-block; width:15px; height:15px; background-color:yellow;"></span>	SE
<span style="display:inline-block; width:15px; height:15px; background-color:orange;"></span>	SR

**COUNTY OF ISLE OF WIGHT  
PROFFER STATEMENT**

**Applicant's name:** Michael Miller  
**Owner's name:** 17466 Benns Church Blvd, LLC  
**Project name:** Blue Sky Distillery  
**Date:** February 2024  
**Parcel-Tax Map Numbers and deed book reference:** 42-01-007B,  
42-01-007B1, and  
42-01-007B2

These proffers are made as of the 7<sup>th</sup> day of February, 2024, by 17466 Benns Church Blvd, LLC ("Owner") of Tax Map Numbers 42-01-007B, 42-01-007B1, and 42-01-007B2, containing approximately 1.15, 1.02 and 0.98 acres, respectively, or 3.15 acres cumulatively, of land which is referred to herein as "Property." Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting a change in the zoning of the Property from C-GC to Conditional C-GC. Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

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

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

**I. Development of the Property**

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

**II. Land Use**

1. The Property shall be used as permitted under the C-GC, Conditional General Commercial zoning district and more specifically for the following uses:
  - a. Allow a cabinet, antique and craft shop
  - c. Catering
  - d. Farmer's markets
  - e. Commercial indoor entertainment
  - f. Event center
  - g. Itinerant merchant
  - h. Micro-brewery, distillery, cidery
  - i. Peddler
  - j. Restaurant, general
  - k. Retail sales

- I. Studio, fine arts

### III. Water and Sewer Improvements

The Property shall be served by private well and private sewer system. Upon request, Owner can provide documentation showing an approved permit from the Isle of Wight Health Department for private well and septic system design for these uses.

### IV. General

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