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# TOWN OF SMITHFIELD

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*"The Ham Capital of the World"*

January 4, 2017

TO: PLANNING COMMISSION

FROM: WILLIAM G. SAUNDERS, IV, AICP, CZA  
PLANNING AND ZONING ADMINISTRATOR

RE: PLANNING COMMISSION MEETING

The Planning Commission will hold its regular meeting Tuesday, January 10<sup>th</sup>, 2017 at 6:30 PM in Conference Rooms A & B in the Smithfield Center.

Please call me at (757) 365-4266 or email me at [wsaunders@smithfieldva.gov](mailto:wsaunders@smithfieldva.gov) with any questions.

Enclosures

cc: Town Council  
William H. Riddick, III, Town Attorney  
The Smithfield Times  
The Daily Press  
File

**DEPT. OF PLANNING, ENGINEERING, AND PUBLIC WORKS**

310 Institute Street, P.O. Box 246 • Smithfield, VA 23431 • (757) 365-4200 • Fax (757) 357-9933  
[www.smithfieldva.gov](http://www.smithfieldva.gov) • Local Cable Channel 6

**SMITHFIELD PLANNING COMMISSION  
MEETING AGENDA**

**January 10, 2017**

**1) Planning and Zoning Administrator Activity Report**

- Smithfield Foods Parking Lot Expansion
- Joseph W. Luter, Jr. Sports Complex

**2) Upcoming Meetings and Activities**

- January 13<sup>th</sup> - Town offices will be closed in observance of Lee / Jackson Day
- January 16<sup>th</sup> - Town offices will be closed in observance of Martin Luther King Day
- January 17<sup>th</sup> - 6:30 p.m. -- Board of Historic & Architectural Review
- January 17<sup>th</sup> - 7:30 p.m. -- Board of Zoning Appeals
- January 23<sup>rd</sup> - 4:00 p.m. -- Town Council Committee Meetings
- January 24<sup>th</sup> - 4:00 p.m. -- Town Council Committee Meetings
- January 26<sup>th</sup> - Town offices will be closed for Employee Training Day
- February 7<sup>th</sup> - 7:30 p.m. -- Town Council Meeting
- February 14<sup>th</sup> - 6:30 p.m. -- Planning Commission Meeting

**3) Public Comments**

The public is invited to speak to Planning Commission on any matters, except scheduled public hearing(s). Please use the sign-up sheet. Comments are limited to five (5) minutes per person. Any required response(s) from the Town will be provided in writing following the meeting.

**4) Planning Commission Comments**

**5) Election of Officers**

**6) \*Public Hearing\* - Special Use Permit - Temporary, Private Water and Sewer System – 18220 Cypress Run Drive (TPIN# 32-01-002)– Brian H. White, Cabco Properties, LLC, applicants.** (Staff report, SUP application, map , subdivision plat and public notice enclosed.)

- a) Public Hearing Opened
- b) Public Hearing Closed
- c) Consideration

**7) \*Public Hearing\* - Chesapeake Bay Preservation Area Exception – 505 Jordan Avenue – Randy Pack, applicant.** (Staff report, CBPA Exception application, letter of request, Water Quality Impact Assessment, map, surveys, and public notice enclosed.)

- a) Public Hearing Opened
- b) Public Hearing Closed
- c) Consideration

**8) \*Public Hearing\* - Zoning Ordinance Amendment Review – Article 3.G, Residential / Office (R-O) Zoning District – Town of Smithfield, applicant.** (Staff report, draft ordinance and public notice enclosed.)

- a) Public Hearing Opened
- b) Public Hearing Closed
- c) Consideration

**9) Approval of the December 13, 2016 meeting minutes** (Enclosed)

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.  
Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Planning Commission Meetings. ADA compliant hearing devices are available for use upon request. Please call (757) 365-4200 at least 24 hours prior to the meeting date so that proper arrangements may be made.

**STAFF REPORT  
TO THE PLANNING COMMISSION**

**January 10, 2017**

**SPECIAL USE PERMIT**

**\*\*\*PUBLIC HEARING\*\*\***

<b>Special Use Permit For:</b>	Subdivision for single family home w/ temporary private water & sewer system (Article 3.A: C-1)
<b>Applicant / Owner Name &amp; Address</b>	Brian H. White 100 White's Point Way Smithfield, VA 23430
<b>Property Location &amp; Description</b>	+/- 2.22 acre proposed parcel north of Cypress Run Drive (Parcel 1) Subject Parcel ID #32-01-002
<b>Statistical Data (See Plat)</b>	
Current Zoning	C-C, Community Conservation
Parking Requirements:	2 off street spaces
<b>Existing Use</b>	Residential
<b>Proposed Use</b>	Single family home w/ temporary private water & sewer system
<b>Surrounding Land Uses/Zoning</b>	Adjacent parcels are zoned: C-C, Community Conservation
<b>Conformity with Comprehensive Plan</b>	Future Land Use is Low Density Residential

**Staff Comments**

The applicant is seeking Special Use Permit approval to subdivide his property for a single family home with temporary private water and sewer systems, as per Article 3.A: C-1 and Article 6 of the town ordinance. Previously the property included two residences, which shared a well and a private septic system (A holdover from before the property was annexed into the town). One of the residences has since been demolished.

The subject parcel is +/- 6.57 acres; of which, the applicant proposes to subdivide 2.22 acres for a new single family lot, remove 1.22 acres to be added to his adjacent property, and the 3.13 acre residue would remain as a single family property.

Staff recommends that if approved, there be a condition to require the applicant to connect to town water and sewer at such time in the future that town utilities are extended to the property.

Strengths:

1. Provides a town resident an opportunity for a family transfer in an area without public utilities.

Weaknesses:

1. None identified at this time.

Contact William Saunders at 365-4266 or [wsaunders@smithfieldva.gov](mailto:wsaunders@smithfieldva.gov) with any questions.



# TOWN OF SMITHFIELD

310 Institute Street, P. O. Box 246 Smithfield, VA 23431  
(757) 365-4200 Fax (757) 357-9933

### APPLICATION FOR:

- Special Use Permit
- Variance
- Special Yard Exception
- Special Sign Exception
- Other

Applicant(s) Name: BRIAN H. WHITE (CABCO PROPERTIES, LLC)  
 Address: 100 Whites Point Way  
 City, State, Zip: SMITHFIELD VA 23430  
 Phone Number(s): 757-876-8484

Property Owner(s) Name: CABCO PROPERTIES, LLC  
 Address: 100 Whites Point Way  
 City, State, Zip: SMITHFIELD VA 23430  
 Phone Number(s): 757-876-8484

Property Address: 18220 Cypress Run Drive, Smithfield 23430  
 Tax Map Number(s): 32-01-002  
 Property Description: \_\_\_\_\_

Zoning: C-C      Acreage: 6.57      Application Fee: 400.00  
 Legal Reference: \_\_\_\_\_      Deed Book#: \_\_\_\_\_      Page#: \_\_\_\_\_

Proposed Use/Exception: Family subdivision for single family residence.  
TEMPORARY WATER AND SEWER (PRIVATE) PER ARTICLES 3.A:C-1 & 6 OF TOWN ORDINANCE

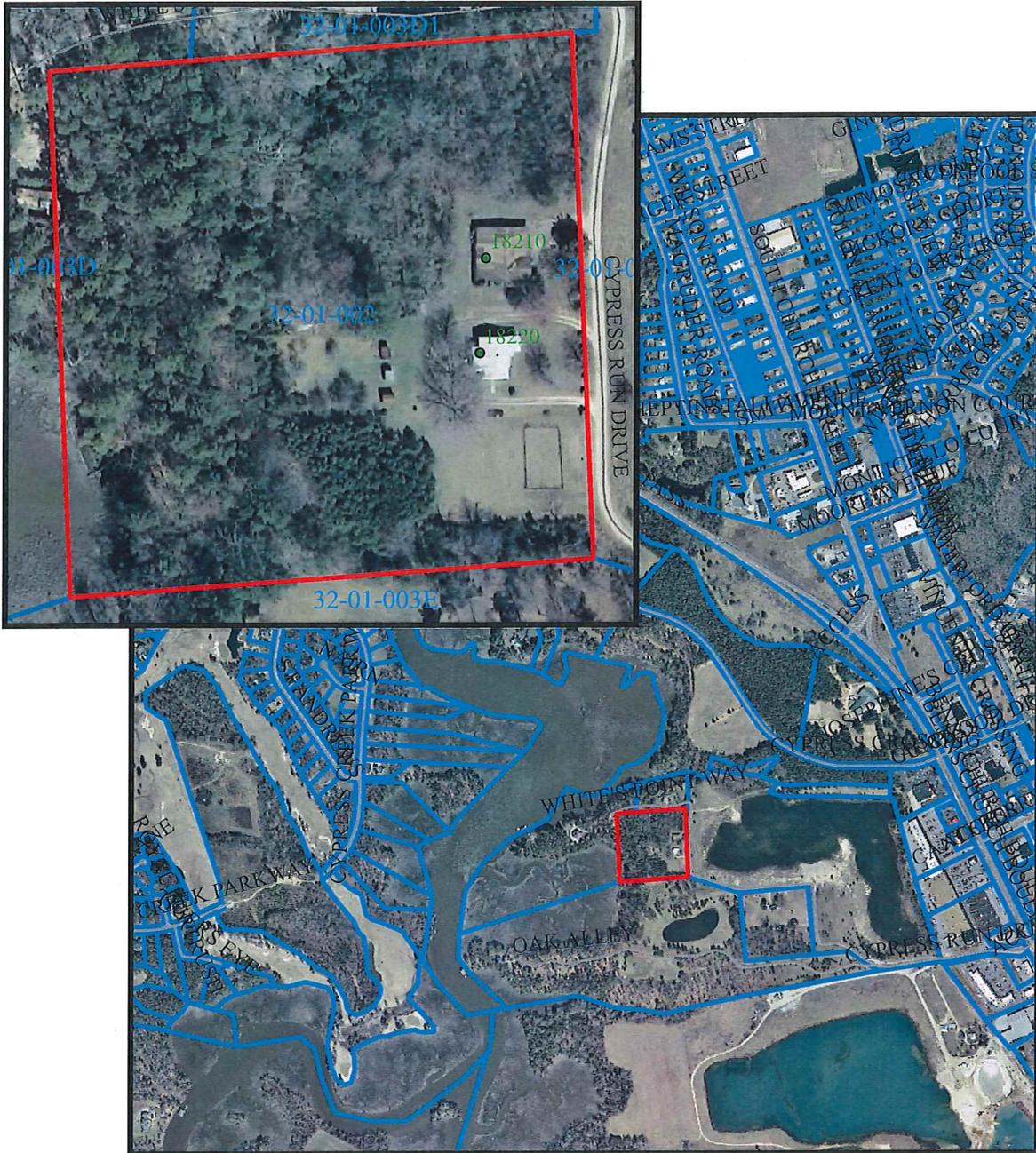
BH White  
 Applicant(s) Signature

12/12/16  
 Date

\_\_\_\_\_  
 Applicant(s) Signature

\_\_\_\_\_  
 Date

# Proposed White Subdivision Cypress Run Drive



Map Created by  
William Saunders  
January 2017

BOUNDARY LINE ADJUSTMENT &  
SUBDIVISION PLAT  
FOR

**CABCO PROPERTIES, LLC &  
BRIAN H. WHITE &  
TINA M. WHITE**

LOCATED AT 18220 CYPRESS RUN DRIVE  
TOWN OF SMITHFIELD

ISLE OF WIGHT COUNTY, VIRGINIA

SCALE 1"=100'

NOVEMBER 8, 2016

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.

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 CABCO PROPERTIES, LLC, THE LAST INSTRUMENT OF TITLE BEING IN#140003214 & IN#150003703. I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE ZONING ORDINANCES OF THE TOWN OF SMITHFIELD, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE TOWN HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 8TH DAY OF NOVEMBER, 2016.

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

CABCO PROPERTIES LLC HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAT AND THAT THIS SUBDIVISION IS WITH THEIR FREE CONSENT AND ACCORDANCE WITH THEIR DESIRES.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BRIAN H. WHITE \_\_\_\_\_, TINA M. WHITE \_\_\_\_\_

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 TOWN OF SMITHFIELD 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: \_\_\_\_\_, TOWN OF SMITHFIELD AGENT: \_\_\_\_\_

VIRGINIA ELECTRIC POLE LINE EASEMENTS, DB 128 PG 210 & DB 156 PG 309.  
INGRESS/EGRESS EASEMENTS ALONG ROADWAY, DB 332 PG 747.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X" & "AE" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510081 0153 E, DATED 12-02-2015.

A SPECIAL USE PERMIT WAS GRANTED TO THE OWNER OF THE SUBJECT PROPERTY (TPIN\* 32-01-004) BY THE SMITHFIELD TOWN COUNCIL ON XXXXXX PROVIDING THE ABILITY TO HAVE A SINGLE FAMILY HOME WITH TEMPORARY PRIVATE WATER AND SEWER UTILITES. THIS ALLOWS THE OWNER TO INSTALL A PRIVATE WELL AND SEPTIC SYSTEM FOR USE WITH A SINGLE FAMILY HOME UNTIL SUCH TIME AS TOWN WATER AND SEWER ARE AVAILABLE ADJACENT TO SAID PROPERTY.

ALL PROPOSED UTILITES WITHIN THE BOUNDARIES OF THIS SUBDIVISION SHALL BE BURIED BENEATH THE SURFACE OF THE GROUND.



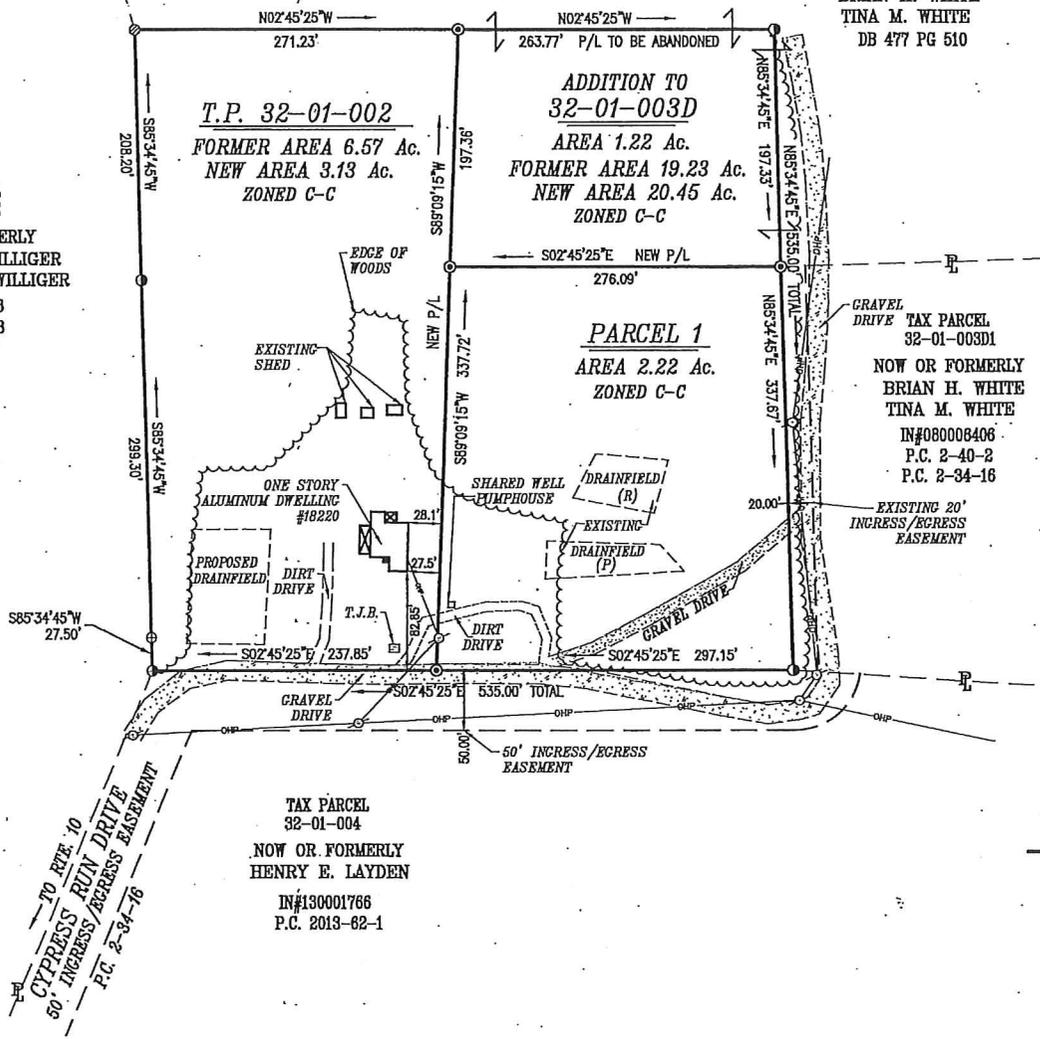
1212 S. Church Street Smithfield, VA 23430  
PHONE : 757-357-2911

DRAWN BY: ECC JOB #S16-278-SM



TAX PARCEL  
32-01-003D  
NOW OR FORMERLY  
BRIAN H. WHITE  
TINA M. WHITE  
DB 477 PG 510

TAX PARCEL  
32-01-003E  
NOW OR FORMERLY  
GARY A. TERWILLIGER  
GAYLE S. TERWILLIGER  
IN#990000728  
P.C. 2-82-13



TAX PARCEL  
32-01-004  
NOW OR FORMERLY  
HENRY E. LAYDEN  
IN#130001766  
P.C. 2013-82-1

BOUNDARY LINE ADJUSTMENT &  
SUBDIVISION PLAT  
FOR  
**CABCO PROPERTIES, LLC &  
BRIAN H. WHITE &  
TINA M. WHITE**  
LOCATED AT 18220 CYPRESS RUN DRIVE  
TOWN OF SMITHFIELD  
ISLE OF WIGHT COUNTY, VIRGINIA  
SCALE 1"=100' NOVEMBER 8, 2016

REFERENCE - DB 155 PG 113, CWF 11-64, PB 12 PG 46

- LEGEND:**
- ⊙ - DENOTES IRON PIN OR PIPE FOUND
  - OHP- DENOTES OVERHEAD POWER
  - ⊙ - DENOTES POINT IN MARSH
  - ⊕ - DENOTES IRON AXLE FOUND
  - ⊙ - DENOTES POWER POLE
  - ⊙ - DENOTES IRON PIN SET



**AREA TABLE**

FORMER AREA OF TAX PARCEL 32-01-002	6.57 Ac.
MINUS ADDITION TO TAX PARCEL 32-01-003D	1.22 Ac.
MINUS PARCEL 1	2.22 Ac.
NEW AREA OF TAX PARCEL 32-01-002	3.13 Ac.



1212 S. Church Street Smithfield, VA 23430  
PHONE : 757-357-2911

DRAWN BY: ECC JOB #S16-278-SM

NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION OF THE TOWN OF SMITHFIELD  
SPECIAL USE PERMIT

Notice is hereby given that the Planning Commission of the Town of Smithfield, Virginia, will hold a public hearing at the regular meeting of the Planning Commission in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, January 10, 2017 at 6:30 p.m. to consider the application of the trustees of Cabco Properties, LLC, owner, for a special use permit under the provisions of Article 3.A., Section C-1., and Article 6 of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter, in order to approve the subdivision of a lot to contain 2.22 acres for use as a single family residence with temporary private water and sewer systems. The property which is the object of this special use permit is a part of Tax Map Parcel #32-01-002 and is located on Cypress Run Drive. The property in question is zoned C-C, Community Conservation District.

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the Zoning Ordinance of the Town of Smithfield and application for this special use permit are available for inspection in the town offices, 310 Institute Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: December 28, 2016 and January 4, 2017

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**STAFF REPORT  
TO THE PLANNING COMMISSION**

January 10, 2017

**CHESAPEAKE BAY PRESERVATION AREA EXCEPTION**

**\*\*\*PUBLIC HEARING\*\*\***

<b>Applicant Name &amp; Address</b>	Randy Pack 505 Jordan Avenue Smithfield, VA 23430
<b>Property Location</b>	505 Jordan Avenue West end of Jordan Avenue
<b>Statistical Data (See Plat)</b>	
Current Zoning	N-R, Neighborhood Residential
Current Overlay Zoning	E-C, Environmental Conservation
TPIN	21A-14-005
Proposed Structure	Garage/office/workshop addition to home
Current RPA Encroachment	1,255.14 sq. ft.
Proposed RPA Encroachment	1,143.07 sq. ft. (Net reduction of 112.07 sq. ft.)
Proposed Use	Residential
<b>Surrounding Land Uses/Zoning</b>	N-R, Neighborhood Residential; E-C, Environmental Conservation
<b>Special Exception Requested</b>	Exception to the Chesapeake Bay Preservation Overlay District

**Project Overview**

The applicant wishes to obtain an exception in accordance with Article 3: P, Section I, Paragraph 4 of the Town of Smithfield Zoning Ordinance to construct an addition to his home. This home was constructed in 1957 in the jurisdiction of Isle of Wight County and was subsequently annexed into the Town of Smithfield; therefore, it is a legal, non-conforming structure under the current town zoning.

The proposed garage/office/workshop addition will encroach 25.23 ft. into the landward 50 ft. of the 100 ft. RPA buffer, but will result in a net reduction of impervious area within the buffer area of 112.07 sq. ft. due to the demolition of existing impervious surface. The potential impact to the RPA Buffer has been diminished due to a successful application by the owner for a Special Yard Exception in order to encroach into the 35 ft. front yard setback 18.83 ft.

While there is a net reduction of impervious surface in the RPA Buffer, there is a 509 sq. ft. increase in impervious surface related to the project outside of the buffer. Due to this, the applicant proposes to replant 800 sq. ft. of the buffer with natural plantings to state standards for RPA restoration (Please refer to the accompanying Water Quality Impact Assessment for details).

## Staff Comments

Please find below the criteria from Article 3.P: I; 4 of the ordinance by which the validity of the request should be gauged.

### *4. Exceptions*

*a. A request for an exception to the requirements of the Chesapeake Bay Preservation Overlay District shall be made in writing to the Planning Commission. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA, RMA or IDA through the performance of a water quality impact assessment in accordance with Article 3.P, Section F.2 and Section H.*

*b. The Planning Commission shall review the request for an exception and the water quality impact assessment (if required) and may grant the exception in accordance with Article 3.P, Section F.2 with such conditions and safeguards as deemed necessary to further the purpose and intent of this Ordinance if the Zoning Administrator finds:*

*1. Granting the exception will not confer upon the applicant any special privileges that are denied by this Ordinance to other property owners in the Overlay District;*

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

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

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

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

Strengths: 

1. Net decrease of impervious area within the 100' RPA Buffer.
2. Improvement in storm water treatment and infiltration in the RPA Buffer.
3. Increase of natural plants in the RPA buffer.
4. Improved use of a legal, non-conforming site.

Weaknesses: 

1. Encroachment of the structure into the RPA buffer.

Contact William Saunders at 365-4266 or [wsaunders@smithfieldva.gov](mailto:wsaunders@smithfieldva.gov) with any questions.



# TOWN OF SMITHFIELD

310 Institute Street, P. O. Box 246 Smithfield, VA 23431  
(757) 365-4200 Fax (757) 357-9933

## APPLICATION FOR:

Special Use Permit  Variance  Special Yard Exception

Special Sign Exception  Other *CBPA EXCEPTION*

Applicant(s) Name: Randy Pack  
Address: 505 JORDAN AVE  
City, State, Zip: SMITHFIELD, VA 23430  
Phone Number(s): 757-620-7700

Property Owner(s) Name: SAME  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_

Property Address: 505 JORDAN AVE, SMITHFIELD, VA  
Tax Map Number(s): 21A-14-005  
Property Description: PROPERTY OF RANDOLPH H. AND ALYSIA E. PACK

Zoning: N-R Acreage: 3.08 Application Fee: \_\_\_\_\_  
Legal Reference: \_\_\_\_\_ Deed Book#: \_\_\_\_\_ Page#: \_\_\_\_\_

Proposed Use/Exception: REMOVAL OF EXISTING STRUCTURE AND REPLACEMENT WITH NEW STRUCTURE EXTENDING NO MORE THAN 26 FT IN THE RPA WITH A NET REDUCTION OF 112 SF IN THE RPA. SEE ATTACHED LETTER AND SURVEYS.

A CBPA EXCEPTION IN ACCORDANCE WITH ARTICLE 3: P, I<sup>st</sup> OF THE TOWN ZONING ORDINANCE.

Randy Pack  
Applicant(s) Signature

12/15/16  
Date

\_\_\_\_\_  
Applicant(s) Signature

\_\_\_\_\_  
Date

December 15, 2016

Town of Smithfield, VA  
Planning Commission  
PO Box 246  
Smithfield, VA 23431

Dear Gentlemen of the Board,

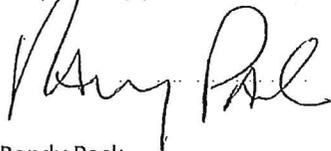
We are writing today to request a Chesapeake Bay Protection Action (CBPA) exception for our property at 505 Jordan Ave in Smithfield, VA. My wife and I are requesting this exception we wish to construct an attached three car garage.

Specifically, we are requesting to remove portions of the house that are currently existing in the Resource Protection Area (RPA) and build back in this area for a **net reduction** in RPA coverage of 112 square feet. The proposed addition will extend 25.23 feet in to the RPA if approved. Attached you will find an as built survey with an RPA delineation as well as an as proposed survey with the same RPA delineation that better visualize our request.

Due to the nature of the layout of the home the only logical location for this garage is where it is shown. The opposite end of the home is bedrooms and it is not logical for a garage to attach to the home there. The home was constructed in its current location prior to being in the Town of Smithfield and following under its rulings and prior to the CBPA establishing the RPA. A special yard exception was passed by the Board of Zoning Appeals at their November meeting which allowed for this structure to impede in the front yard setback based on the above-mentioned items.

Further, I have included a letter from all adjoining property owners in support of the CBPA exception. This addition will also result in a reduction of impact to the RPA by 112 square feet. My wife and I kindly ask of the Planning Commission to favorably consider our request. The shape of our yard, how the home is situated on the lot and the layout of the house make it difficult/impossible to locate an attached garage in any other location than the area shown before you. While the lot is approximately 3 acres, the slope of the land and proximity to the water limit the building area. We believe that this final addition to our home will complete what we started 10 years ago. We strive to be good stewards of our community and strong neighbors. It is our belief that this addition, if allowed, will only improve the appearance of our home and the value of other homes in our neighborhood. We thank you for your consideration and are happy to answer any questions that may arise.

Respectfully yours,



Randy Pack

### Minor Water Quality Impact Assessment:

Applicant: Randolph H. and Aylsia Erin Pack

Location: 505 Jordan Avenue, Smithfield, VA

Date: January 2, 2017

Prepared by: Stagg Surveying Services, PC

Background: The existing property at this location consists of a parcel containing 3.08 acres (134,165 sq.ft.) of record area well over half of which is marsh along the Pagan River. The highland portion of the property consists of a yard near the street, a home, some wooded area along the northeast portion of the lot and areas of considerable slope towards the marsh behind the home. A retaining wall separates the area immediately behind the home from the sloped area leading down to the marsh. As shown on an exhibit plat showing the existing features of the property by others (Canada Land and Marine Surveying) portions of the existing home, deck, and sidewalks are within the Resource Protection Area as defined by the Chesapeake Bay Protection Act. The deck, portions of sidewalk and the existing car/port garage structure are proposed to be removed by the applicant. Portions of the sloped area towards the marsh portion of the lot have been previously landscaped to facilitate a reduction in sediments towards the marsh and river but are in need of some restoration for better sediment reduction benefits.

Proposed project: The applicant proposes to expand a portion of the current home to include a garage/office/workshop area. The proposed new construction will extend into the current 35-foot building set back area and into the Resource Protection Area (RPA) buffer. The area of impervious surface within the RPA buffer will be a reduction from the current area of 1,255.14 sq. ft. to a proposed 1,143.07 sq. ft. (this information is shown on the two exhibit plats by others (Canada Land and Marine Surveying) which constitutes a reduction within the RPA of 112.07 sq. ft. The total area of impervious surface of all current structures is 4,819 sq. ft. The total of impervious area after construction of the proposed structures will be 5,328 sq. ft. This will result in a net increase of impervious surface of 509 sq. ft.

Mitigation: While the area of impervious surface within the RPA will be reduced, the total area of impervious surface will increase. Therefore, the applicant proposes to mitigate for the increased area under the criteria of the Riparian Buffer Modification and Mitigation Guidance Manual, within this area to reduce sediments based on the restoration and establishment requirements for ¼ acre or less impacts, (for every 400 square ft. unit) providing mitigation for two such units (509 impact area = two 400 sq. ft. units) with the following:

Enhance the current landscaped area behind the retaining wall with additional plantings and expand this area to the north of the retaining wall in association with necessary grading and fill needed for the construction of the building addition. The proposed mitigation will include the restoration of the existing landscape area and the proposed new area combined will consist of a minimum of two large

evergreens at 6' (proposed American Holly) two understory trees at 0.75 – 1.5" caliper (proposed Dogwoods) and four large shrubs at 3-4' (proposed Wax myrtle or Inkberry) and 10- 12 woody groundcover plants at 15-18" (proposed juniper) for a total mitigation area of 800 square feet. Any other disturbed areas of yard to be replanted or sodded as needed. If mature trees are impacted and removed they shall be replaced as required by the local authority. (Note: all new proposed plants shall be container grown. The woody groundcover plants were selected from the Virginia Erosion and Sediment Control Handbook as they area recommended for stabilization of slopes).

Best Management Practices will be used to minimize any effects of the proposed work and enhance the sediment/pollutant removal to include the placement of required sediment control fencing during construction, restoration, and mitigation planting, and proper mulch application to prevent erosion and yard seeding as needed. All installed vegetation shall be frequently watered to promote root development, mulched as needed, routinely inspected for nutrient deficiencies, with proper action taken if such deficiencies are found, and all planted areas shall be routinely checked for invasive plants and such plants removed immediately.

Impact Summary:

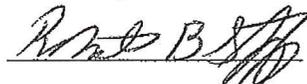
Type	Exsiting Sq. Ft.	Removed Sq. Ft.	New Sq. Ft.	Final (Sq. Ft.)
House	1,956	297	1,815	3,474
Sidewalk	357	112	0	245
Deck	1,248	1,128	514	634
BBQ area	64	0	0	64
Driveway	1,194	283	0	911
Totals	4,819	1,820	2,329	5,328

Net increase of impervious surface area = 509 sq. ft.

Prepared by Stagg Surveying Services, PC

15298 Gayle Way

Carrollton, VA 23314



Robert B. Stagg LS # 1983

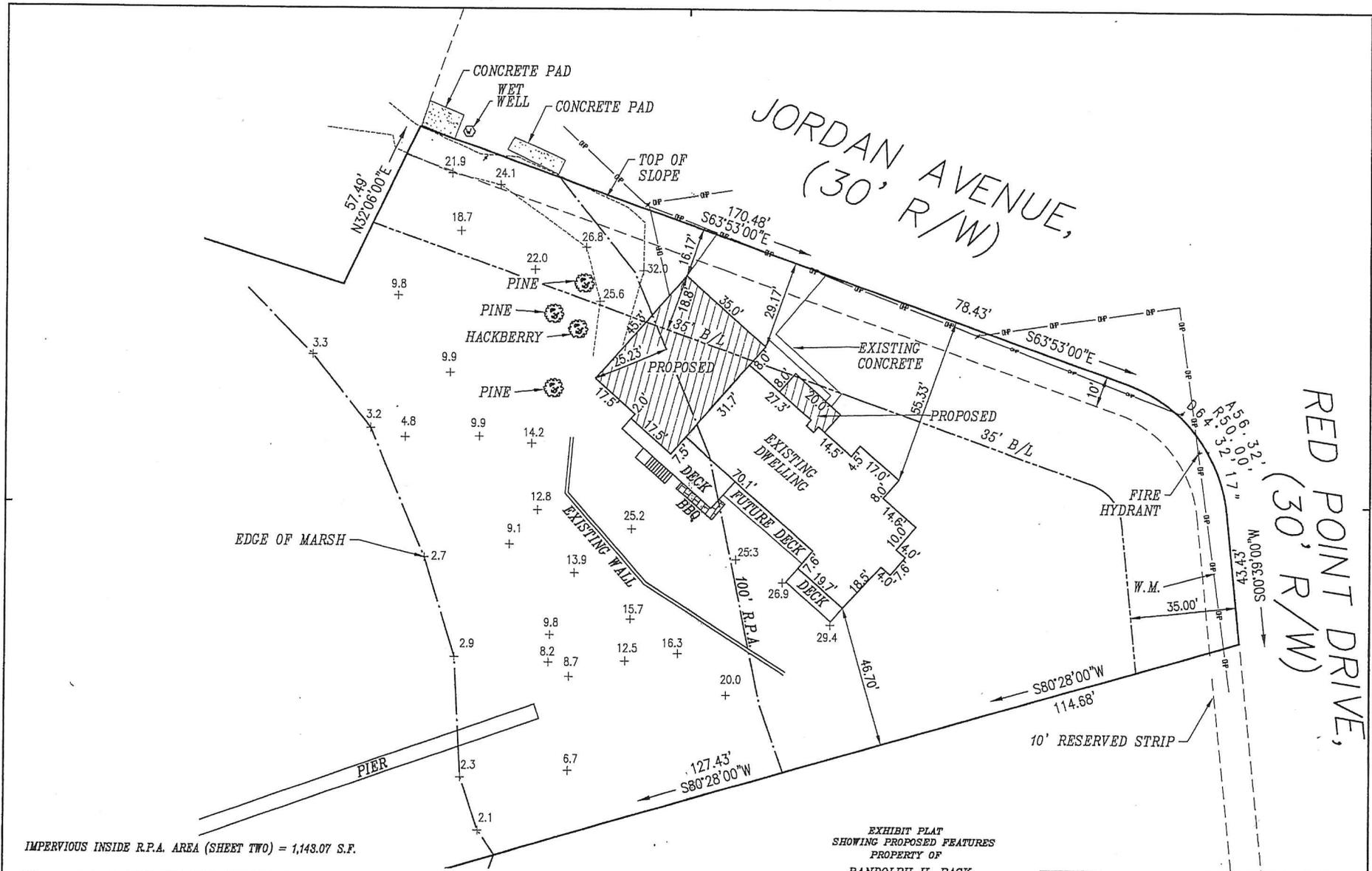
1-2-17

Date

# CBPA Exception 505 Jordan Avenue







IMPERVIOUS INSIDE R.P.A. AREA (SHEET TWO) = 1,143.07 S.F.

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.

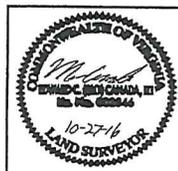
THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X/AE" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510081 0161 E, DATED 12-02-2016.

SHEET TWO OF TWO

REFERENCE - IN#H0003468, P.C. 2-192-16

- LEGEND:**
- - DENOTES IRON PIN OR PIPE FOUND
  - - DENOTES COMPLETED POINT
  - OP- - DENOTES OVERHEAD POWER
  - ⚡ - DENOTES POWER POLE
  - ⊗ - DENOTES WATER METER

EXHIBIT PLAT  
SHOWING PROPOSED FEATURES  
PROPERTY OF  
RANDOLPH H. PACK  
ALYSIA ERIN PACK  
LOCATED AT 605 JORDAN AVENUE  
TOWN OF SMITHFIELD  
ISLE OF WIGHT COUNTY, VIRGINIA  
SCALE 1" = 20'      OCTOBER 18, 2016



**CANADA LAND & MARINE SURVEYING**

1212 S. Church Street Smithfield, VA 23430  
PHONE: 757-357-2911  
DRAWN BY: ECC      JOB #516-264-SM

NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION OF THE TOWN OF SMITHFIELD  
EXCEPTION TO THE REQUIREMENTS OF THE  
CHESAPEAKE BAY PRESERVATION OVERLAY DISTRICT

Notice is hereby given pursuant to Sections 15.2-2204 of the Code of Virginia, (1950), as amended, that the Planning Commission of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Planning Commission in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, January 10, 2017 at 6:30 p.m. to consider the application of Randolph H. Pack and Alysia E. Pack, owners, for an exception to the requirements of the Chesapeake Bay Preservation Overlay District under the provisions of Article 3.P, Section I.4 of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter. The applicants propose to construct a garage addition to an existing residence. The proposed addition will encroach approximately 26 feet into the Resource Protection Area on the west side. The property is located at 505 Jordan Avenue and is zoned N-R, Neighborhood Residential District.

Copies of the current Zoning Ordinance for the Town of Smithfield, Virginia, and all amendments thereto, along with copies of the proposed application for an exception to the Chesapeake Bay Preservation Overlay District are on file and may be examined in the offices of Planning, Zoning and Engineering, 310 Institute Street, Smithfield, Virginia 23430.

Any person desiring to be heard in favor of, in opposition to, or to express his or her views with respect to the aforesaid application may appear and be heard.

TOWN OF SMITHFIELD

By: Lesley Greer, Clerk

Publish: December 28, 2016 and January 4, 2017.

**STAFF REPORT TO THE  
PLANNING COMMISSION**

**January 10, 2017**

**ZONING ORDINANCE REVIEW**

**Article 3.G: R-O, Residential / Office District Ordinance**

**\*\*\*PUBLIC HEARING\*\*\***

In 1998, the Residential /Office (R-O) Zoning District Ordinance was adopted in order to provide a vehicle by which limited commercial uses could enter into areas that were expected to become more intensive commercial or industrial areas in the future, but where residential uses were still common. This ordinance has worked well in this fashion, predominantly on parts of the South Church Street corridor, for many years. However, these prohibitions have been a hindrance of late to potential businesses that could have occupied the corridor; further, the restrictions on retail sales are arguably unreasonably limited in scope, as they only allow for *“interior display and sales of high technology, scientific, electronic and medical equipment of a type not customarily retailed to the general public, provided that there shall be no exterior or store-front displays.”*

Due to this, staff recommends Planning Commission consideration of an ordinance amendment that would eliminate the restrictions regarding the types of products that are sold as retail; however, would leave the restrictions related to the exterior displays, in regard to the remaining residential uses in this transitional district. Retail sales would also remain as a Special Use Permit item, so the Planning Commission and the Town Council would still have the ability to review proposals on a case-by-case basis and apply any conditions on the proposed uses that seem warranted in the interest of the adjacent properties and the district as a whole.

**Staff Comments**

Strengths:

1. Amendments would open up existing commercial areas to new commercial opportunities.
2. Amendments would still minimize the impact to the transitional district through limitations.

Weaknesses:

1. None identified at this time.

Contact William Saunders at 365-4266 or [wsaunders@smithfieldva.gov](mailto:wsaunders@smithfieldva.gov) with any questions.

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Article 3.G:  
**R-O, Residential Office District**

Article 3.G:

**R-O, Residential Office  
(Transitional Residential/Office District)**

**A. Purpose and Intent:**

The R-O, Residential Office District is established to provide for the location of office, studio, and conditional retail uses in a low intensity development patterns. The district is intended to provide opportunities for ~~non-retail~~ commercial offices, studio, and limited retail within areas of the Town which are in transition from stable residential neighborhoods to more intensive, non-residential uses. The district is established for the purposes of selectively providing for well-planned non-residential land uses to be located between older residential neighborhoods and existing higher intensity non-residential areas, such as corridor commercial, shopping center commercial, downtown commercial and industrial areas.

The R-O District is to be applied where offices or financial institutions are the principal uses on a lot. This would include locations in both newly developing areas and redeveloping older areas of the Town which are subject to the pressures of adaptive reuse of existing structures but where lot sizes are questionable for non-residential uses with on-site parking. As specifically related to new development patterns in the Town, the district is to be used to implement planned professional and health care-related office parks and integrated development complexes.

Minimum site improvements shall include adequate on-site parking, public water and sewer service, public streets, storm drainage, stormwater management facilities and sidewalks.

**B. Permitted Uses:**

1. Medical and dental offices, inclusive of outpatient facilities.
2. Banks and financial institutions without drive-thru facilities, excluding payday lending and check-cashing establishments.
3. General and professional offices.
4. Churches and places of worship.
5. Child day care and adult day care facilities.
6. Single family residential dwellings, provided that (a) said residential dwellings shall conform in all respects to the S-R District and (b) there shall be no more than one single-family dwelling per lot.
7. Studios for an artist, designer, writer, photographer, sculptor or musician.

8. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
9. Irrigation wells.

**C. Uses Permitted by Special Use Permit:**

1. ~~Offices with~~ retail sales, ~~limited to interior display and sales of high technology, scientific, electronic and medical equipment of a type not customarily retailed to the general public,~~ provided that there shall be no exterior or store-front displays.
2. Drive-in banks.
3. Residential apartments, as an ancillary use within a commercial structure and limited to one dwelling unit per structure.
4. Bed and breakfast lodgings.
5. Medical care facilities, inclusive of inpatient facilities.
6. Funeral homes.
7. Parking lots (private or public, off-street as a principal use).
8. Public schools, colleges and universities.
9. Private schools, colleges and universities.
10. Any use incorporating a drive-thru facility.
11. Permitted and special permit uses on private water and sewer systems.
12. Foster homes, family care residences, and group homes serving mentally retarded and developmentally disabled persons.
13. Accessory apartments.
14. Personal service establishments.
15. Home occupations.
16. Payday lending establishments, check-cashing establishments and pawn shops.
17. Waiver of maximum building height.
18. Waiver of lot size requirements.
19. Temporary real estate marketing offices for new subdivisions.
20. Waiver of Parking and Loading Requirements  
(Ord. of 9-5-2000, 9-2-2008, 4-5-2011)

**D. Maximum Density:**

1. Non-residential uses and accessory residential uses shall be regulated by floor area ratio. A maximum floor area ratio equal to 0.25 shall apply to non-residential uses and structures.
2. Residential dwellings: Subject to S-R District regulations.

**E. Lot Size Requirements:**

1. Minimum district size: Not regulated.
  
2. Minimum lot area:
  - A. Conventional lot: 15,000 square feet
  
3. Minimum lot width:
  - A. Conventional lot, with public water and sewer:
    - (1) Interior lot: 100 feet
    - (2) Corner lot: 125 feet
  
4. Minimum lot depth:
  - A. Conventional lot, with public water and sewer: 125 feet

**F. Bulk Regulations:**

1. Height:
  - A. Building height: 35 feet
  
  - B. Public or semi-public building: 45 feet,  
provided that required front, rear and side yards shall be  
increased by 1 foot for each foot of height over thirty-five feet.
  
  - C. Cupolas, spires and steeples: 90 feet,  
by special permit.
  
  - D. Accessory buildings: 16 feet,  
provided that accessory building heights may be increased to  
twenty-four (24) feet in accordance with Article 2, Section P of  
the Zoning Ordinance.
  
2. Minimum yard requirements:

A. Conventional lot, with public water and sewer:

- (1) Front yard: 35 feet,
- (2) Side yard: 15 feet  
except where the lot adjoins an existing residential district,  
and then the side yard must then be at least 20 feet
- (3) Rear yard: 35 feet  
5 feet (accessory uses)

B. Maximum lot coverage for non-residential uses:

The maximum percentage of lot coverage for a non-residential use shall not exceed twenty (20) percent. The location of all such uses shall be subject to site plan approval.

(Ord. of 5-4-2004)

**G. Landscaping, Open Space and Recreation Areas:**

1. Twenty percent (20%) of the gross lot area shall be landscaped open space.
2. Open space and recreation area regulations for residential uses in the R-O District, if and when required, shall be governed by those specified in the S-R District.

**H. Net Developable Area Calculation:**

1. Notwithstanding governing lot size and yard regulations, the maximum use intensity for any subdivision lot or non-residential lot shall be calculated based on existing land conditions. The development yield (in terms of allowable lots or floor area) shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. (*Refer*

to illustrative example of net developable area calculation in the appendix of the Zoning Ordinance.)

<b>Physical Land Unit</b>	<b>Percent Credited Toward Net Acreage</b>
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.
4. No R-O District lot shall be designed or employed for use in which an area more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains, and (d) water features.  
(Ord. of 8-1-2001)

**I. Additional Regulations:**

1. Refer to the Floodplain Zoning Overlay District, where applicable.
2. Refer to the Chesapeake Bay Preservation Area Overlay District.

3. All business services and storage shall be conducted within the principal structure which is to be completely enclosed.
4. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.
5. Refer to Parking and Loading Requirements, Article 8, for parking regulations:
  - a. Parking for non-residential uses shall be governed by the parking and loading requirements for that use.
  - b. Parking for a non-residential use shall not be permitted within the front yards of any lot.
  - c. No parking shall be permitted within a yard setback line.
  - d. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. Refer to Sign Regulations, Article 10, for signage provisions.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
8. Refer to the Town's Design and Construction Standards Manual for additional regulations.
9. All uses within the R-O District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
10. All refuse shall be contained in completely enclosed facilities. Refuse containers and refuse storage shall be located in a paved area and screened from public view by means of fences, wall or landscaping.

(Ord. of 10-3-2000)

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NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION OF THE TOWN OF SMITHFIELD  
AMENDMENT OF ZONING ORDINANCE

Notice is hereby given pursuant to Sections 15.2-2204 and 15.2-2285 of the Code of Virginia, (1950), as amended, that the Planning Commission of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Planning Commission on Tuesday, January 10, 2017 at 6:30 o'clock P.M., in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia to consider the amendment of certain provisions of the Town's Zoning Ordinance. The proposed amendment of the Zoning Ordinance is amendment and revision of the following article of the ordinance:

**Article, 3.G, R-O, Residential/Office Zoning District**

The proposed amendment affects Sections A. and C. of the Article and expands the permitted uses in the district to include retail sales. Copies of the current Zoning Ordinance for Smithfield, Virginia, adopted September 1, 1998, and all amendments thereto, along with copies of the proposed amendment of the Zoning Ordinance for Smithfield, Virginia are on file and may be examined in the office of the Department of Planning, Engineering, & Public Works, 310 Institute Street, Smithfield, Virginia 23430.

Any person desiring to be heard in favor of, in opposition to, or to express his or her views with respect to the aforesaid revisions and amendments may appear and be heard.

TOWN OF SMITHFIELD

By: Lesley G. King, Clerk

Publish: December 28, 2016 and January 4, 2017