



TOWN OF SMITHFIELD

Wednesday, February 5th, 2020

TO: PLANNING COMMISSION

FROM: JOHN SETTLE, COMMUNITY DEVELOPMENT & PLANNING DIRECTOR

RE: PLANNING COMMISSION MEETING

The Planning Commission will hold its regular meeting on Tuesday, February 11th, 2020 at 6:30 PM in Conference Rooms A&B at the Smithfield Center (220 N Church St).

Please call 1-(757)-365-4200 or email jsettle@smithfieldva.gov with any questions.

Enclosures

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

SMITHFIELD PLANNING COMMISSION MEETING AGENDA

Tuesday, February 11th, 2020

1) Community Development & Planning Director's Report:

- Welcoming of Rev. Dr. Lilton Marks, the Planning Commission's newest member!
- Reading of the Resolution of Appreciation for Bill Davidson, adopted by the Town Council at its Tuesday, February 4th, 2020 meeting (see Attachment 1).
- The final draft of the 2019 Isle of Wight County Comprehensive Plan was adopted by the Isle of Wight County Board of Supervisors at its Thursday, January 16th, 2020 meeting. The plan will soon be available online.

2) Upcoming Meetings and Activities:

- Tuesday, February 18th, 6:30 PM – Board of Historic & Architectural Review Meeting
- Monday, February 24th, 6:30 PM – Town Council Committee Meetings
- Tuesday, February 25th, 6:30 PM – Town Council Committee Meetings
- Tuesday, March 3rd, 6:30 PM – Town Council Meeting
- Tuesday, March 10th, 4:00 PM – Pinewood Heights Management Team Meeting
- Tuesday, March 10th, 6:30 PM – Planning Commission Meeting

3) Public Comments:

The public is invited to speak to the 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) Entrance Corridor Overlay (ECO) Design Review (After-the-Fact) – 1402B S Church St, AOO Ventures, LLC, C/O Anna Chapman, applicant. (Staff report and illustration enclosed.)

6) Site Plan Amendment & ECO Design Review – 401, 451 & Lot 10, N Church St, Smithfield Foods, Inc., C/O Jason Reale, applicant. (Staff report, application, and illustrations enclosed.)

7) *Public Hearing* Special Use Permit (SUP, After-the-Fact) – 865 W Main St, SB Cox Ready Mix, Inc., C/O Gordon Holloway, applicant. (Staff report, application, and illustration enclosed.)

8) *Discussion Item* SUP, Comprehensive Plan Amendment & Official Zoning Map Amendment (Rezoning) – 803 S Church St, Ted & Polly Boothe, C/O Nicholas Hess & Derek Joyner, applicants. (Staff report, applications, and assorted attachments enclosed.)

9) *Discussion Item* Smithfield Zoning Ordinance Article 3.G Text Amendment – 903 S Church St, Ritter Properties, LLC, C/O Matthew Cunningham, applicant. (Staff report, application, assorted attachments enclosed.)

10) Approval of the Tuesday, December 10th, 2020 meeting minutes. (Enclosed.)

11) Adjournment

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NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA)
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 1-(757)-365-4200 at least twenty-four (24) hours prior to the
.....

ATTACHMENT 1

Resolution of Appreciation

WHEREAS, Mr. Bill Davidson a resident of Smithfield proudly served the citizens of Smithfield as an appointed official for eleven (11) years; and

WHEREAS, Mr. Davidson was appointed by Town Council to serve on the Smithfield Planning Commission on November 4th, 2008 to fill an unexpired term. When the unexpired term ended January 2012 he was reappointed and continued to serve until January 31, 2020. Over the course of these eleven (11) years, Mr. Davidson served four (4) years as Vice Chair and three (3) years as Chair of the Smithfield Planning Commission; and

WHEREAS, during this time Mr. Davidson demonstrated excellent leadership qualities in local government on the Smithfield Planning Commission with numerous accomplishments to benefit the Town of Smithfield; and

THEREFORE, BE IT RESOLVED that I, T. Carter Williams, Mayor of the Town of Smithfield on behalf of the Town Council wish to formally extend to Mr. Davidson on this 4th day of February 2020 our sincere appreciation for his dedication and loyal service to the Town of Smithfield as a member of the Smithfield Planning Commission for the past eleven years; and

BE IT FURTHER, RESOLVED, that this resolution will be spread upon the permanent records of the Town of Smithfield and that a suitable copy thereof be delivered to Mr. Davidson.

Mayor T. Carter Williams
Town of Smithfield, Virginia

**PLANNING COMMISSION STAFF REPORT:
ECO DESIGN REVIEW APPLICATION (AFTER-THE-FACT)**

TUESDAY, FEBRUARY 11TH, 2020, 6:30 PM

| | |
|----------------------------|--|
| Applicant | Grafik Trenz, LLC C/O Anna Chapman 1402B S Church St Smithfield, VA 23430 |
| Owner | AOO Ventures, LLC C/O Butler Barrett 314 S Main St Emporia, VA 23847 |
| Property | 1400, 1402A, 1402B & 1402C S Church St TPINs 22A-30-005 & 21A-30-006 0.9052 ac SW side S Church St S corner S Church St & Mercer St |
| Zoning | Highway Retail Commercial (HRC) & Entrance Corridor Overlay (ECO) |
| Adjacent Zoning | Attached Residential (AR), Neighborhood Residential (NR), Residential Office (RO), ECO & HRC |
| Project Description | On or before Wednesday, January 29 th , 2020, the applicant erected a storage shed at the property in question. This shed was relocated from the applicant's previous location at 1012 S Church St (TPIN 21A-32-000N). The shed currently faces S Church St, but the applicant has indicated that they want to turn the shed around so that it faces the rear of the property. |
| Recommendation | Town staff recommends approval under the following conditions: (1) The siding of the shed must be painted a grayish-blue color with white trim to match the color scheme of the adjacent primary building. (2) The shed must be moved from its current position (boxed in red on the attached illustration) to the position boxed in blue on the attached illustration- this is so that the shed can be brought into compliance with Smithfield Zoning Ordinance (SZO) Section 2.P.6, which states: <i>Accessory buildings on lots in commercial and industrial districts which abut a residential district shall be located a minimum of fifty feet (50') from such residential district line.</i> |

Please direct inquiries to John Settle at 1-(757)-365-4200 or jsettle@smithfieldva.gov.

**PLANNING COMMISSION STAFF REPORT:
SITE PLAN AMENDMENT & ECO DESIGN REVIEW APPLICATION**

TUESDAY, FEBRUARY 11TH, 2020, 6:30 PM

Applicant Smithfield Foods, Inc.
C/O Jason Reale
111 N Church St
Smithfield, VA 23430

Owner s Smithfield Packing Company, Inc.
PO Box 9004
Smithfield VA 23431 Smithfield Ham & Products, Inc.
PO Box 9004
Smithfield VA 23431 Ivy Hill Cemetery
13004 Great Spring Rd
Smithfield VA 23430

Property 401, 451 & Lot 10, N Church St
TPINs 21A-01-010, 21A-01-022 & 21A-01-023
97.6 ac W side N Church St
N Church St & Clontz Way

Zoning Entrance Corridor Overlay (ECO),
Environmental Conservation (EC) &
Heavy Industrial (I2)

Adjacent Zoning Commercial/Industrial (C/I), Neighborhood Residential (NR),
ECO, EC & I2

Project Description The applicant wishes to make three (3) improvements on the premises:

- (1) The addition of approximately 3,500 square feet of concrete to the existing asphalt driveway in order to cover areas currently surfaced in a dilapidated gravel bed. This is proposed to remedy an ongoing problem with trucks off-tracking while turning left off of the driveway to access a loading area to the rear of the building at 401 N Church St.
- (2) The installation of a drop inlet, discharge pipe, and riprap outfall beneath the asphalt driveway where it makes a hard bend to the left in the approach to Ivy Hill Cemetery- this is proposed to remedy an ongoing drainage problem at the cemetery.
- (3) The applicant has volunteered the planting of approximately twenty-one (21) Crape Myrtle trees on twenty-five foot (25') centers along the northern side of the driveway to match the existing trees along the southern side of the driveway.

Town staff will note that the plans reference the installation of an "Aspen" style EP Henry cast stone wall along the rearmost portion of the outer edge of the proposed additional driveway area, similar in appearance to other stone structures located onsite. The applicants have indicated that this improvement will not be a part of this project.

Recommendation Town staff recommends approval as submitted.

Please direct inquiries to John Settle at 1-(757)-365-4200 or jsettle@smithfieldva.gov.

Town of Smithfield

Site Plan and Subdivision Plan Application

Please complete all sections of this application.
Call the Smithfield Planning Department at (757) 365-4200 if you have any questions.

1. Project Information

| | | |
|--|---|------------------------|
| Project Name: <u>SMITHFIELD INNOVATION CENTER</u> | | |
| Address/Location: <u>N. CHURCH STREET SMITHFIELD VA (402, 451, & Lot 10)</u> | | |
| Tax Map No(s): <u>TPINs 21A-01-01A, 21A-01-022 & 21A-01-023</u> | | |
| Zoning: <u>EC0, EC & I2</u> | Total Building Square Footage: <u>N/A</u> | |
| Acreage: <u>97.6</u> | # of lots: <u>3</u> | # of units: <u>N/A</u> |
| (Check all that apply) <input checked="" type="checkbox"/> Site Plan <input type="checkbox"/> Subdivision Plan <input type="checkbox"/> New Submittal <input type="checkbox"/> Resubmittal | | |

2. Contact Information (who will be the main contact person for this project?)

| | |
|---|----------------------------------|
| Name: <u>JASON REALE</u> | Company: <u>SMITHFIELD</u> |
| Address: <u>111 NORTH CHURCH STREET</u> | Phone: <u>(757) 358-6719</u> |
| <u>SMITHFIELD, VA 23430</u> | Fax: <u> </u> |
| Email: <u>jreale@smithfield.com</u> | |

3. Property Owner Information

| | |
|---|----------------------------------|
| Name(s): <u>SMITHFIELD Packing Company, Inc., Smithfield Meat Products, Inc. & Ivy Hill Company</u> | |
| Company: <u>SMITHFIELD Foods Inc.</u> | |
| Address: <u>111 N. CHURCH STREET</u> | Phone: <u>(757) 358-6719</u> |
| <u>SMITHFIELD, VA 23430</u> | Fax: <u> </u> |
| Email: <u>jreale@smithfield.com</u> | |

FOR TOWN USE ONLY

4. Submittal Review Fee: \$ 300.00

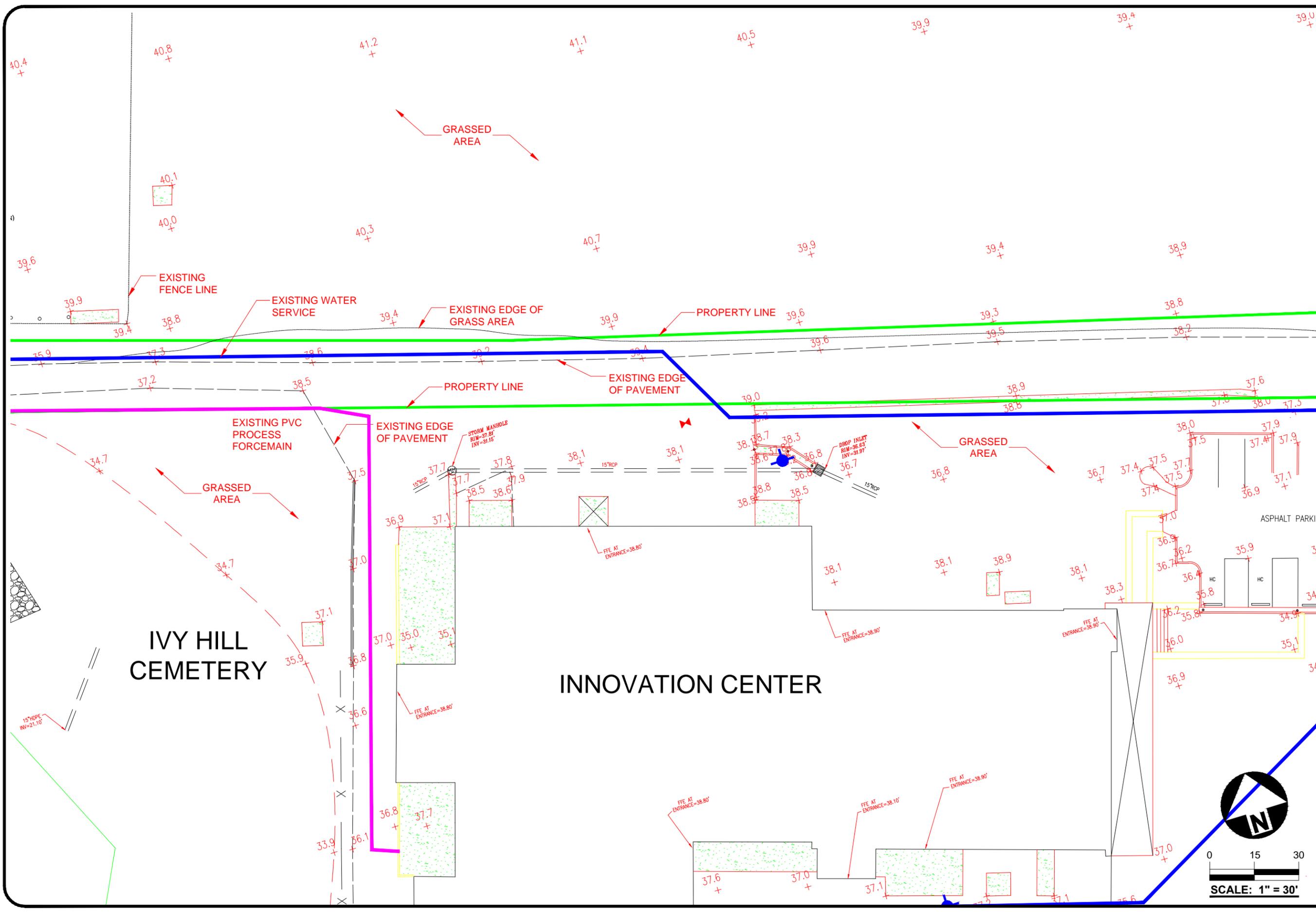
(To be completed by Town of Smithfield staff only)

I, JP HENRY, CW BRINKLEY, have been informed by the Town of Smithfield that I will be receiving a bill(s) from the Town for site plan and/or subdivision plan reviewed by the Town's consulting engineering firm and agree to pay all such fees in a timely manner.

1/31/2020

Signature Date

Note: If, in the discretion of the Town, it is determined that a review by the Town's consulting engineering firm, or any other expert or other consultant is prudent and necessary to ensure that the site plan or subdivision plan is in compliance with the Town's Zoning and Subdivision Ordinance, the Town's development standards and other State and Federal laws, then the applicant submitting said site plan or subdivision plan shall be required to pay the fees and costs incurred for such review. This requirement shall not apply to applications where the estimated cost of construction is less than \$5,000.00.



| | |
|---|----------|
| D | 5.9.2018 |
| A | |
| T | |
| E | |

DOCUMENTS FOR BID

**INNOVATION CENTER
TRAFFIC IMPROVEMENTS
EXISTING CONDITIONS**

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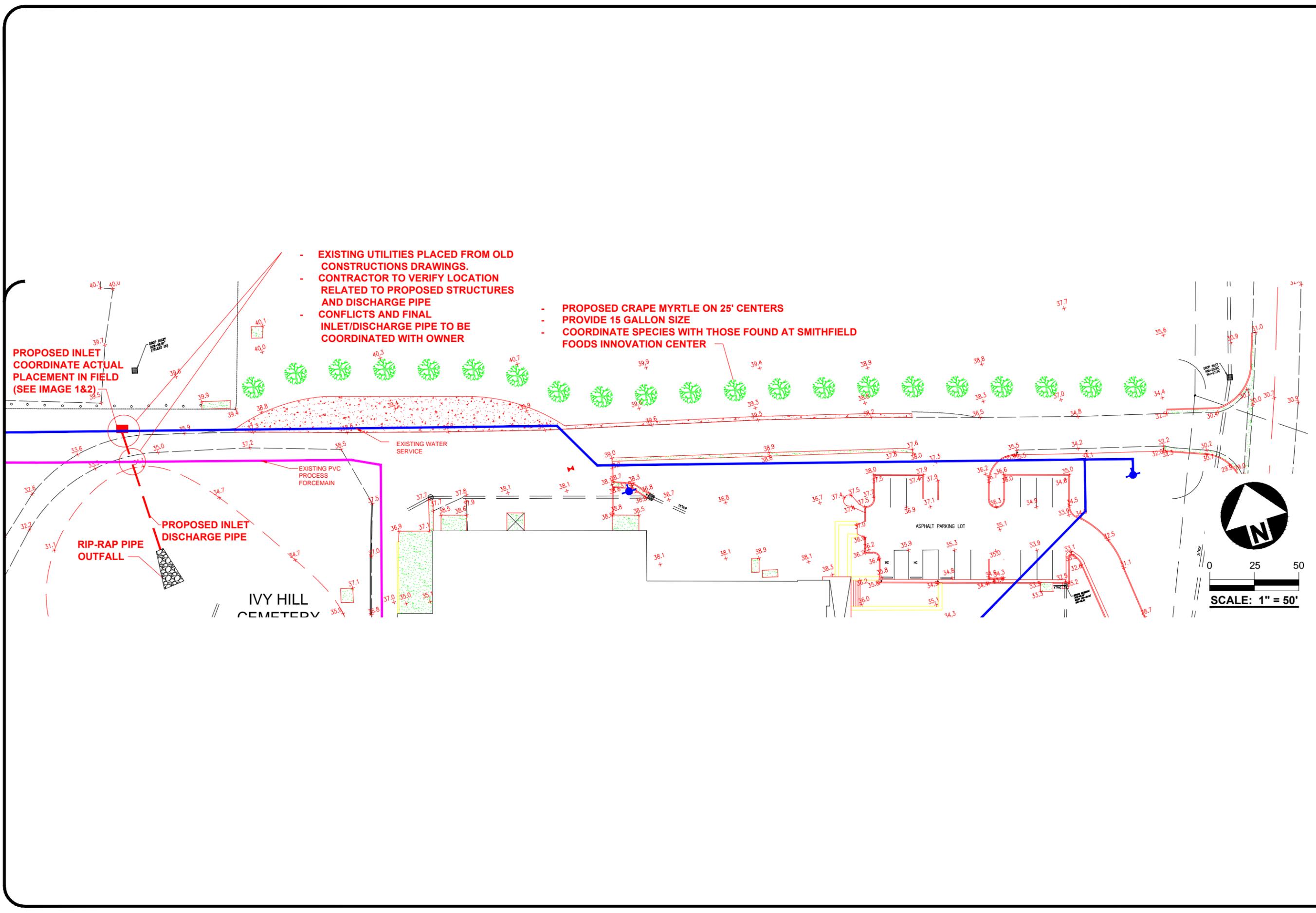
Drawing File Name: XXXXXXXXXXXXX

ASPHALT PARKING

Smithfield

Smithfield Engineering Department
111 North Church Street, Smithfield, VA 23430
(757) 356-6700 Main, (757) 356-6718 Fax, (757) 356-67XX Engineer
www.smithfield.com

Drawn By: JMR
Approved By:
Date: 5.9.2018
Project # INNOVATION CENTER
Scale = 1"=30'
Page 01 of 03



- EXISTING UTILITIES PLACED FROM OLD CONSTRUCTIONS DRAWINGS.
- CONTRACTOR TO VERIFY LOCATION RELATED TO PROPOSED STRUCTURES AND DISCHARGE PIPE
- CONFLICTS AND FINAL INLET/DISCHARGE PIPE TO BE COORDINATED WITH OWNER
- PROPOSED CRAPE MYRTLE ON 25' CENTERS
- PROVIDE 15 GALLON SIZE
- COORDINATE SPECIES WITH THOSE FOUND AT SMITHFIELD FOODS INNOVATION CENTER

PROPOSED INLET COORDINATE ACTUAL PLACEMENT IN FIELD (SEE IMAGE 1&2)

PROPOSED INLET DISCHARGE PIPE

RIP-RAP PIPE OUTFALL

IVY HILL CEMETERY

EXISTING WATER SERVICE

EXISTING PVC PROCESS FORCEMAIN

ASPHALT PARKING LOT



0 25 50
SCALE: 1" = 50'

| | | |
|-------------------|---|----------|
| DOCUMENTS FOR BID | D | 5.9.2018 |
| | A | |
| | E | |

**INNOVATION CENTER
TRAFFIC IMPROVEMENTS
PROPOSED SITE**

Drawing File Name: XXXXXXXXXXXX



Smithfield Engineering Department
111 North Church Street, Smithfield, VA 23430
(757) 356-6700 Main, (757) 356-6718 Fax, (757) 356-67XX Engineer
www.smithfield.com

| |
|-----------------------------|
| Drawn By: JMR |
| Approved By: |
| Date: 5.9.2018 |
| Project # INNOVATION CENTER |
| Scale = SEE SHEET |
| Page 03 of 03 |

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^ APPLICANT-GENERATED ILLUSTRATION OF AREA OF EXPANSION & PROPOSED CRAPE MYRTLE TREES ^

**PLANNING COMMISSION STAFF REPORT:
PUBLIC HEARING SPECIAL USE PERMIT (AFTER-THE-FACT)**

TUESDAY, FEBRUARY 11TH, 2020, 6:30 PM

Applicant SB Cox Ready Mix, Inc.
C/O Gordon Holloway
865 W Main St
Smithfield, VA 23430

Owner Ibid.

Property 865 W Main St
TPIN 21-01-071
8.48 ac SE W Main St
150' SW W Main St & Hearn Dr

Zoning Heavy Industrial (I2) & Entrance Corridor Overlay (ECO)

Adjacent Zoning Community Conservation (CC), Highway Retail Commercial (HRC),
Light Industrial (I1), Mobile Home Park (MHP), ECO & I2

Project Description On or before Monday, August 12th, 2019, the applicants installed a private well on the premises. Because the property is located within the Heavy Industrial (I2) zoning district and is occupied by non-residential uses, this action conflicted with Smithfield Town Code (STC) Section 82-45, which reads:

Where a public water supply is available in the Town, it shall be unlawful to connect a . . . commercial structure to a private well or other water supply, except as may be approved by the Town Manager on a temporary basis, or by approval of a Special Use Permit (SUP) in accordance with the provisions of the . . . [Smithfield] Zoning Ordinance (SZO).

At no point had the Town Manager approved the use of the well on a temporary basis, nor were private wells permissible in the I2 zoning district, pursuant to SZO Article 3.L. Consequently, the applicants applied for a text amendment to allow for the addition of Section 3.L.C.34 to the SZO, which was to read:

Private wells for the purpose of batching and mixing concrete.

At its Tuesday, January 7th, 2020 meeting, the Town Council approved the applicants' after-the-fact text amendment. The applicants are now applying for an SUP pursuant to SZO Section 3.L.C.34 in order to retain, connect to, and utilize their well for the purpose of batching and mixing concrete.

Recommendation The applicants have indicated that they intend to leave the cement plant connected to the Town's water system, but admit that continued use of Town water at the cement plant will be minimal. They have also indicated that two water connections exist at the property in question.

Town staff recommends that the Planning Commission report favorably on this application to the Town Council, under the condition that the applicants maintain both of their connections to the Town's water system.

Please direct inquiries to John Settle at 1-(757)-365-4200 or jsettle@smithfieldva.gov.

ENCLOSURE 1



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: R. Gordon Holloway
 Address: 205 S. Church St
 City, State, Zip: Smithfield VA 23430
 Phone Number(s): 757-955-0137

Property Owner(s) Name: S.B. Cox Ready Mix DBA Farmers Service
 Address: P.O. Box 5363
 City, State, Zip: Glen Allen, VA 23058
 Phone Number(s): 804-364-0500

Property Address: 865 W. Main St
 Tax Map Number(s): 21-01-071
 Property Description: ADS Hearn EST on Rt 258
Farmers Service Co

Zoning: I-2 Acreage: 8.48 Application Fee: 400.00
 Legal Reference: Adj. Harris Grant Deed Book#: 197 Page#: 672
I-2 # 130002960

Proposed Use/Exception: S20 Section 3.L.C. 34

"Private wells for the purpose of batching and mixing concrete."

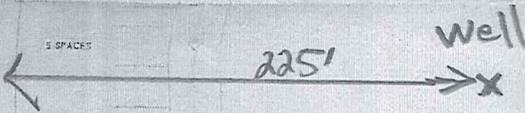
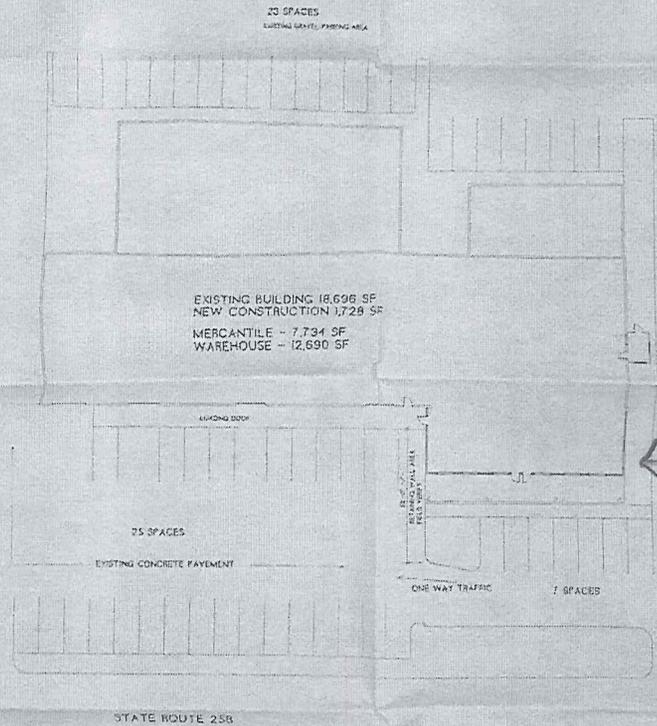
R.G.H. Holloway
 Applicant(s) Signature

1-10-20
 Date

Applicant(s) Signature

Date

ENCLOSURE 2



PARKING REQUIREMENTS

RETAIL - 20 SPACES REQUIRED
 WAREHOUSE - 20 SPACES REQUIRED
 TOTAL - 40 SPACES REQUIRED
 2 SPACES AP SPACES REQUIRED

PARKING PLAN
SCALE 1/8" = 1'-0"



| | |
|----------|---------------|
| DATE | NO. OF SHEETS |
| BY | DATE |
| REVISION | BY |
| DATE | BY |
| DATE | BY |

NEIL E. BRISTOW ARCHITECT
 497 BELLEVUE LANE
 FARMERSBURGH, VIRGINIA 22434
 703-522-1000

13

PROJECT NO. 10000
 C.W. BRISTOW PROJECT FOR
 100 BELLEVUE LANE
 FARMERSBURGH, VIRGINIA
 22434

PARKING PLAN
 A-B

**PLANNING COMMISSION STAFF REPORT:
SPECIAL USE PERMIT,
COMPREHENSIVE PLAN AMENDMENT &
OFFICIAL ZONING MAP AMENDMENT**

DISCUSSION ITEM: TUESDAY, FEBRUARY 11TH, 2020, 6:30 PM

| | | |
|------------------------------|---|--|
| Applicants | Nicholas Hess 223 S Church St Smithfield, VA 23430 | Derek Joyner 15765 Breezy Hill Ln Smithfield, VA 23430 |
| Owners | Ted & Polly Boothe 304 Ridgeland Rd Smithfield, VA 23430 | |
| Proposed Project | Tasting Room & Restaurant (Fast Food Restaurant w/o Drive-Thru Facilities) | |
| Property | 803 S Church St TPIN 21A-01-484 0.23 ac NE side S Church St 200' SE S Church St & Jordan Dr | |
| Rezoning Acreage | 0.23 ac | |
| Development Acreage | Ibid. | |
| Site Access | 2 Entrances S Church St (Existing) 1 Entrance S Church St (Proposed) | |
| Zoning | Entrance Corridor Overlay (ECO) & Residential Office (RO) | |
| Adjacent Zoning | Highway Retail Commercial (HRC), ECO & RO | |
| Proposed Zoning | ECO & RO | |
| Future Land Use (FLU) | RO | |
| Adjacent FLU | Multifamily/Retirement (MFR) | |
| Proposed FLU | Retail Commercial (RC) | |
| Project Description | <p>The applicants are proposing to operate a tasting room and restaurant at the property in question. The existing improvements onsite entail two (2) paved entrances on S Church St, a paved driveway and parking area (believed to be the remnants of the old S Church St), a deteriorated gravel driveway and parking area, an approximately seventy (70) square foot storage shed, a freestanding sign, connection to a private well, connection to the public sewer system, and an approximately 750 square foot commercial building dating to 1931 and known historically as the Red Point Service Station.</p> | |

The applicants wish to improve the site by closing one (1) of the entrances on S Church St with a series of raised flower beds, expanding the paved driveway/parking area by a total of three (3) spaces located south of the building, restoring and expanding the dilapidated gravel driveway and parking area and dedicating four (4) parking spaces along the northwest side of the building, relocating the existing storage shed to a position at the back of the property, connecting to the public water system, and constructing an approximately 410 square foot patio to the rear of the primary building.

The desired use for the property would be classified as a “fast food restaurant without drive-through facilities”. The only zoning district in which this use is permissible is the Highway Retail Commercial (HRC) zoning district, pursuant to Smithfield Zoning Ordinance (SZO) Section 3.I.B.4. Because the property is currently zoned Residential Office (RO), it became apparent that an application to amend the Town’s Official Zoning Map (OZM) would be necessary (this is often referred to as a “rezoning”).

The most essential Town publication to consult during the rezoning process is the Town's Comprehensive Plan, specifically the Future Land Use Map (FLUM). The entirety of the property in question on the FLUM is designated as remaining RO in the future, which accommodates the current zoning as RO. Consequently, the proposed rezoning is in conflict with the FLUM, and a Comprehensive Plan Amendment is necessary.

This application's conflict with the FLUM is lessened when examined within the context of the Comprehensive Plan itself. The applicants, in their attached narrative, direct the readers' attention to the following:

The property in question is located within the John Rolfe Planning Area, which was identified in the 2009 Comprehensive Plan as an area in which a dynamic commercial center could be expected and should be encouraged in the future. Additionally, the same Plan changed the future land use category for this particular area from 'Residential Office' to 'Residential Office Transitional,' highlighting the encouragement of commercial growth within this area. A successful conditional rezoning of the adjacent property (805 S Church St) nearly two decades ago to the same zoning district sought by this application was one of the earliest steps in narrowing the commercial gap on S Church St between Red Point Dr and Talbot Dr.

The applicants' argument is thorough and well-founded- the RO-zoned properties along S Church St between Red Point Dr and Talbot Dr are currently occupied by a mixture of residential and non-residential uses of varying levels of intensity. Additionally, the Town Council's approval of the conditional rezoning application for 805 S Church St (TPIN 21A-01-485) on Tuesday, May 2nd, 2000 was arguably the first major step in this direction.

The proposed general development plan submitted for the rezoning of the property features a number of new improvements which conflict with several standards contained in Article 8 of the SZO- the Town's parking and loading standards. Consequently, the applicants have applied for a Special Use Permit (SUP) for a waiver of parking and loading requirements pursuant to SZO Section 3.I.C.30 for relief from the following standards:

- 8.B.6(a): The use of gravel as a parking lot surface.
- 8.B.6(b): The use of gravel as a parking lot surface.
- 8.C.1(b): A reduction in the minimum required parking lot travel way width from twenty-four feet (24') to a width ranging from 16.3' to twenty feet (20')- individual lane widths are reduced in kind from twelve feet (12') to a range of 8.15' to ten feet (10').
- 8.E.18: The reduction of the minimum number of required parking spaces from eleven (11) spaces to seven (7) spaces in total.
- 8.F.2.a: The waiving of the requirement of a dedicated, fifteen foot (15') by twenty-five foot (25') loading space.
- 8.H.1: The waiving of the requirement of a dedicated, thirteen foot (13') by eighteen foot (18') handicapped parking space.

This application has resulted in requests for comments from several agencies outside of the Smithfield Community Development & Planning Department:

- Smithfield Police Department (SPD) Enclosure 1
- Virginia Department of Transportation (VDOT) Enclosure 2
- Smithfield Volunteer Fire Department (SVFD) Enclosure 3
- Isle of Wight County Stormwater Division Enclosure 4
- Isle of Wight County Schools (IWCS) Enclosure 5
- Isle of Wight County Planning & Zoning Enclosure 6
- Smithfield Engineering & Public Works Department Enclosure 7
- VA Dept. of Historic Resources (DHR) (Awaiting Comments) Enclosure 8

In an effort to expedite the site plan review process immediately following the rezoning, comprehensive plan amendment, and SUP application processes, the

Community Development & Planning Department offers the following comments to the applicants:

- (1) The applicants must indicate how they intend to manage refuse generated onsite. All refuse management plans must be compliant with SZO Section 3.H.2.
- (2) The applicants must submit a signed letter to the Town, in which they guarantee that no trees will be removed from the site as a part of this project, pursuant to SZO Section 3.R.D.6.
- (3) One of the parking spaces in the parking area south of building must be moved to a position immediately southwest of parking space four (4) in the parking area located northwest of the building. The remaining two (2) spaces in the parking area located south of the building must be relocated to a position at least ten feet (10') from the lot line shared with 805 S Church St, pursuant to SZO Section 3.R.H.1.b.
- (4) One (1) of the applicants' proposed parking spaces should be a dedicated handicapped parking space, pursuant to SZO Section 8.H.1. It would be prudent for the applicants to substitute their waiver request from this standard with one for relief from SZO Section 8.H.5, effectively reducing the required handicapped parking space width from thirteen feet (13') to nine feet (9').
- (5) Town staff calculates that approximately eight-hundred (800) square feet of the site is currently covered by tree canopy, which is two-hundred (200) square feet shy of the required 1,002 square feet, or ten percent (10%) of the overall site area, pursuant to SZO Section 9.C.2.a. Consequently, a tree planting(s) compliant with SZO Section 9.C.3 should be planted in the extreme southern corner of the property, in the area located between the proposed parking spaces, the existing pavement, and the lot line shared with 805 S Church St, pursuant to SZO Section 9.D.1.a. This planting(s) should, at maturity, provide enough tree canopy coverage to bring the property into compliance with SZO Section 9.C.2.a. A landscaping bond for this planting(s) must be submitted to the Town prior to the issuance of a zoning permit, pursuant to SZO Section 9.G.

The entirety of the rezoning application can be viewed in the pages immediately succeeding this staff report.

The purpose of this discussion item is to discern whether or not the Planning Commission is ready to proceed to a public hearing in March of this year, and/or if there are additional items that Planning Commissioners would like to see included in the application before proceeding. Additionally, the applicants are available for questions from the Planning Commission.

TOWN OF SMITHFIELD

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

REZONING APPLICATION

12/2/2019
Date of Application

I (We), the undersigned, do hereby respectfully make applications and petition the Governing Body to amend the Zoning Ordinance and to change the Zoning Map of 803 S Church St (TPIN 21A-01-484) as hereinafter requested and in support of this application, the following facts are shown:

1. The property sought to be rezoned is located at 803 S. Church St between 801 S. Church St. and 805 S. Church St. on the NE side of the street and known as lot(s) Number 21A-01484. It has a frontage of 178' feet, and a depth of 120' feet and is .22 acres.
2. The property sought to be rezoned is owned by: Ted and Polly Boothe as evidenced by deed from Bernice F. Ellis, et al. recorded in Book 914, Page 762, Registry of Town of Isle of Wight County.
3. It is desired and requested that the foregoing property be rezoned .22 acres:
4. From: Residential office (RO) To: Highway Retail Commercial (HRC)
5. It is proposed that the property will be put to the following use(s):
Tasting Room & Restaurant
(Fast Food Restaurant without Drive-Through Facility)
See SFD Section 3.I.B.4
6. It is proposed that the following buildings will be constructed: NONE
7. It is proposed that the following setbacks and off-street parking provisions will be made: YES
The applicant may require a waiver of setback requirements and parking and loading requirements pursuant to SFD Section 3.I.C.28 & 3.I.C.30.
8. Attached is a copy of the Vicinity Map.

ADDITIONAL INFORMATION

I (We) Derek Joyner, Nick Hess have familiarized myself (ourselves) with the rules and regulations, which are required with respect to preparing and filling this application.

Applicants Signature: Derek Joyner / Nick Hess Telephone # 757-758-0904
Printed Name: Derek Joyner / Nick Hess Fax # _____
Address: 15765 Breezy Hill Ln / 12480 Windjammer Ct
Smithfield VA 23130 Smithfield VA 23130

Owners Signature: Ted Boothe Telephone # 757 812-4736
Printed Name: Ted Boothe & Polly Boothe Fax # _____
Address: 304 Ridgeland Dr.
Smithfield VA 23130

Polly Boothe's Signature: X Polly Boothe



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: Nicholas Hess / Derek Jeyner
 Address: 803 S. Church St. S.
 City, State, Zip: Smithfield VA 23430
 Phone Number(s): (757) 813-0547

Property Owner(s) Name: Ted Boothe & Polly Boothe
 Address: 304 Ridgeline Dr.
 City, State, Zip: Smithfield, VA 23430
 Phone Number(s): (757) 812-4736

Property Address: 803 S. Church St.
 Tax Map Number(s): TPIN 21A-01-484
 Property Description: R0 Business NE Side of Church St, b/w 801 & 805 S Church St.
 Zoning: R0 Acreage: .22 Application Fee: _____
 Legal Reference: Rel. to George Deed Book#: 394 Page#: 762

Station - Paul's of George Falls Gate
 Proposed Use/Exception: R0 to HRC (Comprehensive plan amendment to change the Future Land Use Map Designation of this property from Residential Office (R0) to Rural Commercial (RCL).

Dew - J
 Applicant(s) Signature

11/2/19
 Date

[Signature]
 Applicant(s) Signature

12/2/19
 Date



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: Nick Hess / Perck Joyner
 Address: 12480 Windjammer Ct. 15765 BREEZY HILL LN
 City, State, Zip: SMITHFIELD VA 23430 SMITHFIELD VA 23430
 Phone Number(s): 757-813-0547 757-758-0909

Property Owner(s) Name: TED -N- POLLY BOOTH
 Address: 301 RIDGEWOOD DRIVE
 City, State, Zip: SMITHFIELD VA 23430
 Phone Number(s): 757-812-4736

Property Address: 793 S. CHURCH STREET
 Tax Map Number(s): 21A-01-484
 Property Description: TASTING ROOM / RESTAURANT

Zoning: RO/HRC Acreage: 22 Application Fee: _____
 Legal Reference: 1st of right Deed Book#: 394 Page#: 762

Proposed Use/Exception: Article 8 waiver, pursuant to § 8-0 Section 3.0.C. 2016, 3.I.C. 90. EXPANSION
THE USE OF A GRAVEL PARKING LOT
AND WITHIN THE FIRST FIVE YEARS OF BUSINESS WE
WILL HAVE THE LOT PAVED TO BE IN AN SMITHFIELD
TOWN CODE, additionally, the blocking of the Southwary
entrance onto S Church St with a raised planter instead of
curbing, etc. - this is to close the entrance in accordance with
VPO's wishes.

Red Point
 Survey Station,
 Parcel 5 of
 Georgie Felts
 Estate

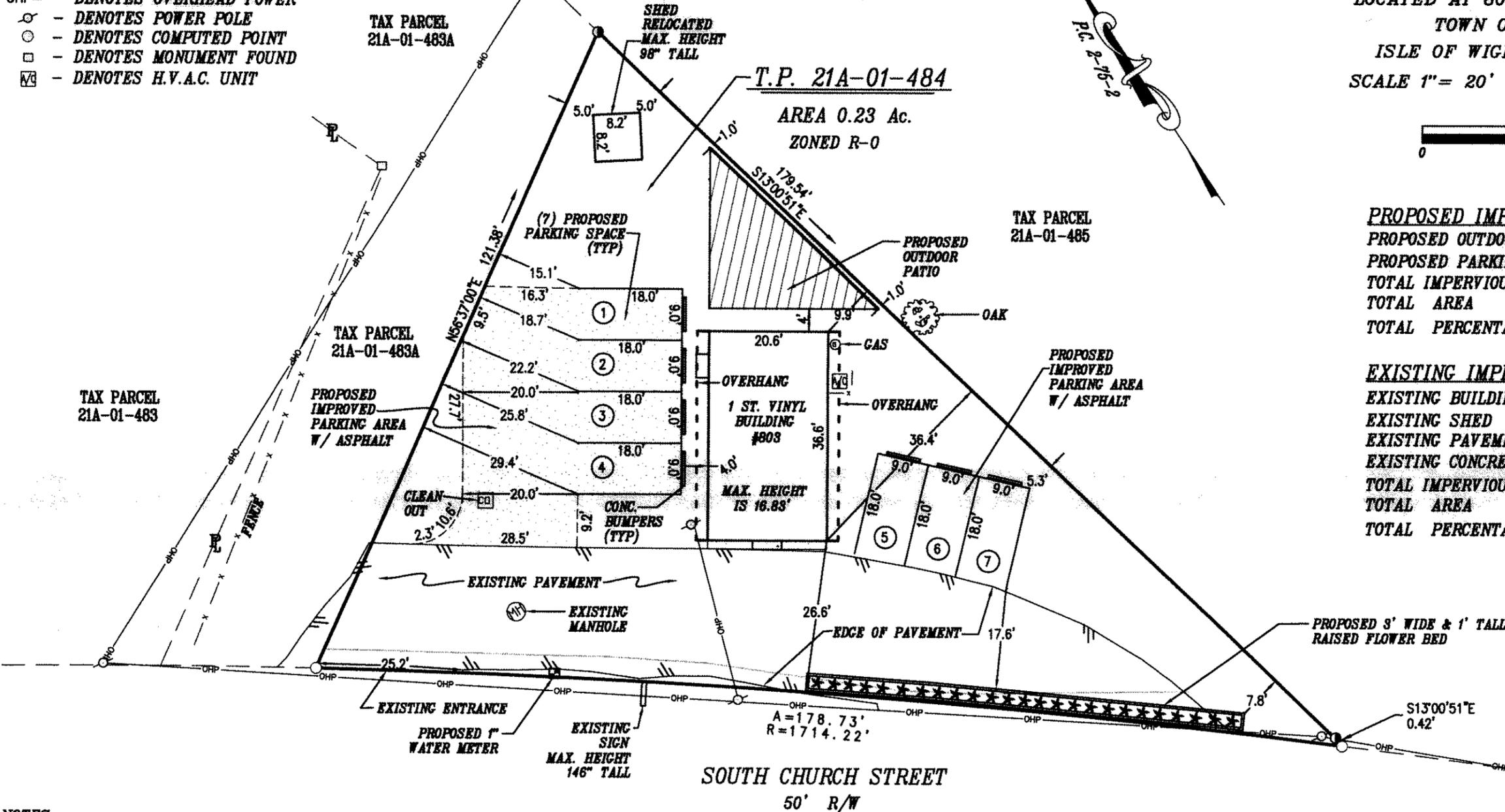
[Signature] 11 DEC 19
 Applicant(s) Signature Date
[Signature] 11 DEC 19
 Applicant(s) Signature Date

REFERENCE - DB 394 PG 762

LEGEND:

- - DENOTES IRON PIN OR PIPE FOUND
- OHP- - DENOTES OVERHEAD POWER
- - DENOTES POWER POLE
- - DENOTES COMPUTED POINT
- - DENOTES MONUMENT FOUND
- ⊠ - DENOTES H.V.A.C. UNIT

EXHIBIT PLAT
FOR
NICHOLAS HESS
LOCATED AT 803 SOUTH CHURCH STREET
TOWN OF SMITHFIELD
ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1" = 20' REVISED 12-6-2019



PROPOSED IMPERMEABLE SURFACE AREA

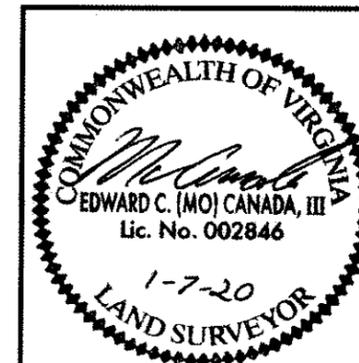
| | |
|------------------------|------------------|
| PROPOSED OUTDOOR PATIO | 410.60 S.F. |
| PROPOSED PARKING AREA | +1,986.00 S.F. |
| TOTAL IMPERVIOUS | 2,396.60 S.F. |
| TOTAL AREA | ÷ 10,018.80 S.F. |
| TOTAL PERCENTAGE | 23.92 % |

EXISTING IMPERMEABLE SURFACE AREA

| | |
|-------------------|-----------------|
| EXISTING BUILDING | 751.20 S.F. |
| EXISTING SHED | +672.40 S.F. |
| EXISTING PAVEMENT | +3,030.80 S.F. |
| EXISTING CONCRETE | +30.70 S.F. |
| TOTAL IMPERVIOUS | ÷ 4,485.10 S.F. |
| TOTAL AREA | 10,018.80 S.F. |
| TOTAL PERCENTAGE | 44.77 % |

NOTES:

- 1) 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.
- 2) THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510081 0151 E, DATED 12-2-2015.
- 3) THIS PROPERTY IS TO BE REZONED PURSUANT TO SZO SECTION 4.B.4 .
- 4) THE MAXIMUM FLOOR AREA RATIO (FAR) IN THE HIGHWAY RETAIL COMMERCIAL (HRC) ZONING DISTRICT IS 0.5, PURSUANT TO SZO SECTIONS 3.I.E.3 & 4.B.8.d .



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

DRAWN BY: ECC JOB #S19-295-SM

**PROPOSED PROFFERS BY TENANTS IN CONNECTION WITH THE PROPOSED
RE-ZONING OF SAID PROPERTY FOR 803 S. CHURCH STREET.**

The undersigned applicants and current tenants Derek Joyner and Nick Hess, states that the following conditions are voluntarily proffered for the reclassification of property identified as 803 S. Church St. The tenants hereby voluntarily proffer that the development of the property proposed for rezoning under this application shall be in accordance with the conditions set forth below. The owner as evidence grants consent to the following proffers by their signatures hereto. Where exhibits are referenced in this proffer, they are on file with the Town Council, Smithfield.

1. With the re-zoning of the property we proffer to improve and maintain the driveway easement accessing the rear parcel.
2. We would like to facilitate and volunteer the use of our property to local charitable organizations.
3. As current tenants we will proffer the re-purposing and re-vitalization of an historic building/structure to our current business needs.



Nick Hess



Derek Joyner



TED BOOTHE

Notary:



POLLY BOOTHE

Signed before me on this 10 day of December, 2019

LORI ANNE KELLO
NOTARY PUBLIC
REG. #7132025
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES June 30, 2023

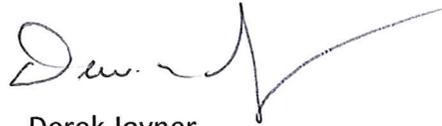
DATE:

Re-Zoning Authorization

I/we (owners) **Ted and Polly Boothe**, give permission and authorization to (lessees) **Nick Hess and Derek Joyner** to re-zone the property at 803 South Church Street Smithfield, VA from Residential Office (RO) to Highway Retail Commercial (HRC).



Nick Hess



Derek Joyner



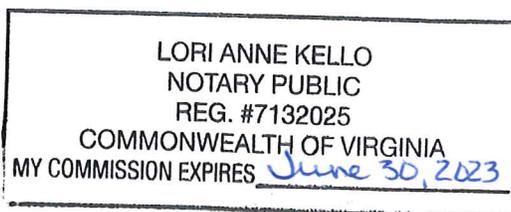
Ted Boothe



Polly Boothe



Signed before this 10 day of December, 2019



12/2/2019

Affidavit

Property: 803 South Church St

Smithfield, VA 23430

This document declares that No/none members of the Planning Commission or Town Council has any interest in the land to be re-zoned either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settler of an irrevocable trust or whether any member of their immediate household has any such interest in the outcome of the decision.

Applicants:

Derek Joyner

Nick Hess



Notary:

Lori Anne Kello

Signed before me on this 2 day of December 2019



803 S. Church Street
Smithfield Va. 23430

Re-Zoning Application

Submitted by

Nicholas Hess

Derek Joyner

Re- Zoning Questions-

1. Names of all owners requesting the re-zoning. Attached sheet filled out.

2. Notarized Affidavit

Attached and Notarized.

3. Tax Map

6:53

LTE 46%



! iowgis.maps.arcgis.com/ap



803 SOUTH CHURCH STREET X

Show search results for 803 SOUT...

21A-01-483A

801

21A-01-483

21A-01-485

803

21A-01-484

S CHURCH ST

21A-01-524

802

804

21A-01-525

21A-0

0 50 1

County Boundary

All rights reserved



6:56

LTE 46%



light-county.governmax.com

1



Site Provided by... governmax.com

| Parcel ID | Alt. PIN | Parcel Address | AV - Tot. Lnd & Improv. | Data as of |
|------------|----------|-----------------------------|-------------------------|------------|
| 21A-01-484 | 3344 | 803 S CHURCH ST, SMITHFIELD | \$119,700 | 11/13/2019 |

Property Owner Information

| | |
|------------------------|---|
| Property Owner | BOOTHE TED W & POLLY B |
| Property Owner Address | 304 RIDGELAND DR SMITHFIELD VA 23430 |
| Transfer Date | 03/17/1992 |
| Document No. | |
| Document Reference No. | 394 762 |

Location Information

| | | | |
|----------------|-----------------------------|-------------|--|
| Tax Group Code | 55 | Routing No. | |
| Township No. | 001, | Legal Desc. | RED PT SERVICE STATION PAR 5 GEORGIE FELTS EST |
| Parcel Address | 803 S CHURCH ST, SMITHFIELD | | |
| Legal Acreage | .2290 | | |

Parcel Information

| | |
|---------------------|-----------------------|
| Property Class Code | COMMERCIAL/INDUSTRIAL |
| Neighborhood Code | 100 |
| Neighborhood Factor | .00 |
| Neighborhood Type | B |

Assessment Information

| | | | |
|----------------------------|-----------|---------------------|-----------|
| Current AV - Total Land | \$74,800 | Adj. Factor Applied | 0.00 |
| Current AV - Total Improv. | \$44,900 | Average AV/Acre | \$0 |
| AV - Tot. Lnd & Improv. | \$119,700 | Appraisal Date | 1/31/2019 |
| Reason for Change Code | 19 | | |
| Prior AV - Total Land | \$74,800 | | |
| Prior AV - Total Improv. | \$44,500 | | |



4. Certified plat by Surveyor (Canada Land Surveying is in Work on this).
The entirety of the property in question is to be rezoned, in pursuant to SZO section 4.B.4.
5. A Tasting room with local Virginia Beer and Wine.

6. Location of existing building and structures (Comes With Survey)

7. a.

The property in question is located within the John Rolfe Planning Area, which was identified in the 2009 Comprehensive Plan as an area in which a dynamic commercial center could be expected and should be encouraged in the future. Additionally, the same Plan changed the future land use category for this particular area from 'Residential Office' to 'Residential Office Transitional,' highlighting the encouragement of commercial growth within this area. A successful conditional rezoning of the adjacent property (805 S Church St) nearly two decades ago to the same zoning district sought by this application was one of the earliest steps in narrowing the commercial gap on S Church St between Red Point Drive and Talbot Dr.

The current address (803 S. Church St.) is zoned as Residential Office (RO). We would like to re-zone the said property to Highway Retail Commercial (HRC) to facilitate our business to a tasting room. The re-zoning of this property will not affect Transportation, community facilities or any schools in the area. We will maintain the building original structure as its one of Virginia's sought-after historic goals. We will repurpose the existing automotive structure as it once operated as an early 20th century service station. The re-zoning will have little to no impact to all adjoining properties as this has operated as a business since 1930. The property directly behind us is already operating as HRC and has since 2001. We are already hooked up to the city sewer and intend to hook up to city water in the future. We are within one mile of each a fire and police facility. There are no schools within the area.

We plan to deliver a business to local Smithfield bosting Virginia's finest beers and wines. We want to incorporate a menu that is built around the Smithfield long heritage of ham and other pork products to include local seafood. Once we are re-zoned to HRC we plan to add a patio and improve the parking while maintaining our business model re-purposing one of Smithfield's historic buildings.

The timing to complete each phase of this re-zoning will be as follows:

Once re-zoning is complete:

We would like to add an outdoor patio by 9/1/2020.

We will hook up to town of Smithfield water by 6/1/2022.

We would like to add our parking improvements by 6/1/2022

We would like to install the proffered improvements to the driveway shared with 801A S. Church St by 6/1/2022.

8.

A. See Certified Drawing

B. See Certified Drawing

C. N/A

D. N/A

E. See Certified Drawing

F. N/A

G. See certified drawing

H. See certified drawing

I. See certified drawing

J. See certified drawing

9. A. N/A as per town attorney

B. N/A as per town attorney

C. N/A as per town attorney

D. This property is located within the entrance corridor overlay "ECO", in which the exterior appearances of all proposed improvements must be reviewed and decided by the planning commission within the context of the towns adopted entrance corridor design guidelines. At this time we intend to not change the exterior appearance of any buildings on said property.

10. Application package signed

11. Names address and tax assessment for a budding properties.

A. Names of all adjacent owners to include Tax IDs.

803 S Church St (TPIN 21A-01-484) ADJOINERS

(1) 801A S Church St (TPIN 21A-01-483A)

Ted & Polly Boothe

403 Ridgeland Dr

Smithfield, VA 23430

(2) 802 S Church St (TPIN 21A-01-524)

Jeffry & Cheryl Jeffers

802 S Church St

Smithfield, VA 23430

- (3) 804 S Church St (TPIN 21A-01-525)
Fay Major
804 S Church St
Smithfield, VA 23430

- (4) 805 S Church St (TPIN 21A-01-485)
Buggs Bluff, LLC
C/O Robert & Yvonne May
11462 Raynor Rd
Smithfield, VA 23430

- (5) 806 S Church St (TPIN 21A-01-526)
Donald Powell
806 S Church St
Smithfield, VA 23430

- (6) 808 S Church St (TPIN 21A-01-527)
Tony & Christine Wilson
808 S Church St
Smithfield, VA 23430

12. 1045.00 due before town meeting.



803

ENCLOSURE 1

From: [Alonzo Howell](#)
To: [John Settle](#)
Subject: RE: 803 S Church St
Date: Friday, January 3, 2020 11:28:45 AM
Attachments: [image001.png](#)

Thank you John for the update. I have no concern for the rezoning of this property as long as the business owners operate within the guidelines of all state, local and federal laws.

Alonzo

From: John Settle <jsettle@smithfieldva.gov>
Sent: Thursday, January 02, 2020 5:26 PM
To: aring@iwus.net; Amy Ring <aring@isleofwightus.net>; Melissa A. Lindgren <mlindgren@isleofwightus.net>; mlindgren@iwus.net; Melissa Lindgren, P.E. (melissa.lindgren@isleofwightus.net) <melissa.lindgren@isleofwightus.net>; lbriggs@iwcs.k12.va.us; Jeff Smith <jsmith@smithfieldva.gov>; Sandy Wanner <swanner@smithfieldva.gov>; Jessie Snead <jsnead@smithfieldva.gov>; Wayne Griffin <wgriffin@smithfieldva.gov>; Joseph Reish <jreish@smithfieldva.gov>; Alonzo Howell <ahowell@smithfieldva.gov>; Jerry Hackney (hackneyj@smithfieldvfd.com) <hackneyj@smithfieldvfd.com>; Matthew Rogers <mrogers@smithfieldva.gov>; Joshua Norris (Joshua.Norris@vdot.virginia.gov) <Joshua.Norris@vdot.virginia.gov>; Tommy Catlett, P.E. (Tommy.Catlett@vdot.virginia.gov) <Tommy.Catlett@vdot.virginia.gov>; William H. Riddick, III <wriddick@brlawva.com>; Wagner, Marc <marc.wagner@dhr.virginia.gov>; savagen@smithfieldvfd.com
Subject: 803 S Church St

Good evening all!

Please see the attached .PDF for the applications and all applicable documents for a comprehensive plan amendment, Special Use Permit (SUP), and conditional rezoning of approximately 0.23 acres at 803 S Church St (TPIN 21A-01-484).

The comprehensive plan amendment entails changing the future land use map's designation of the property from "residential office" to "retail commercial."

The conditional rezoning entails amending the official zoning map's designation of the property from "residential office" to "highway retail commercial (HRC)."

The SUP application is for a waiver of parking and loading requirements, pursuant to Smithfield Zoning Ordinance (SZO) Sections 3.G.C.20 and/or 3.I.C.30.

The purpose of these applications is to accommodate a taphouse or tasting room use. Under SZO Section 13.B, such uses are the closest in nature to the "fast food restaurant (without drive-through facilities)" use, which is permissible only in the HRC district.

Please review and return comments by the close of the business day on Monday,



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

23116 Meherrin Road
COURTLAND, VIRGINIA 23837

January 28, 2020

John Settle
Planning & Zoning Administrator
310 Institute Street
Smithfield, VA 23430

**RE: Joyner & Hess Rezoning
803 S. Church St.
Smithfield, VA 23430**

The Residency has completed its review of the submitted rezoning application dated December 2, 2019 and received by the VDOT Land Development Office on January 2, 2020 for the proposed rezoning from residential/office to highway retail commercial. We have the following comments:

- 1) In accordance with 24VAC30-73-110(C)(1), existing commercial entrances may be reviewed by the district administrator's designee, and reconstruction, relocation, commercial entrance consolidation, or a combination of these, may be required when the property is subject to development plan review or other legislative action. The submitted rezoning includes the proposed closure of the eastern site entrance. The remaining entrance is not in compliance with VDOT's Access Management spacing standards, and will require an Access Management Exception (AM-E). Please contact this office in order to begin the submission and approval process of an exception request.
- 2) We recommend that a parking/access easement be granted across the flag portion of lot 21A-01-483A, with a corresponding access easement granted across parcel 21A-01-484. The parking/access easement will allow parking on 483A as necessary, and can be improved at a future date if necessary. The access easement will allow 483A to continue using the existing commercial entrance and path through 484 to provide residential access.

Upon final approval, a Land Use Permit will be required prior to any work within State maintained right of way or easements. Additional information about Land Use Permitting as well as the required forms can be found on the VDOT website at:

<http://www.virginiadot.org/business/bu-landUsePermits.asp>

If you have any questions, please contact me at (757) 346-3068 or Joshua.Norris@vdot.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua R. Norris", is centered below the word "Sincerely,". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Joshua R. Norris
Land Use Engineer
Virginia Department of Transportation
Franklin Residency

ENCLOSURE 3

From: savagen@smithfieldvfd.com
To: [John Settle](#)
Subject: RE: 803 S Church St
Date: Monday, February 3, 2020 6:16:44 PM
Attachments: [image001.png](#)

Good evening John,

Based on what I've read in the attached, I do not have any objections or things to offer as changes. Of course if used for restaurant use etc then appropriate codes need to be met and enforced by building/code official.

Thanks,

Call me if need me.

-Nick Savage, Fire Chief

From: John Settle <jsettle@smithfieldva.gov>
Sent: 2/3/20 5:58 PM
To: undefined
Subject: RE: 803 S Church St

Good evening, all!

If you are in receipt of this email, it is because I have not yet received comments from you or your agency concerning the comprehensive plan amendment, Special Use Permit (SUP), and conditional rezoning of approximately 0.23 acres at 803 S Church St (TPIN 21A-01-484).

The comprehensive plan amendment entails changing the future land use map's designation of the property from "residential office" to "retail commercial."

The conditional rezoning entails amending the official zoning map's designation of the property from "residential office" to "highway retail commercial (HRC)."

The SUP application is for a waiver of parking and loading requirements, pursuant to Smithfield Zoning Ordinance (SZO) Sections 3.G.C.20 and/or 3.I.C.30.

The purpose of these applications is to accommodate a taphouse or tasting room use. Under SZO Section 13.B, such uses are the closest in nature to the "fast food restaurant (without drive-through facilities)" use, which is permissible only in the HRC district.

ENCLOSURE 4

From: [Melissa A. Lindgren](#)
To: [John Settle](#)
Subject: RE: 803 S Church St
Date: Tuesday, February 4, 2020 8:29:07 AM
Attachments: [image001.png](#)

John,

The stormwater division has no objections to this application. Please note that during the site plan review process Virginia Runoff Reduction Method calculations will need to be submitted along with a stormwater management plan and an erosion and sediment control plan. This site would fall into a "redevelopment" scenario for stormwater compliance.

Thanks,

Melissa

From: John Settle <jsettle@smithfieldva.gov>

Sent: Monday, February 3, 2020 5:59 PM

Subject: RE: 803 S Church St

Good evening, all!

If you are in receipt of this email, it is because I have not yet received comments from you or your agency concerning the comprehensive plan amendment, Special Use Permit (SUP), and conditional rezoning of approximately 0.23 acres at 803 S Church St (TPIN 21A-01-484).

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The purpose of these applications is to accommodate a taphouse or tasting room use. Under SZO Section 13.B, such uses are the closest in nature to the "fast food restaurant (without drive-through facilities)" use, which is permissible only in the HRC district.

Please review and return comments on this application (see the attached .PDF) as soon as possible, indicating either your approval of the proposal as submitted or the specific deficiencies noted on the submitted material.

JOHN SETTLE

Community Development & Planning Director

Town of Smithfield, Virginia

310 Institute St, Smithfield, VA 23430

1-(757)-365-4200

jsettle@smithfieldva.gov

ENCLOSURE 5

From: [Lynn Briggs](#)
To: [John Settle](#)
Cc: [Dr. James Thornton](#)
Subject: Re: 803 S Church St
Date: Tuesday, February 4, 2020 7:52:44 AM
Attachments: [image001.png](#)

John,

This application will not impact the school division.
Thank you.

Lynn B. Briggs
Director of Community and Media Relations
Isle of Wight County Schools
820 W. Main St.
Smithfield, VA 23430
757-365-1611 (o)
757-603-1904 (c)
www.iwcs.k12.va.us



On Mon, Feb 3, 2020 at 5:58 PM John Settle <jsettle@smithfieldva.gov> wrote:

Good evening, all!

If you are in receipt of this email, it is because I have not yet received comments from you or your agency concerning the comprehensive plan amendment, Special Use Permit (SUP), and conditional rezoning of approximately 0.23 acres at 803 S Church St (TPIN 21A-01-484).

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ENCLOSURE 6

From: [Amy Ring](#)
To: [John Settle](#)
Subject: RE: 803 S Church St
Date: Tuesday, February 4, 2020 1:30:30 PM
Attachments: [image001.png](#)

Hey John – thanks for the reminder – I blew right by this. As a department we offer no comments. Have a good week, Amy

Amy M. Ring, AICP, Director
Isle of Wight County Community Development Department
PO Box 80
Isle of Wight County, VA 23397
(757) 365-6210
aring@iwus.net

From: John Settle <jsettle@smithfieldva.gov>
Sent: Monday, February 3, 2020 5:59 PM
Subject: RE: 803 S Church St
Good evening, all!

If you are in receipt of this email, it is because I have not yet received comments from you or your agency concerning the comprehensive plan amendment, Special Use Permit (SUP), and conditional rezoning of approximately 0.23 acres at 803 S Church St (TPIN 21A-01-484).

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Please review and return comments on this application (see the attached .PDF) as soon as possible, indicating either your approval of the proposal as submitted or the specific deficiencies noted on the submitted material.

JOHN SETTLE
Community Development & Planning Director
Town of Smithfield, Virginia

ENCLOSURE 7

From: [Wayne Griffin](#)
To: [John Settle](#); [Jeff Smith](#); [Jessie Snead](#)
Subject: RE: 803 S Church St
Date: Tuesday, February 4, 2020 4:49:30 PM
Attachments: [image001.png](#)

John:

Yes this was the only requirement that we saw as far as this site was concerned, as I recall. As a reminder, make sure VDOT has reviewed this site plan also.

Thanks,

Wayne A. Griffin
Town Engineer
Engineering & Public Works
Phone: 757-365-4253
Fax: 757-357-9933

From: John Settle <jsettle@smithfieldva.gov>
Sent: Monday, February 3, 2020 3:16 PM
To: Jeff Smith <jsmith@smithfieldva.gov>; Jessie Snead <jsnead@smithfieldva.gov>; Wayne Griffin <wgriffin@smithfieldva.gov>
Subject: FW: 803 S Church St

Guys,

Please confirm that the only comment from Engineering & Public Works on this application was the following:

The dedication of a twenty foot (20') sanitary sewer utility easement over the portion of this property (803 S Church St, TPIN 21A-01-484) that is encumbered by the existing sewer main that runs parallel with S Church St. This easement must be centered over the path of the existing sewer main, and must continue onto the portion of the adjacent property under common ownership (801A S Church St, TPIN 21A-01-483A) that is encumbered by the same infrastructure.

JOHN SETTLE
Community Development & Planning Director
Town of Smithfield, Virginia
310 Institute St, Smithfield, VA 23430
1-(757)-365-4200
jsettle@smithfieldva.gov

ENCLOSURE 8

From: [Wagner, Marc](#)
To: [John Settle](#)
Subject: Re: 803 S Church St
Date: Wednesday, February 5, 2020 9:36:46 AM
Attachments: [image001.png](#)

Hi John: Sorry for the delay in getting back. I am pulled away from the office attending to family health matters. I will take another look over the materials later, but this is a case we may not really have a comment on and we would defer to local expertise. Marc

On Tue, Feb 4, 2020 at 5:31 PM John Settle <jsettle@smithfieldva.gov> wrote:

Howdy Marc!

Any movement on this on you all's end?

I'd like to include comments from you guys in the staff report for the meeting next Tuesday night.

I know that you guys are probably really swamped right now!

JOHN SETTLE

Community Development & Planning Director

Town of Smithfield, Virginia

310 Institute St, Smithfield, VA 23430

1-(757)-365-4200

jsettle@smithfieldva.gov



**PLANNING COMMISSION STAFF REPORT:
DISCUSSION ITEM TEXT AMENDMENT APPLICATION**

TUESDAY, FEBRUARY 11TH, 2020, 6:30 PM

Applicant MTC Water Wells, Inc.
C/O Matthew Cunningham
20109 Iwip Rd
Smithfield, VA 23430

Owner Ritter Properties, LLC
C/O Gene Ritter
132 Sykes Ct
Smithfield, VA 23430

Property 903 S Church St
TPIN 21A-01-493
2 ac NE side S Church St
100' SE S Church St, Durham St & Talbot Dr

Zoning Entrance Corridor Overlay (ECO) & Residential Office (RO)

Adjacent Zoning Highway Retail Commercial (HRC), Neighborhood Residential (NR),
ECO & RO

Project Description On Friday, January 31st, 2020, Town staff received a service request to mark for utilities at the property in question. The service request indicated that the applicant was preparing to install a well on the premises. Smithfield Town Code (STC) Section 82-45 addresses wells with the following language:

Where a public water supply is available in the Town, it shall be unlawful to connect a residential or commercial structure to a private well or other water supply, except as may be approved by the Town Manager on a temporary basis, or by approval of a Special Use Permit (SUP) in accordance with the provisions of the . . . [Smithfield] Zoning Ordinance (SZO).

The Town Manager has not approved the use of the well on a temporary basis. Additionally, the property in question is located within the Residential Office (RO) zoning district, in which only irrigation wells are permissible, pursuant to SZO Section 3.G.B.9. Both the applicant and the property owner have indicated that the proposed well is to be utilized for mixing pesticides and washing commercial lawn care equipment.

The applicant believes that the proposed well should be classified as an irrigation well, which is a use that is not specifically defined in the SZO. In the absence of clarity, Town staff consulted the Virginia Administrative Code (VAC), which defines the term “irrigation” in at least two locations:

4VAC50-85-10: *The application of water to land to assist in crop growth.*
9VAC25-740-10: *The application of water to land for plant use at a rate that undesirable plant water stress does not occur.*

Town staff subsequently determined that the proposed well could not be classified as an irrigation well. Consequently, the applicants are applying for a text amendment to allow for the addition of Section 3.G.C.21 to the SZO, which would read:

Private wells for the purpose of mixing pesticides and washing commercial lawn care equipment.

If approved, the applicants would then have to apply for an SUP in order to install and use the well.

Recommendation Town staff encourages discussion among the members of the Planning Commission before proceeding to a public hearing and decision at a later meeting.

Please direct inquiries to John Settle at 1-(757)-365-4200 or jsettle@smithfieldva.gov.



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: Matt Cunningham
 Address: 20109 IWIP Rd.
 City, State, Zip: Smithfield, VA 23430
 Phone Number(s): 1-(757)-357-4935

Property Owner(s) Name: Gene Ritter
 Address: 132 Sykes Ct
 City, State, Zip: Smithfield VA 23430
 Phone Number(s): 1-(757) 237-0278

Property Address: 903 South Church Street
 Tax Map Number(s): 21A-01-493
 Property Description: 2 Acres NE side S Church St
Loop SE S Church St, Durham St & Talbot Dr
 Zoning: ECU & RD Acreage: 2 Application Fee: 10570.00
 Legal Reference: Red Pine Hill Deed Book#: 88004272 Page#: 180004272

Proposed Use/Exception: Private well for purposes
other than drinking water.
(Class IV)
VDH

Specifically, a text amendment to allow for the addition of Section
3.G.C. 21 to the Smithfield Zoning Ordinance (580), which
will read: "Private wells for the purpose of mixing, packaging
and washing commercial lawn care equipment."

Matt Cunningham
 Applicant(s) Signature

2-4-2020
 Date

Gene Ritter
 Applicant(s) Signature

2-4-2020
 Date

Virginia Administrative Code
Title 12. Health
Agency 5. Department of Health
Chapter 630. Private Well Regulations

ATTACHMENT PROVIDED BY APPLICANT

12VAC5-630-360. Classes of Water Wells.

The following classes of private wells are established for purposes of this chapter. These classes are in addition to those established in the current Commonwealth of Virginia Waterworks Regulations (12VAC5-590-10 et seq.) and are intended for use for private well systems:

1. Class III - Private wells constructed to be used as a source of drinking water. There are three subclasses:
 - a. Class IIIA - Drilled wells in which the annular space around the casing is grouted to a minimum depth of 20 feet.
 - (1) The well shall be drilled and cased to a depth of at least 100 feet.
 - (2) The cased drill hole shall pass through at least 50 feet of collapsing material such as caving sand, gravel or other material that will collapse against the casing.
 - b. Class IIIB - Drilled wells in which the casing is installed to a minimum depth of 50 feet and the annular space around the casing is grouted to at least 50 feet.
 - c. Class IIIC - Drilled, bored, driven or jetted wells other than Class IIIA and Class IIIB.

2. Class IV - Private wells constructed for any purpose other than use as a source of drinking water.

Statutory Authority

§§ 32.1-12 and 32.1-176 of the Code of Virginia.

Historical Notes

Derived from VR355-34-100 § 3.2, eff. April 1, 1992.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

The applicant has been issued a Class IV well permit which is defined in the Virginia Administrative Code 12VAC5-630-360. (See above). Irrigation would be one of the more popular uses for this well classification. Other uses may include water supply for open loop geothermal heat pumps, filling bulk storage tanks, etc. All of these uses fall under Class IV VDH standards. Class IV wells cannot be used for any domestic uses. The proposed well would stand alone and not be interconnected to any existing plumbing on the property."

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.
(Ord. of 2019-09-03)

C. Uses Permitted by Special Use Permit:

1. Retail sales 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
21. Private wells for the purpose of mixing pesticides and washing commercial lawn care equipment.
(Ord. of 2000-09-05; 2008-09-02; 2011-04-05; Ord. of 2017-02-07; Ord. of 2020-04-07)

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.