



TOWN OF SMITHFIELD

Wednesday, March 4th, 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, March 10th, 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, March 10th, 2020

1) **Community Development & Planning Director's Report:**

- Town staff has filled the newly-created planner position- Tammie Clary, the new planner, started on Monday, February 24th, 2020.
- The text amendment application discussed by the Planning Commission last month concerning 903 S Church St has been withdrawn by the applicants.
- See attached memorandum in regards to 14096 Bennis Church Blvd.

2) **Upcoming Meetings and Activities:**

- Tuesday, March 17th, 6:30 PM – Board of Historic & Architectural Review Meeting
- Monday, March 23rd, 6:30 PM – Town Council Committee Meetings
- Tuesday, March 24th, 6:30 PM – Town Council Committee Meetings
- Tuesday, April 7th, 6:30 PM – Town Council Meeting
- Tuesday, April 14th, 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) **Subdivision Plan Amendment Application – 250 Lakeview Cove, Lakeview Cove Site Condominium Association, C/O Jennifer Blakely, applicant.** (Staff report, application, and illustration enclosed.)

6) ***Public Hearing* Special Use Permit (SUP) Application – 235 Main St, Malcolm Anglin, C/O Timothy & Karen Collier, applicants.** (Staff report, application, and illustration enclosed.)

7) ***Public Hearing* SUP, Site Plan Amendment & ECO Design Review Application (After-the-Fact) – 1402B S Church St, AOO Ventures, LLC, C/O Anna Chapman, applicant.** (Staff report, application, and illustration enclosed.)

8) ***Public Hearing* 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) **Approval of the Tuesday, February 11th, 2020 meeting minutes.** (Enclosed.)

10) **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 meeting date so that proper arrangements may be made.
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TOWN OF SMITHFIELD

Wednesday, March 4th, 2020

TO: PLANNING COMMISSION

FROM: JOHN SETTLE, COMMUNITY DEVELOPMENT & PLANNING DIRECTOR

RE: 14096 BENNS CHURCH BLVD (TPIN 32-01-009)

Town staff have received the second submittal of a conditional rezoning application for 14096 Bennis Church Blvd (TPIN 32-01-009), commonly referred to as “Sweetgrass” or the “Yeoman Farm.” This property is not located within Town, but is adjacent to the corporate limits, located immediately east of the intersection of Turner Dr and Bennis Church Blvd. Isle of Wight County has submitted this application to the Town for courtesy review, and has asked for our input on the proposed development.

Owing to the adoption of the updated Isle of Wight County Comprehensive Plan by the Isle of Wight County Board of Supervisors on Tuesday, January 16th, 2020, the applicants are no longer seeking to amend the future land use map since the property, now designated as future “mixed use” is consistent with the proposed conditional rezoning of the property from “rural agricultural conservation” to “planned development mixed-use.” This would entail the development of all 249.47 acres into four-hundred (400) age-restricted single-family detached dwellings, 285 townhomes, and the retention of a single commercial outparcel of approximately seven (7) acres, fronting on Bennis Church Blvd.

Town staff are awaiting comments, if any, from the Fire, Police, and Engineering & Public Works Departments, while simultaneously developing their own.

Town staff wanted the Planning Commission to be aware of the progression of this development application, and we welcome any additional comments for the County. Town staff is capable of providing Planning Commissioners with copies of the entire (529 page) application upon request.

The applicants’ responses to Town staff’s and the Planning Commission’s initial comments have been provided in Enclosure 1.

Enclosures:

- (1) Application Sections
- (2) Town & County Future Land Use Maps

COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT
310 Institute St, PO Box 246 / Smithfield, VA 23431 / 1-(757)-365-4200 / Fax 1-(757)-357-9933
www.smithfieldva.gov

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pond(s), additional ponds will be added and other low impact design techniques will be used with some possible purchase of nutrient credits as necessary to achieve pollutant removal as required.

2. A complete review of the design will be conducted in the plan review stage of this project.

Response: Acknowledged.

Town of Smithfield Community Development & Planning Department:

1. We have studied the Isle of Wight County Comprehensive Plan and, when compared to the Town's Plan, would appreciate it if, as a result of the comprehensive plan amendment, as much of the property as possible remained designated for future "business and employment," especially the entirety of the property's frontage along Benns Church Blvd. This would ensure cohesion between the jurisdictions' plans.

Response: As the County's commercial hub in the Smithfield area evolves with the "new" economy, it is important to put consumers and employees in close and convenient proximity to such commercial centers. Sweetgrass is strategically positioned on the fringe of the commercial hub for the area and will serve to ensure its success by avoiding sprawl and placing a population center with convenient access to one of the County's primary business districts.

2. As a result of the rezoning process, it would be appreciated if the bulk regulations for the property's differing proposed uses were as close in resemblance as possible to the Town's own Neighborhood Residential, Attached Residential, and Highway Retail Commercial zoning districts for the proposed single-family detached, attached residential, and commercial areas, respectively. If in the future this area is annexed by the Town, this would better guarantee the transfer of as few existing legal nonconformities as possible.

Response: The plan, as proposed, reflects current best practices for development planning through extensive experience across the Hampton Roads region and, therefore, should be compatible with the evolution of the Town's ordinances.

3. Upon an examination of the Isle of Wight County Zoning Ordinance, it was not immediately clear whether or not the property in question is located within an overlay district dedicated to the beautification of the Route 10 corridor. The area immediately west of the property in question is located within the Town's Entrance Corridor Overlay, where aesthetics play a large role in the development process. Admittedly, we understand that we cannot ask you to cause the developer to incorporate our design guidelines into their plans, but any encouragement for the developer to keep our design guidelines in mind would be greatly appreciated.

Response: We believe the plan reflects a high quality aesthetic and current best practices for development planning through extensive experience across the Hampton Roads region.

4. Please encourage the developer to provide as much parking and room for parking as possible along the streets and on the lots. A series of parking lots within the attached residential area of the development is preferred.

Response: The plan, as proposed, reflects current best practices for development planning through extensive experience across the Hampton Roads region and meets ordinance requirements.

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5. It is desired that as little features be introduced to the residue parcel (to potentially be rezoned for commercial purposes), which may further diminish its usable area.

Response: We believe that the commercial area is appropriately sized to accommodate long term future commercial inventory needs in this corridor.

6. It is hoped that information concerning who will maintain the proposed green space, common areas/elements, etc. will eventually be provided by the applicant(s).

Response: All common elements will be maintained by the homeowners association.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) - Heather C.A. Mackey:

1. Section 9VAC25-830-130 of the Regulations establish general performance criteria applicable to all development within Chesapeake Bay Preservation Areas (CBPAs) in Isle of Wight County. The performance criteria require the minimization of land disturbance and impervious surfaces to that which is necessary to provide for the proposed use or development, and the preservation of existing vegetation to the maximum extent practicable. In addition, land disturbance exceeding 2,500 square feet requires compliance with the *Virginia Erosion and Sediment Control Handbook* and the water quality protection provisions of the *Virginia Stormwater Management Regulations*.

Response: Acknowledged.

2. The Water Quality Impact Assessment (WQIA) submitted for review indicates that the RPA boundary shown on the Rezoning Master Plan for Sweet Grass represents the "approximate limits of the best case 100-foot RPA."

Response: The RPA buffer was investigated but has not been confirmed at this time. It is understood that these limits may be different once confirmed. The layout and design represents an attempt to work around the natural features of the property and only impacts the minimal amount of buffers and wetlands needed to be able to reasonably develop the property.

- a. Isle of Wight County is required to ensure or confirm, as part of their plan of development review process or during their review of a WQIA, that (i) a reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to the development site have perennial flow, and (ii) RPA boundaries are adjusted, as necessary, on the site based upon the site-specific evaluation.¹

Response: It is understood that, prior to development plans being prepared for the property, full evaluation of the site, including wetlands and RPA buffers will need to be completed and accepted by Isle of Wight.

- b. Without the results of an RPA determination acceptable to County staff, RPA encroachments cannot be fully evaluated. The WQIA did not reference the source of the RPA shown on the master plan or whether a site-specific RPA determination has been conducted for this project.

¹ §9VAC25-830-110

(vi) to be in conformity with County's adopted comprehensive plan, and (vii) to be in accordance with the provisions of Section 15.2-2296, et seq. of the Code of Virginia (1950), as amended (the "Virginia Code"), Section 15.2-2303.2 through 15.2-2303.4 of the Virginia Code, and the County Zoning Ordinance.

R-7. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the County of the Application and pursuant to Section 15.2-2296, et seq., of the Virginia Code", Section 15.2-2303.2 through 15.2-2303.4 of the Virginia Code, and the County Zoning Ordinance, the Applicant hereby voluntarily proffers and agrees that, if the Application is approved, then development of the Property shall be in strict accordance with the conditions set forth below:

VOLUNTARY PROFFERS:

1. Incorporation of Recitals. The Recitals set forth above shall be included and read as part of these Proffers and are incorporated herein by reference.

2. Plan of Development. Development of the Property shall be generally consistent as determined by the Zoning Administrator with the Master Plan as determined during preliminary and final site plan approval and/or preliminary and final subdivision construction plan approval, with only changes thereto that the Zoning Administrator determines do not alter the basic concept or character of the Project.

3. Residential Units. There shall be no more than 685 residential dwelling units (the "Residential Units") constructed on the Property. All of the Residential Units shall be sold at market price.

4. Design. The Residential Units and clubhouse on the Property shall be constructed generally in accordance with the architectural elevations entitled "Sweetgrass Elevations", dated December 13, 2019 (the "Elevations"), a copy of which Elevations are on file in the Office of the County Planning Division. The Elevations may be modified from time to time provided that such modifications do not alter the basic concept or character of the Elevations and provided that such amendments are approved by the County's Zoning Administrator for consistency with the terms of this proffer.

5. Age Restriction. Occupancy of all of the single-family detached dwelling units developed upon the Property shall be age restricted to either persons fifty-five (55) or sixty-two (62) years of age or older (the "Qualifying Age") in accordance with the following parameters:

b. It is the intent of the parties that single-family detached dwelling units shall be occupied by persons of the Qualifying Age or older and that no single-family detached dwelling units shall be occupied by a person under the age of eighteen (18). In some instances, persons under the Qualifying Age but over the age of eighteen (18) shall be entitled to occupy single-family detached dwelling units, subject, at all times, to the laws and regulations governing Qualifying Age restricted housing as more particularly set forth and described in subparagraph (b) below.

b. Each single-family detached dwelling unit shall be constructed and operated in compliance with applicable federal and state laws and regulations regarding housing intended for occupancy by persons of Qualify Age or older, including but not limited to: the Fair Housing Act, 42 U.S.C. §3601 et seq. and the exemption therefrom provided by 42 U.S.C. §3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46

ENCLOSURE 1

EXHIBIT A

All that certain tract, piece or parcel of land containing approximately 249.47 acres, situate, lying and being near Benns Church, in Newport Magisterial District, Isle of Wight County, Virginia; lying on the East side of State Highway No. 10, and bounded by said Highway, the lands now or formerly of Daisy M. Bunkley, Phillip F. Edwards, Jones' Creek, the lands now or formerly owned by George Yeoman, Christie Jordan, C.E. Johnson, J.F. Minton and others and being a portion of the same land of which E.K. Batten and Maggie E. Batten, his wife, died seized and possessed.

ENCLOSURE 1

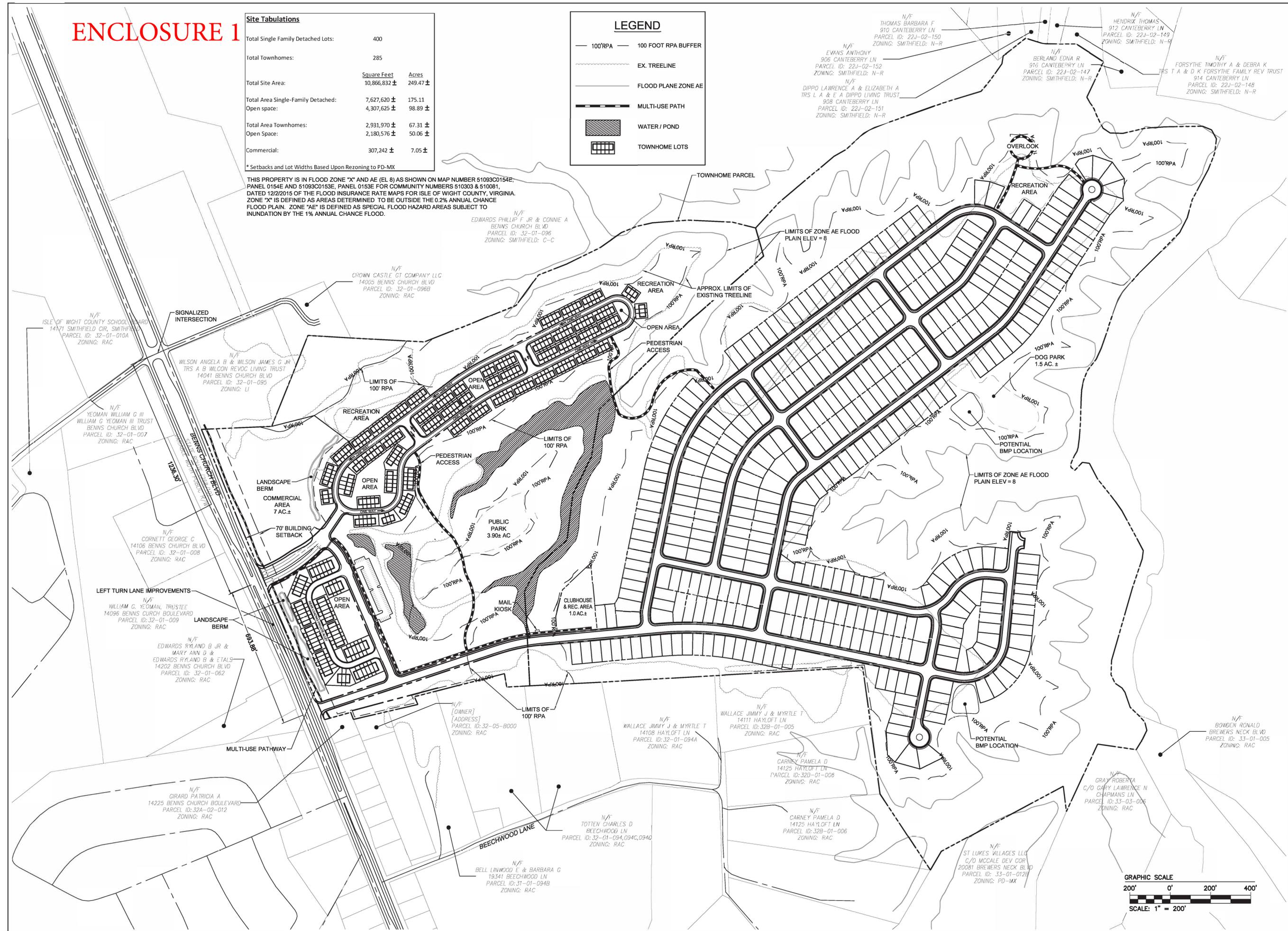
Site Tabulations			
Total Single Family Detached Lots:	400		
Total Townhomes:	285		
Total Site Area:	Square Feet	Acres	
	10,866,832 ±	249.47 ±	
Total Area Single-Family Detached:	7,627,620 ±	175.11	
Open space:	4,307,625 ±	98.89 ±	
Total Area Townhomes:	2,931,970 ±	67.31 ±	
Open Space:	2,180,576 ±	50.06 ±	
Commercial:	307,242 ±	7.05 ±	

* Setbacks and Lot Widths Based Upon Rezoning to PD-MX

LEGEND

- 100'RPA — 100 FOOT RPA BUFFER
- - - EX. TREELINE
- - - FLOOD PLANE ZONE AE
- MULTI-USE PATH
- ▨ WATER / POND
- ▤ TOWNHOME LOTS

THIS PROPERTY IS IN FLOOD ZONE "X" AND AE (EL 8) AS SHOWN ON MAP NUMBER 51093C0154E, PANEL 0154E AND 51093C0153E, PANEL 0153E FOR COMMUNITY NUMBERS 510303 & 510081, DATED 12/22/2016 OF THE FLOOD INSURANCE RATE MAPS FOR ISLE OF WIGHT COUNTY, VIRGINIA. ZONE "X" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. ZONE "AE" IS DEFINED AS SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.



Rev.	Date	Description
1	11/12/19	REVISION PER COUNTY COMMENTS

5248 Old Town Road, Suite 1
 Williamsburg, Virginia 23188
 Phone: (757) 228-9800
 Fax: (757) 228-9804
 www.ajs.com

ABS

CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

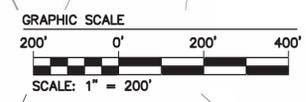
REZONING MASTER PLAN
 FOR
SWEETGRASS

ISLE OF WIGHT COUNTY | WINDSOR DISTRICT | VIRGINIA

Project Contacts: JAG
 Project Number: W10516-00
 Scale: 1"=200'
 Date: 06/14/2019

Sheet Title:
CONCEPTUAL MASTER PLAN

Sheet Number
2 OF 4



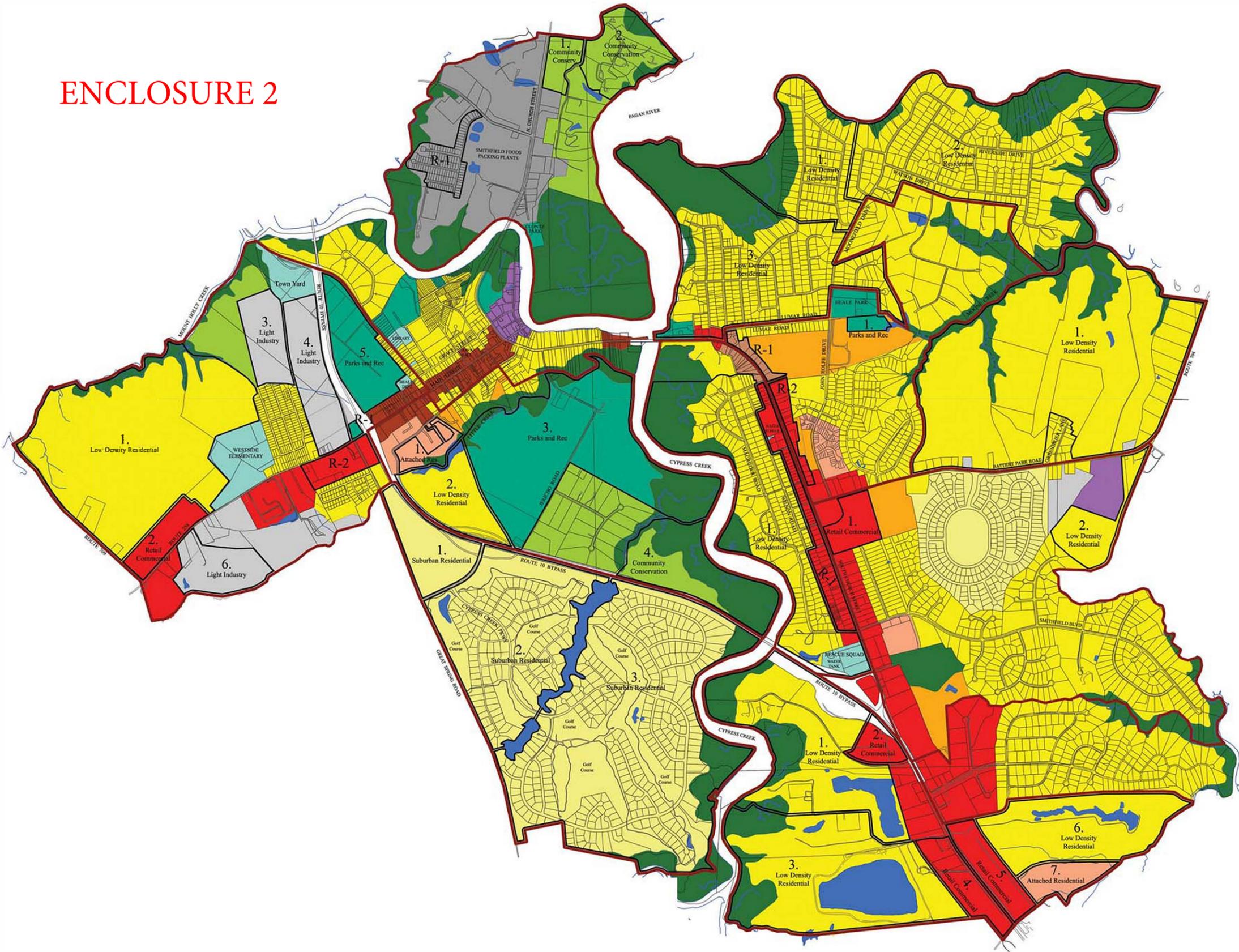
ENCLOSURE 1



ENCLOSURE 1

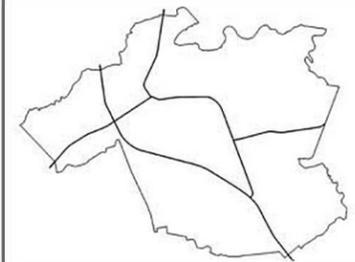


ENCLOSURE 2



The Town of SMITHFIELD VIRGINIA

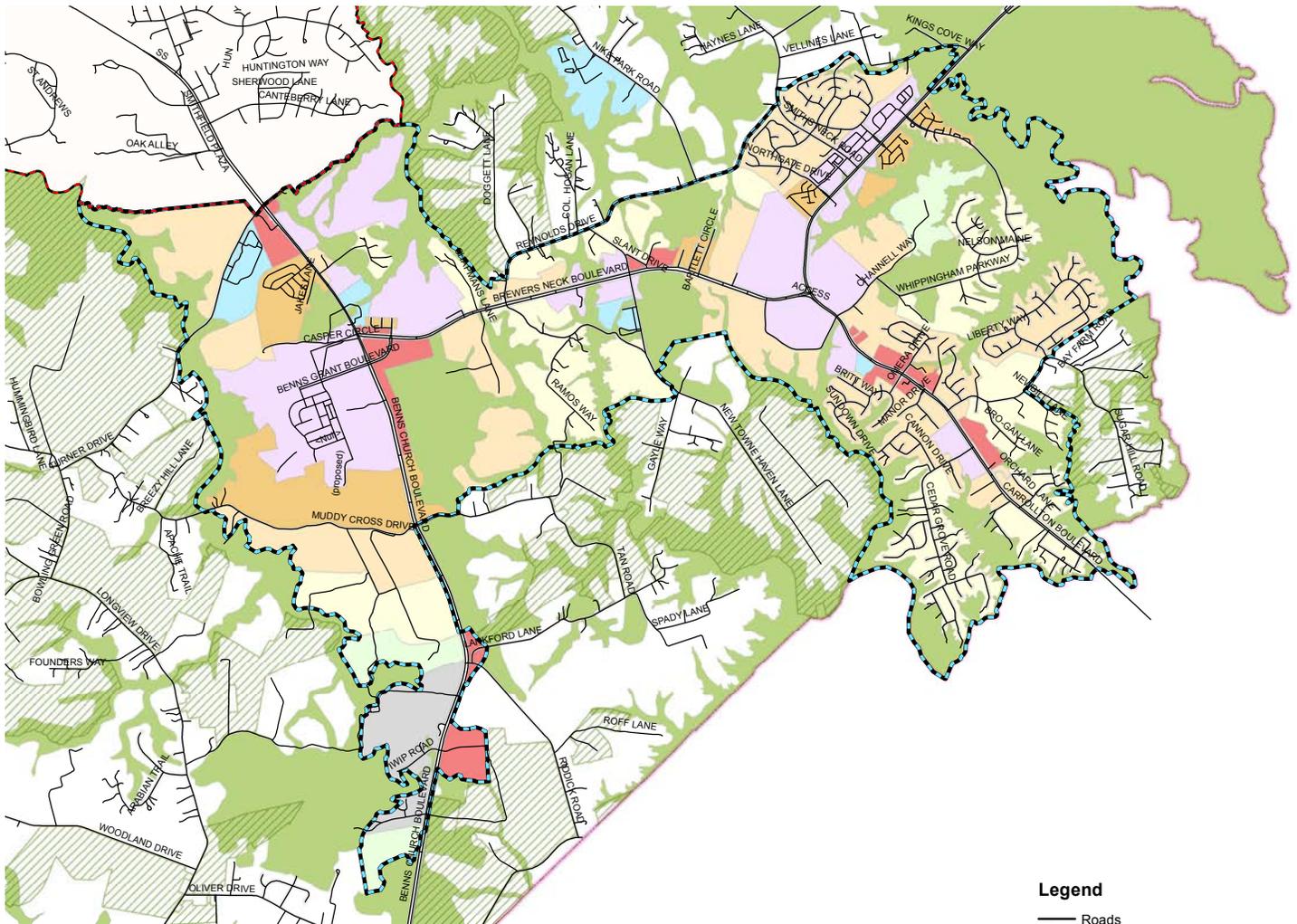
PLANNING AREAS



Future Land Use:

- Environmental Conserv.
- Community Conservation
- Low Density Residential
- Suburban Residential
- Attached Residential
- Multifamily/Retirement
- Residential Office
- Corp. Office/Research
- Retail Commercial
- Downtown Commercial
- Mixed Use
- Light Industry
- Heavy Industry
- Parks and Recreation
- Public and Semi-Public
- Planning Area
- Sub Areas





Legend

- Roads
- Village Centers
- Town Borders
- DSD Boundary**
- ▨ 2008 Future Expansion
- ▨ Camptown
- ▨ Newport
- ▨ Rushmere
- ▨ Windsor
- ▨ Potential Ag/Forestral Preservation
- Land Use**
- Environmental Conservation
- Rural Agricultural Conservation
- Conservation Development
- Suburban Estate
- Suburban Residential
- Urban Residential
- Mixed Use
- Business & Employment
- Planned Industrial
- Civic
- Road
- Rail
- Town
- County Boundary

Land Use Designation - Newport	Acreeage	%
Environmental Conservation	2,179.51	27.77
Rural Agricultural Conservation	0.00	0.00
Conservation Development	225.51	2.87
Suburban Estate	1,274.97	16.25
Suburban Residential	1,542.98	19.66
Urban Residential	488.09	6.22
Mixed-Use	1,164.32	14.84
Business & Employment	239.73	3.05
Planned Industrial	197.86	2.52
Civic	121.23	1.54
Road Right of Way	412.98	5.26
Railroad Right of Way	0.00	0.00
Village Center	0.00	0.00
Town	0.00	0.00
Total	7,847.18	



**PLANNING COMMISSION STAFF REPORT:
SUBDIVISION PLAN AMENDMENT APPLICATION**

TUESDAY, MARCH 10TH, 2020, 6:30 PM

Applicant Lakeview Cove Site Condominium Association
C/O Jennifer Blakely
303 Lakeview Cove
Smithfield, VA 23430

Owner Lakeview Cove Site Condominium Association
C/O Abbitt Management, LLC
11835 Fishing Point Dr #101
Newport News, VA 23606

Property 250 Lakeview Cove
TPIN 22-01-042
14.919 ac N side Lane Cres
Lakeview Cove & Lane Cres

Zoning Chesapeake Bay Overlay (CBO), Community Conservation (CC),
Environmental Conservation (EC), Floodplain Overlay (FPO),
Multifamily Residential (MFR) & Neighborhood Residential (NR)

Adjacent Zoning Ibid.

Project Description The applicants wish to install a total of eight (8) new lights on the premises. Three (3) lights will be freestanding lanterns placed in between buildings 100 and 200, 200 and 400, and 400 and 500. Two (2) lights will be attached lanterns installed on existing signage in between buildings 500 and 600, two (2) lights will be attached lanterns installed on an existing pier, and one (1) light will be an attached lantern installed on an existing gazebo. The applicants have stated that they intend to install these lights in areas that are currently poorly-lit out of concerns for the safety of residents during nighttime hours.

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>Lakeview Cove Additional Lighting Plan</u>		
Address/Location: <u>Lakeview Cove Smithfield VA</u> <u>250 Lakeview Cove, Smithfield, VA 23430</u>		
Tax Map No(s): <u>22-01-042</u>		
Zoning: <u>Multi-Family Residential (MFR)</u>	Total Building Square Footage: <u> </u>	
Acreage: <u>14.919</u>	# of lots: <u> </u>	# of units: <u>69</u>
(Check all that apply)	<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Subdivision Plan
	<input type="checkbox"/> New Submittal	<input checked="" type="checkbox"/> Resubmittal

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

Name: <u>Jennifer Blakely</u>	Company: <u>Lakeview Cove Association</u>
Address: <u>303 Lakeview Cove</u> <u>Smithfield, VA 23430</u>	Phone: <u>(757) 515-4408</u>
Email: <u>goodplans4us@yahoo.com</u>	Fax: <u> </u>

3. Property Owner Information

Name(s): <u>Lakeview Cove Association</u>	
Company: <u> </u>	
Address: <u>250 Lakeview Cove</u> <u>Smithfield, VA 23430</u>	Phone: <u>1-(757)-515-4408</u>
Email: <u>lakeviewcoveboard@outlook.com</u>	Fax: <u> </u>

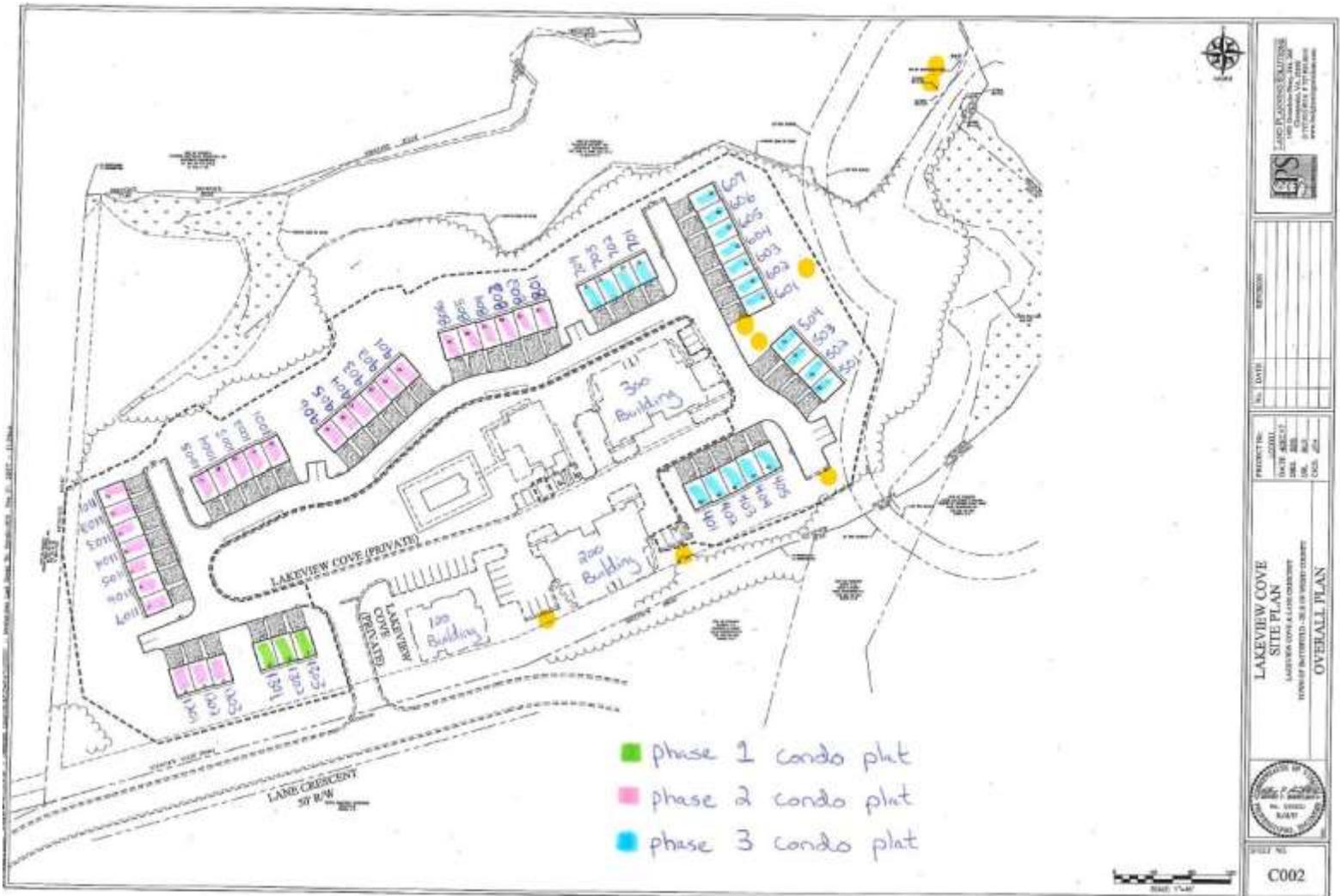
FOR TOWN USE ONLY

4. Submittal Review Fee: \$ 150.00
(To be completed by Town of Smithfield staff only)

Lakeview Cove Association, C/O Jennifer Blakely, I, Jennifer Blakely, 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.

Jennifer M Blakely Signature 02/29/2020 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.



VICTORIAN BULB SOLAR LAMP POST LIGHT

Illuminate your walkway and driveway and add elegance with our 7' gas-light style solar lamp posts. The lamp uses super bright solar LED bulb technology to get the brightest light possible.

The batteries are charged by the sun using efficient solar powered technology, and the energy from the sun lights the high-output solar LED light bulb.

Light can last 8 - 10 hours on a full charge, plenty of time to light your driveway or yard the entire evening. Each glass pane is beveled for the classic gas-light look.

The base is power coated cast aluminum which requires no maintenance and is water and rust proof. An automatic sensor that turns the light on at dusk and off at dawn. The post comes with bolts so you can bolt it down if you desire.

SPECIFICATIONS

- Model: GS-94B-S
- LED Color: 2700K
- Technology: Solar LED Light Bulb
- Lumens: 150
- Total LEDs: 11
- Battery: Li-Ion
- Voltage: 3.2
- Battery Capacity: 3000 mAh
- Power Source: Mono-Crystalline Solar Cell
- Light Duration: Up to 12 hours
- Measurements : 9x9x93
- 2 Year Manufacturer Warranty



Victorian Bulb Solar Lamp Post

**PLANNING COMMISSION STAFF REPORT:
PUBLIC HEARING SPECIAL USE PERMIT
TUESDAY, MARCH 10TH, 2020, 6:30 PM**

Applicant	Frosting Artistry, LLC C/O Timothy & Karen Collier 105 Commodore Ln Smithfield, VA 23430
Owner	Malcolm Anglin 235 Main St Smithfield, VA 23430
Property	235 Main St TPIN 21A-01-283 0.09 ac SE Main St Main St & Institute St
Zoning	Downtown (D) & Historic Preservation Overlay (HPO)
Adjacent Zoning	Ibid.
Project Description	<p>The applicant intends to purchase the subject property and operate a bakery on the ground floor, with storage rooms on the second floor. At the start of operations, products will be sold onsite only, with no baking to occur on the premises- baking will take place at the applicants' current location, 1604 S Church St (TPIN 21A-30-015). As time progresses, the applicants will eventually make the necessary improvements to the building for it to feature a kitchen suitable for large-scale baking. Operations at the 1604 S Church St location will then cease, with 235 Main St becoming the applicants' sole location.</p> <p>Because the property is presently utilized as a residential structure, the conversion of the building's principal use to the (typically) by-right use of an eating establishment (or bakery, pursuant to Smithfield Zoning Ordinance (SZO) Section 3.H.B.6) requires a special use permit (SUP) pursuant to SZO Section 3.H.C.</p>
Recommendation	Town staff recommends that the Planning Commission report favorably on this application to the Town Council

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: Tim & Karen Collier
 Address: 105 Commodore Lane
 City, State, Zip: Smithfield VA 23430
 Phone Number(s): Tim (757) 503-6396 Karen (757) 897-0717

Property Owner(s) Name: Currently: Malcolm Anglin
 Address: 235 Main St
 City, State, Zip: Smithfield, VA 23430
 Phone Number(s): (757) 570-1138

Property Address: 235 Main St, Smithfield, VA 23430
 Tax Map Number(s): 21A-02-283
 Property Description: 0.09 Acre at the intersection of Institute St and Main St.
 Zoning: Downtown (D) Acreage: 0.09 Application Fee: \$400.00
 Legal Reference: 235 W Main St Deed Book#: 349 Page#: 315

Proposed Use/Exception: We are intending to purchase the subject property (purchase agreement in place) and return the property to commercial use. Specifically we will use the property as a retail bakery, moving current operations from our S. Church location to the property on Main St.

[Signature]
Applicant(s) Signature

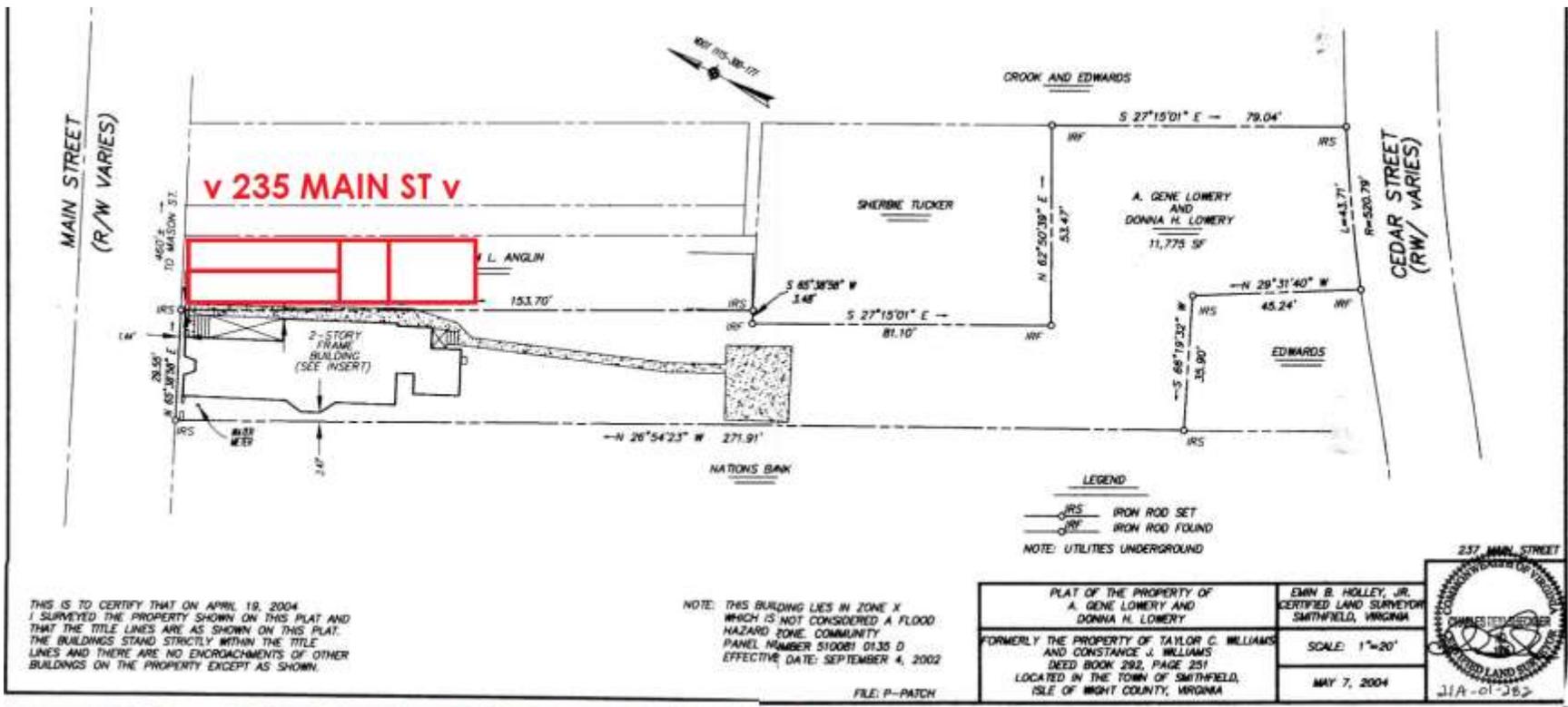
2/6/2020
Date

[Signature]
Applicant(s) Signature

2/6/2020
Date

Malcolm Anglin
Malcolm Anglin (current owner)

2/10/20
Date



**PLANNING COMMISSION STAFF REPORT:
ECO DESIGN REVIEW, SITE PLAN AMENDMENT & SUP APPLICATIONS
(AFTER-THE-FACT)**

TUESDAY, MARCH 10TH, 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	<p>On or before Wednesday, January 29th, 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.</p> <p>Currently, the shed does not comply with Smithfield Zoning Ordinance (SZO) Section 2.P.6, which states:</p> <p style="text-align:center"><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></p> <p>To keep the shed in its current position, the applicant is now applying for a special use permit (SUP) pursuant to SZO Section 3.I.C.28 for a "waiver of yard requirements"- specifically a thirty-five foot (35') reduction in the required fifty foot (50') accessory structure rear yard setback, resulting in a rear yard accessory structure setback of fifteen feet (15').</p> <p>The language of SZO Section 3.I.C.28 reads (in full):</p> <p style="text-align:center"><i>Waiver of yard requirements, subject to the prohibition of parking in front yards.</i></p> <p>A strict application of this language would imply that the applicant (as well as the tenants in the adjacent commercial units (1402A & 1402C S Church St, both of which are located on the same property) would no longer be able to utilize the existing sixteen (16) parking spaces in the area of the property conservatively classified as the front yard. To avoid an unintended consequence for the adjacent commercial units, the applicant is applying for an additional SUP item as a part of this application- specifically a "waiver of parking and loading requirements" pursuant to SZO Section 3.I.C.30. This waiver is intended to eliminate the prohibition of front yard parking provision of SZO Section 3.I.C.28.</p>
Recommendation	Town staff recommends that the Planning Commission report favorably on this application to the Town Council.

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: Anna Chapman
 Address: 364 S Church St
 City, State, Zip: Smithfield VA 23430
 Phone Number(s): 574090114

Property Owner(s) Name: Francisco Onete / ADO Ventures LLC
 Address: 3005 Duck Blind trail / 63 Carr Dr
 City, State, Zip: Chesapeake, VA 23321 / Allenton, SC 29620
 Phone Number(s): 757 717 7368 / 1-824-634-2167

Property Address: 1402 B S. Church St. Smithfield, VA 23430

Tax Map Number(s): 21A-80-806

Property Description: A.4541 Acres S side Church St, 100 SF S Church St & Manor St

Zoning: HRC & BCO Acreage: 0.4541 Application Fee: 400.00

Legal Reference: LBH Grimstad Deed Book#: 112895 Page#: 112895

Proposed Use/Exception: Keeping Shed in existing location & parking permit in yard for leasing.

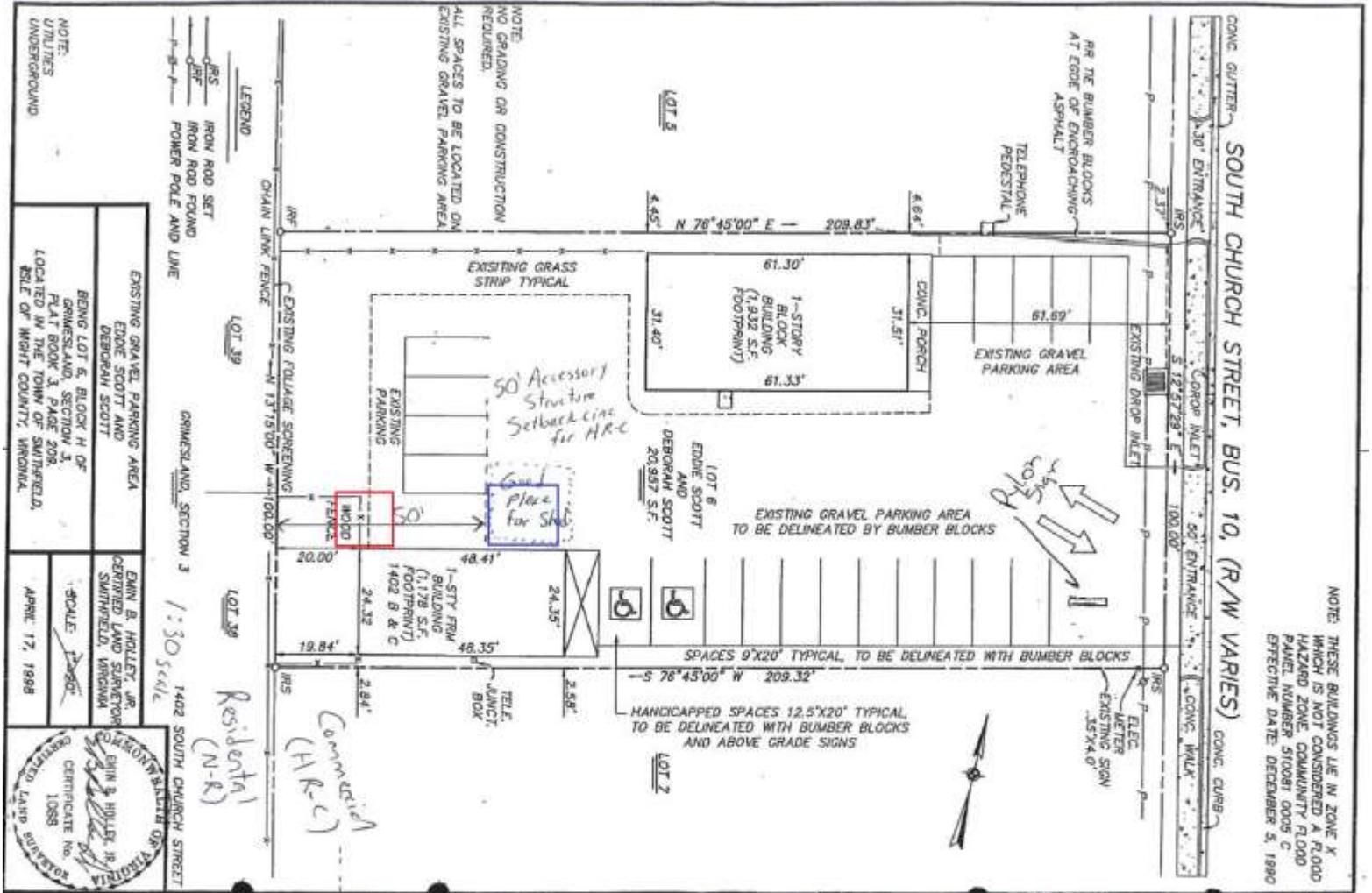
Warn of York Requirements (580 Section 31.C.2b) - rear yard accessory structure setback pursuant to 580 Sec. 2.P.6 reduced to 15'. Also a -
removal of parking & loading requirements (580 Sec. 31.C.3d) - elimination of rear yard parking bracket and in 580 Sec. 31.C.2b.

[Signature]
Applicant(s) Signature

2/19/20
Date

[Signature]
Applicant(s) Signature

2/18/20
Date



APPLICANT WISHES TO FACE THIS SIDE OF SHED TOWARDS S CHURCH ST >

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

PUBLIC HEARING: TUESDAY, MARCH 10TH, 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 & HRC	
Future Land Use (FLU)	RO	
Adjacent FLU	Low-Density Residential (LDR) & RO	
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.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 the 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.

At its Tuesday, February 11th, 2020 meeting, the Planning Commission expressed interest in seeing evidence of support, in person or otherwise, from the property's adjacent owners and other neighbors at the following meeting.

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

Pursuant to SZO Section 4.E.4, the Planning Commission has until Thursday, May 21st, 2020 to decide on this application before it is automatically forwarded to the Town Council with a recommendation for approval.

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 SFO 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 SFO 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 Jayner
 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 § 20-107.1, 3.0.C.2016, 3.I.C.2016. 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 ACCORDANCE WITH
TOWN CODE, additionally, the blocking of the Southwestern
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 S of
 Georgie Felts
 Estate

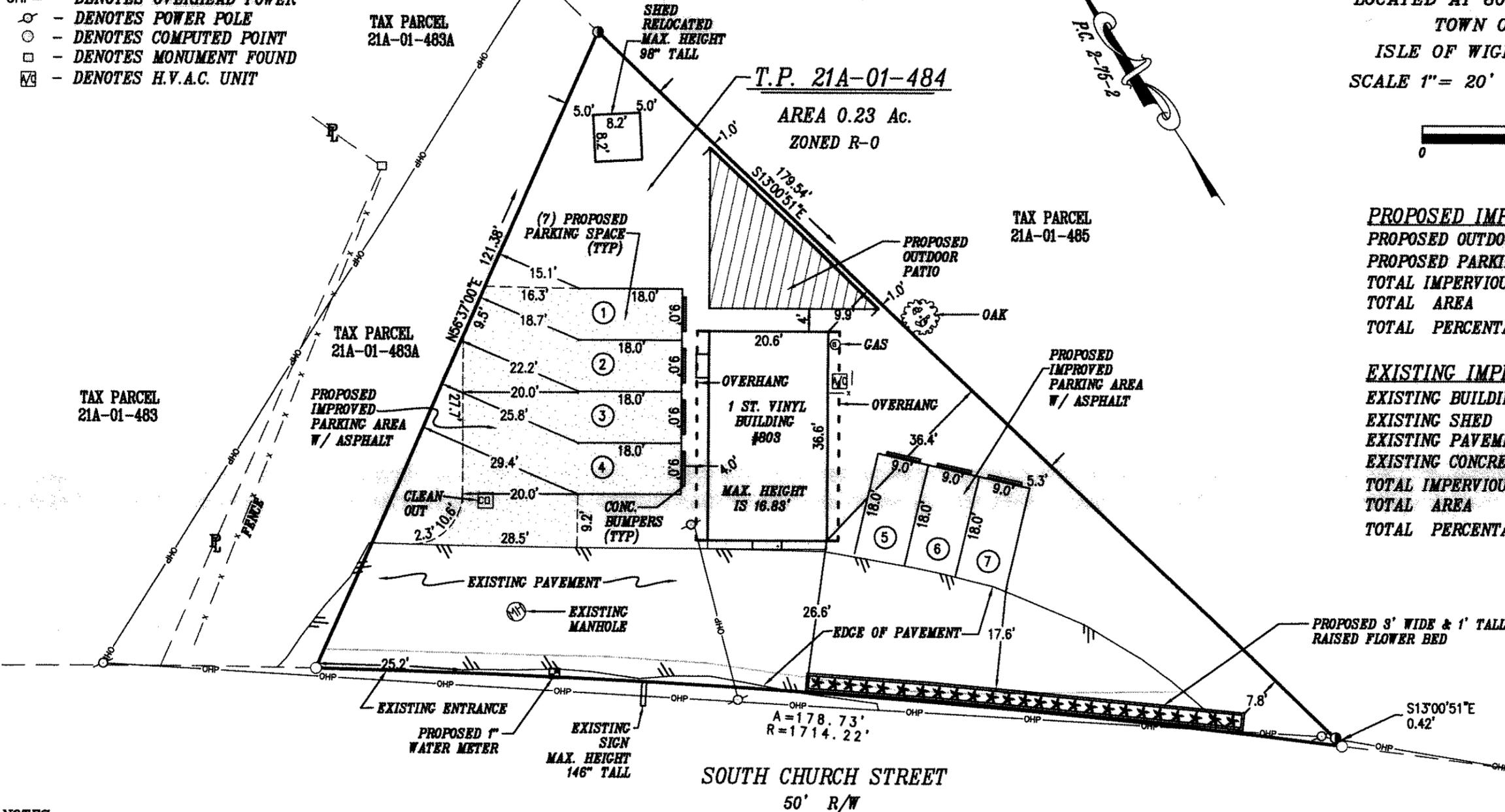
[Signature] 11 DEC 19
 Applicant(s) Signature Date
[Signature] 11 DEC 19
 Applicant(s) Signature Date

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

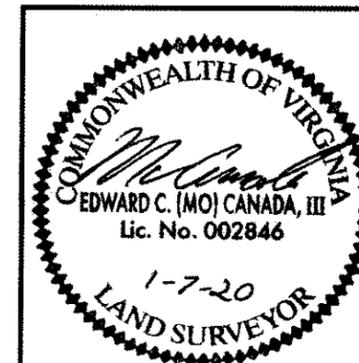
PROPOSED OUTDOOR PATIO	410.60 S.F.
PROPOSED PARKING AREA	+1,986.00 S.F.
TOTAL IMPERVIOUS	2,396.60 S.F.
TOTAL AREA	÷ 10,018.80 S.F.
TOTAL PERCENTAGE	23.92 %

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

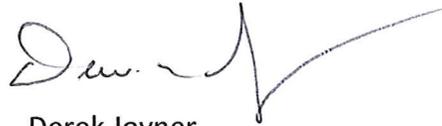
DATE:

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



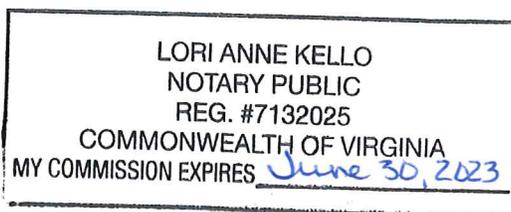
Ted Boothe



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

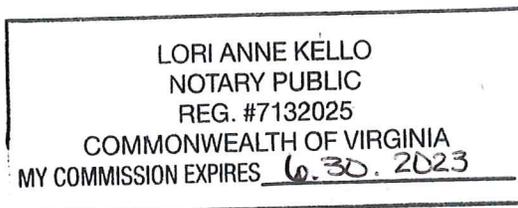
Nick Hess



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,".

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."

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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.

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

