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# TOWN OF SMITHFIELD

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*"The Ham Capital of the World"*

August 2, 2017

TO: PLANNING COMMISSION

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

RE: PLANNING COMMISSION MEETING

The Planning Commission will hold its regular meeting Tuesday, August 8<sup>th</sup>, 2017 at 6:30 PM in Conference Rooms A & B in the Smithfield Center.

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

Enclosures

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

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

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

**SMITHFIELD PLANNING COMMISSION  
MEETING AGENDA**

**August 8, 2017**

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

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

**2) Upcoming Meetings and Activities**

August 15<sup>th</sup> - 6:30 p.m. -- Board of Historic & Architectural Review  
August 15<sup>th</sup> - 7:30 p.m. -- Board of Zoning Appeals  
August 28<sup>th</sup> - 4:00 p.m. -- Town Council Committee Meetings  
August 29<sup>th</sup> - 4:00 p.m. -- Town Council Committee Meetings  
September 4<sup>th</sup> – Town offices will be closed in observance of Labor Day  
September 5<sup>th</sup> - 7:30 p.m. -- Town Council Meeting  
September 12<sup>th</sup> - 6:30 p.m. -- Planning Commission Meeting

**3) Public Comments**

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

**4) Planning Commission Comments**

**5) \*Public Hearing\* - Conditional Zoning Amendment – Cypress Creek Subdivision –**

**Fairway Drive – Timothy S. Culpepper, Cypress Investment Holdings, LLC,**

**applicants.** (Staff report, rezoning application, revised proffers, traffic impact memo, architectural guidelines, subdivision exhibit, affidavit and public notice enclosed.)

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

**6) \*Public Hearing\* - Special Use Permit – Cluster Provision in Suburban Residential**

**(S-R) Zoning District – Phase VI, Cypress Creek Subdivision – Timothy S.**

**Culpepper, Cypress Investment Holdings, LLC, applicants.** (Staff report, special use permit application, Phase VI conceptual plan, Phase VI exhibit, Phase VI plat and public notice enclosed.)

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

7) **\*Public Hearing\* - Special Use Permit – Commercial Use in a Residential Structure**

**– 338 Main Street – Joseph McCain, Fleur de Fou, applicants.** (Staff report, special use permit application, business plan, site plan and public notice enclosed.)

d) Public Hearing Opened

e) Public Hearing Closed

f) Consideration

8) **Subdivision Plat and Waiver Review – 200/202 Washington Street (Parcels 21A-03-**

**C012, C013 & C014) – Ken Coleman, applicant.** (Staff report, subdivision plat, Washington Street exhibit and site plan enclosed.)

9) **Entrance Corridor Design Review – 13490 Benns Church Boulevard – Robert Neel,**

**Hope Presbyterian Church, applicants.** (Staff report, elevations and specification sheet enclosed.)

10) **Approval of the July 11, 2017 meeting minutes** (Enclosed)

**STAFF REPORT  
TO THE PLANNING COMMISSION  
CONDITIONAL ZONING AMENDMENT**

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

**August 8, 2017**

<b>Applicant/Owner Name &amp; Address</b>	Timothy S. Culpepper Cypress Investment Holdings, LLC 150 W. Main Street, Suite 1100 Norfolk, VA 23510
<b>Property Location &amp; Description</b>	Cypress Creek Subdivision That area bounded by Rt. 10 Bypass, Fairway Drive, Great Springs Road, the Town of Smithfield Boundary and Cypress Creek (Inst. # 150004995)
<b>Statistical Data (See Site Plan)</b>	
Current Zoning	S-R, Suburban Residential (Conditional)
Proposed Zoning	S-R, Suburban Residential (Conditional)
Overlay District	N/A
Proposed Conditional Rezoning	Amendments to the original proffers that remove townhomes, increase housing unit maximum, include age restricted housing units, remove boat slips, and other technical revisions.
<b>Surrounding Land Uses/Zoning</b>	Adjacent parcels are zoned: S-R, Suburban Residential, C-C, Community Conservation, E-C, Environmental Conservation, (RAC, Rural Agricultural Conservation – Isle of Wight County)
<b>Conformity with Comprehensive Plan</b>	Current future land use plan shows the land as Suburban Residential

**Overview**

The applicant, the new owner of the undeveloped portions of the Cypress Creek Subdivision, desires to amend the original proffers in accordance with Articles 4 & 5 of the Town of Smithfield Zoning Ordinance. As per Article 5, Section I.5 of the Town of Smithfield Zoning Ordinance, *“No amendment shall be made to any accepted proffer except in the manner of a new rezoning application as set forth herein”*.

The new owner, having a different vision for the subdivision, proposes to change the design of the undeveloped Phase VI from the original master plan. Most of the proposed proffer amendments relate to this change in vision, with others of a more technical nature.

The proposed proffers, dated July 21, 2017, include following amendments:

1. Removal of 24 townhomes.
2. Increase of the maximum number of units from 450 to 518 (68 additional units).
3. Inclusion of 91 age-restricted units.
4. Replacement of references to 'environmental' with 'architectural' review board.
5. Removal of 40–50 boat slips.
6. Removal of the build-out timeframe.
7. Inclusion of the Design Guidelines for the proposed Phase VI.

Note: In order to develop the revised Phase VI plan as proposed, the cluster provision of the S-R zoning ordinance will be required; the cluster provision requires the granting of a Special Use Permit. It is expected that Phase VI will be developed in substantial conformity with the Conceptual Plan dated March 6, 2017.

### **Staff Comments**

Town staff has deemed the application to be complete and that all problems with the original proffers identified by the applicant seem to have been satisfied.

The planning and development of this subdivision have been spread over approximately three decades, during which time the housing market and the vision for the subdivision have changed. The proposed Conditional Zoning Amendment will primarily pave the way for the additional housing units that are proposed for the redesign of Phase VI, as well as clean up a number of elements that linger in the original proffers that are no longer envisioned.

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

# TOWN OF SMITHFIELD

# FILE COPY

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

## REZONING APPLICATION

May 23, 2017  
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 the Town of Smithfield, VA as hereinafter requested and in support of this application, the following facts are shown:

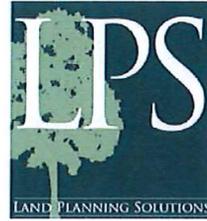
1. The property sought to be rezoned is located at Cypress Creek Phase VI between Benns Church Blvd (VA-10) and Cypress Creek Pkwy on the North side of the street and known as lot(s) Number 22-01-004. It has a frontage of +/-525' feet, and a depth of +/-1876 feet and is +/-75.93 acres.
2. The property sought to be rezoned is owned by: CYPRESS INVESTMENT HOLDINGS LLC as evidenced by deed from Cypress Creek Development Company, LLC recorded in Book Instrument # 150004995, Page \_\_\_\_\_, Registry of Town of Smithfield (Isle of Wight Co.).
3. It is desired and requested that the foregoing property be rezoned +/-75.93 acres:
4. From: S-R To: S-R (modifying existing proffers)
5. It is proposed that the property will be put to the following use(s): The property will be developed as a single family community with 152 single family homes and +/-19 acres of open space. 91 of the proposed homes will be designated as age-restricted.
6. It is proposed that the following buildings will be constructed: 152 single family homes and a pool house. 84 units are permitted per the original proffers. 68 additional age restricted units are requested.
7. It is proposed that the following setbacks and off-street parking provisions will be made: Setbacks shall be in accordance with the S-R district regulations set forth within the Smithfield Zoning Ordinance. Parking will be in accordance with Article 8 of the Smithfield Zoning Ordinance.
8. Attached is a copy of the Vicinity Map.

## ADDITIONAL INFORMATION

I (We) CYPRESS INVESTMENT HOLDINGS LLC have familiarized myself (ourselves) with the rules and regulations, which are required with respect to preparing and filling this application.

Applicants Signature: [Signature] Telephone # 619-7232  
Printed Name: Timothy S. Culpepper Fax # 490-1200  
Address: 150 W. Main Street Suite 1100  
Norfolk, VA 23510

Owners Signature: [Signature] Telephone # \_\_\_\_\_  
Printed Name: Timothy S. Culpepper Fax # \_\_\_\_\_  
Address: \_\_\_\_\_



5857 Harbour View Boulevard, Suite 202  
Suffolk, Virginia 23435  
O. 757.935.9014 F. 757.935.9015  
www.landplanningsolutions.com

July 21, 2017

William Saunders  
Planning, Engineering & Public Works  
310 Institute Street, P. O. Box 246,  
Smithfield, VA 23431  
(757) 365-4200

**Cypress Creek Proffers (Redline revisions to original 7/14/1988 proffer statement)**

- 1) ~~The proposed 24 townhouse units are withdrawn from Rezoning Application. All land, the subject of the application, is now requested to be rezoned to R-2.~~
- 2) The total number of housing units will not be more than 450 518, with lots sizes averaging more than 0.6 acres (with the exception of phase VI) The additional 68 lots being requested within Phase VI, shall be for sale, single family age restricted homes. A total of 152 lots shall be built within Phase VI, 91 of which will be age restricted.
- 3) The development will include an 18 hole golf course with clubhouse and recreational amenities.
  - a) The golf course will buffer the majority of the development from the surrounding community and where necessary berms will buffer the balance.
  - b) The course will be located largely on open farmland.
  - c) Water runoff will be collected in lakes and ponds insofar as practical to water the course and protect Cypress Creek.
- 4) The restrictive covenants will include provisions to protect the woodlands and the wetlands including the following:
  - a) Homesite tree removal will be controlled by an environmental architectural review board.
  - b) The wetlands will be protected by an easement bordering all shorelines, which will be controlled by the environmental architectural review board.
  - c) Boats speeds will be strictly controlled by the Homeowners Association.
- 5) ~~The proposed 40 to 50 boat slips will be located in one, or possible two common areas.~~
- 6) Trash will be collected by a private contractor.
- 7) The rezoning is conditional and contingent upon gaining a suitable north/south access to Route 10 bypass from the Virginia Department of Transportation. This access would guard against added traffic on Route 655. It would not provide direct access to Smithfield via Jericho Road unless requested by the Town and approved by the State. If the approval for the Route 10 access is not obtained by July 1, 1991, the Cypress Creek rezoning will be considered null and void.
- 8) Public sewer service furnished by connection to municipal sewer disposal system of the Town of Smithfield; public water service to be furnished, as determined by the County of Isle of Wight, from either the municipal water system of the Town of Smithfield or the County of Isle of Wight.

- 9) The proffered conditions will be completed as quickly as possible ~~but not later than the projected 10-year build-out of the project.~~
- 10) Design Guidelines for Cypress Creek Phase VI shall be submitted with this application. Guidelines shall be enforced by the existing Home Owners Association throughout the development of Phase VI.

MEMORANDUM

To: Melissa Venable  
Land Planning Solutions

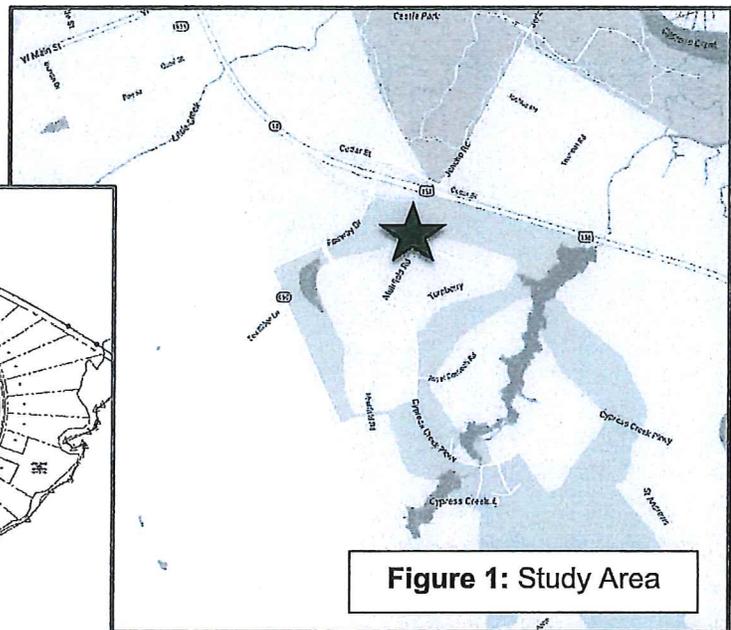
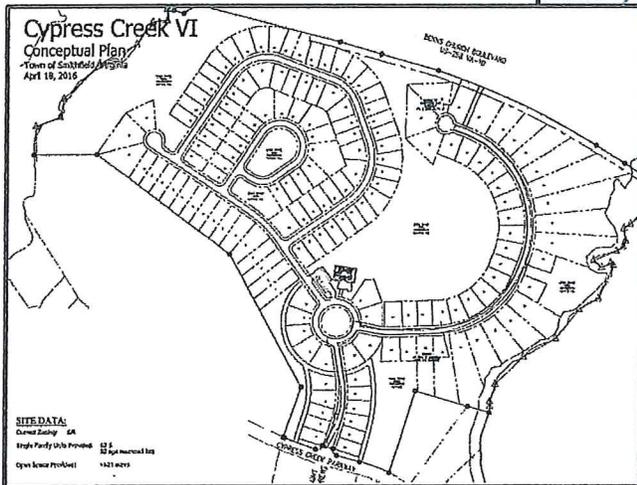
From: Karen McPherson, PE  
McPherson Consulting

Date: November 29, 2016

Subject: Cypress Creek IV Traffic Memorandum

The Cypress Creek development located in the Town of Smithfield along Fairway Drive in the vicinity of the State Route 10 Bypass as shown in **Figure 1**. The entire development was approved with a single access point along Fairway Drive. This traffic analysis is being prepared for Cypress Creek Phase IV, which will have an internal street connection to Cypress Creek Parkway. This final phase of development will consist of 62 single family units and 92 age restricted units.

McPherson Consulting, LLC (MC) was retained to perform a traffic analysis for the proposed development. This technical memorandum has been prepared for submittal to the Town of Smithfield to evaluate the proposed land uses as compared to the by-right zoning and identify development impacts, if any, on the local street network.



The entire development was previously approved with one external access point at the intersection of Cypress Creek Parkway and Fairway Drive. Given the location of this final phase of development, one internal connection is proposed to Cypress Creek Parkway at the intersection with St. Andrews.

Traffic generated by the proposed development was determined using trip generation methodology contained in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition, 2012*. The Phase IV development proposes to change the current land use from 85 single family homes to 62 single family homes and 92 age restricted homes. **Tables 1 and 2** show the current land use and proposed land use trip generation, respectfully.

**Table 1: Current Trip Generation**

Land Use (code)	Units	AM Peak Hour		PM Peak Hour		Daily	
		In	Out	In	Out	In	Out
Single Family (210)	85	16	48	54	31	405	404
Total		64		85		809	

**Table 1** indicates that the current development will result in 64 and 85 trips during the AM and PM peak hours respectively, and 809 trips daily.

**Table 2: Proposed Trip Generation**

Land Use (code)	Units	AM Peak Hour		PM Peak Hour		Daily	
		In	Out	In	Out	In	Out
Single Family (210)	62	12	35	39	23	295	295
Senior Adult Housing (252)	92	6	12	12	11	158	158
Total		65		85		906	

**Table 2** indicates that the proposed land use change would result in an increase of *one* trip during the AM peak hour, from 64 trips to 65 trips, and there will be no change in the total number of trips, 85, during the PM peak hour. Daily trips are estimated to increase by 97 trips, from 809 to 906 trips over the course of the day but are anticipated to occur during non-peak periods.

After a review of the current and proposed development, and potential trip generation, the proposed land use change will have no impact to the roadway during traditional commuting times, and will minimally increase the traffic volume during the off peak hours. The existing laneage will adequately accommodate the proposed development traffic and no additional improvements are required.

# Cypress Creek – Phase VI

## Architectural Guidelines

{LOGO}

**Prepared By**  
**Land Planning Solutions**  
**5857 Harbour View Boulevard**  
**Suite 202**  
**Suffolk, VA 23435**

**March 10, 2017**  
**Town of Smithfield**  
**Virginia**

- I. ARCHITECTURAL STANDARDS AND REVIEW: All construction and development within **Cypress Creek Phase VI**, shall be governed by strict adherence to these Architectural Standards to insure consistency and compatibility of materials, elevations, architectural style, yard improvements and overall appearance. All construction documents will be reviewed by the Architectural Review Committee (the "ARC") appointed by Cypress Investment Holdings, LLC, or its assigns (the "Developer") for consistency with these Architectural Standards and detailed architectural regulations. Architectural review shall be performed to assure compliance with the Architectural Standards and detailed architectural regulations of **Cypress Creek Phase VI**, generally as follows:

A. THE ARCHITECTURAL STANDARDS:

1. Purpose: The builder/owner agrees to the following architectural standards. The purposes and the general objectives of the Architectural Standards of **Cypress Creek Phase VI** are as follows:

The primary purpose of the Architectural Standards is to promote the development of appealing architectural designs in **Cypress Creek Phase VI**. These Architectural Standards will ensure that the development of structures in **Cypress Creek Phase VI**; are unobtrusive in form, location, and color and complement their natural setting and the surrounding community of Cypress Creek.

The Architectural Standards and detailed architectural regulations will assure that individual homes in the residential land use areas complement each other. Each building shall be treated not as an individual architectural entity, but as a carefully planned addition to the natural setting in which it is placed. Consequently, architectural enhancements and solutions may vary according to immediate surroundings.

2. Architectural Review Committee: The Architectural Review Committee (the "ARC") shall consist of three (3) persons and shall include a member of the Cypress Creek Home Owners Association and two others appointed by the Developer until 100% of the developable lots within **Cypress Creek Phase VI** have been developed and conveyed to owners other than the Developer, or any builder. Anything falling under the authority of the Architectural Review Committee herein shall be deemed to fall under the authority of the Developer until such time as the Developer assigns such functions to the ARC. After the initial construction and occupancy of the home, all subsequent improvements to the exterior of the home or lot shall be governed by an architectural review committee established by the Cypress Creek HOA Board (the "HOA Review Board").
3. Architectural Review Required. Before commencing the construction, erection, or installation of any building, walk, fence, swimming pool, deck, animal pen, or shelter,

exterior lighting, sign, mailbox or mailbox support or other structure, land disturbance, landscaping or paving (“Improvement”) on any Lot, including site work in preparation therefore, and before commencing any alteration, enlargement, demolition or removal of an Improvement or any portion thereof in a manner that alters the exterior appearance of the Improvement or the Lot on which it is situated, each Owner shall submit to the ARC, or the HOA Review Board as the case may be, a completed application on the form provided by the ARC. No Improvement shall be constructed, erected, installed, or maintained on any Lot, nor shall any Improvement be altered, enlarged, demolished, or removed in a manner that alters the exterior appearance of the Improvement or of the Lot on which it is situated, unless the proposed construction has been approved by the ARC, or the HOA Review Board as the case may be.

4. Detailed Architectural Regulations: The ARC shall review such plans for consistency with the Architectural Standards. The ARC shall promulgate additional regulations (“Detailed Architectural Regulations”) for application by the ARC as reasonably necessary to ensure conformance with the standards which appear following this paragraph. Prior to the recordation of any subdivision plat, these Detailed Architectural Regulations shall be reviewed and approved by the Developer, or designee to ensure consistency with these criteria.

a. Construction Standards:

1. These regulations will address construction standards, structure location and site landscaping for individual lots.
2. The construction standards shall encourage a blend of exterior materials; however, in no event shall a home have a masonry façade on the front and non-masonry façade on the sides and rear. Each exterior face of the home shall receive the same architectural treatment, including but not limited to exterior materials.
3. Standing metal seam roofs on porches, pidgeon walks, etc. will be encouraged where appropriate.
4. Piers and gazebos shall be permitted, with appropriate regulatory approvals, on Manor Homes only.

b. Square Footage:

1. “Cottage Homes” – All Cottage Homes shall have a minimum square footage of heated living space of 1,500 square feet on the first floor, and a minimum on both the first and second floor of 2,000 square feet. Total square footage of living area will be calculated on floor space, measured to the exterior walls, excluding decks, porches, unheated storage areas, and unfinished rooms over the garage. Cottage Homes shall have the primary living

functions, including but not limited to the master bed room, located on the first floor of the home.

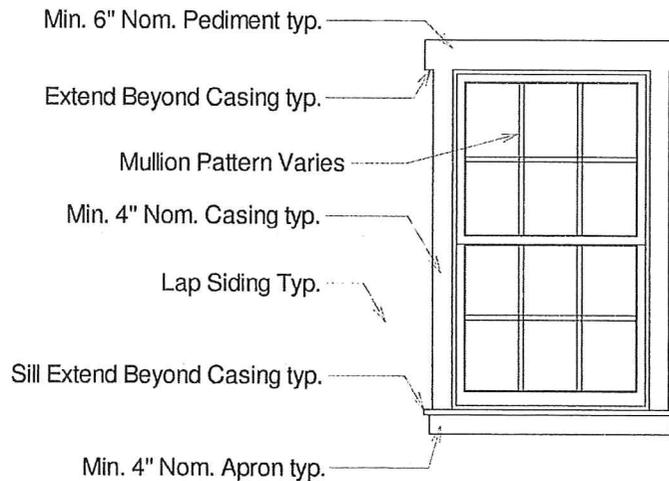
2. "Manor Homes" – All Manor Homes may be one or two stories and shall have a minimum square footage of heated living space of 2,500 square feet. Total square footage of living area will be calculated on floor space, measured to the exterior walls, excluding decks, porches, unheated storage areas, and unfinished rooms over the garage.

c. Floor Elevations:

1. No occupied floor elevation, and no internal mechanical system or equipment, shall be less than 8 feet above project datum, which shall be the North American Vertical Datum of 1988 (NAVD '88). No garage floor shall be placed less than 7.5 feet above project datum.
2. Interior ceiling heights shall be no less than 9' on main floors.

- d. Exterior: Architectural motif and exterior elevations are to be aesthetically pleasing in appearance and generally compatible in terms of the overall structure and its relationship to other structures based on location, size and quality within the development. The selection of materials shall be harmonious with the architectural motif of each dwelling unit and community as a whole. Exterior walls with the same color scheme as adjacent or nearby homes will be permitted on a frequency of only every fourth dwelling unit. Preferred exterior finish materials are fiber-cement siding (also known as Hardie Plank), brick, stone, stucco (heavy textures are discouraged and Exterior Insulated Façade Systems, or EIFS will not be allowed), wood, and machine cut cedar shake shingles, or equivalent. There shall be no vinyl siding permitted. Exterior color selections should be consistent with the overall architectural theme of the community. Coastal or pastel color palettes will be discouraged. There shall be a minimum 4" width corner board, window trim and door trim. Windows must either be vinyl or wood clad type, aluminum or metal windows shall not be permitted.

### Simple Window Detail



Chimney elements, if present, shall be from grade with same skirt treatment as house. Direct vent chimney boxes are permitted provided that the vent is painted black and the box is constructed using the same materials and design as the primary structure. Porches shall be a minimum of 6' deep, front to back and may be screened. The architectural treatments, i.e. railings, columns, posts, etc. shall be consistent on both the front and rear porches. There shall be a 6" minimum column width with appropriate base and capitol detailing. All exposed joists or rafters shall be painted or stained and all decking for porches and steps should be Trex, or equivalent, or other sustainable wood product. Exposed, pressure treated decks and steps shall not be permitted.

All walkways from steps to public right of ways shall be a minimum of 3' in width and shall be either exposed concrete aggregate or brick pavers, or a combination of both. Roofing materials shall be darker in color than the exterior wall colors. Roof lines shall be varied in nature and overhangs shall be in balance with both the size of the roof and volume of the structure. There shall be a minimum overhang of 12". Exterior materials shall reflect harmony with both the environment and other structures in the neighborhood. Elevation quality, character, material and content should be continued on all sides. Composition sheet siding, unfinished wood, exposed concrete or cinder block are unacceptable exterior materials.

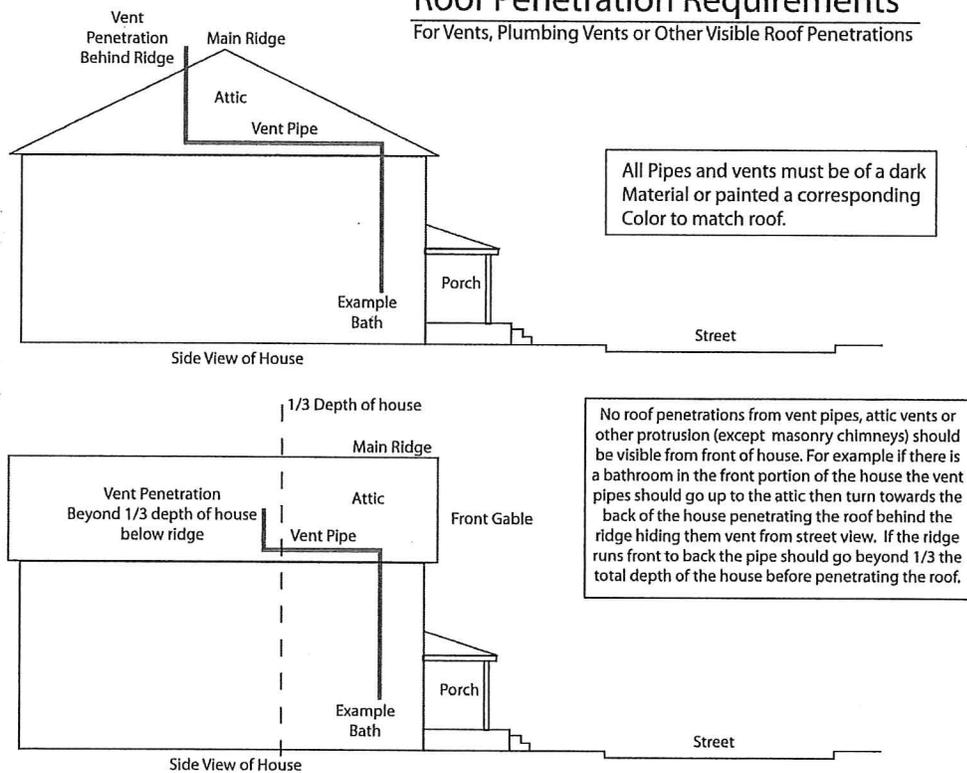
- e. Roofing: Roof appearance is critical to the overall appearance of a home. The pitch of the main structure's roof shall be no less than six (6) feet in twelve (12) feet. Pitches for porches, breezeways and other secondary structures could be less. Roof materials may be of any type that is consistent with the architecture of the home.

Any architectural grade product with weight of 250 pounds per "square" (100 square feet) or greater will be acceptable, with a minimum 25 year warranty. A sample of composition shingles must be submitted with the plan application for approval by the Architectural Review Committee. Standing seam, pre-finished metal roofs, painted galvanized metal roofs, composite slate and composite cedar roofs may be approved by the Architectural Review Committee.

- f. Exterior Appurtenances: Exposed roof vent stacks shall be located for minimum visibility, which generally means located on the rear portion of the roof behind the main roof ridge as outlined below. All roof vents shall be either painted black or another color matching the roof. The chimneys, if present, shall match the character of the house. Solid or veneer brick or stone masonry construction is acceptable.

### Roof Penetration Requirements

For Vents, Plumbing Vents or Other Visible Roof Penetrations



Developer reserves the right to modify these requirements at any time.

No antenna or other device for the transmission or reception of television or radio

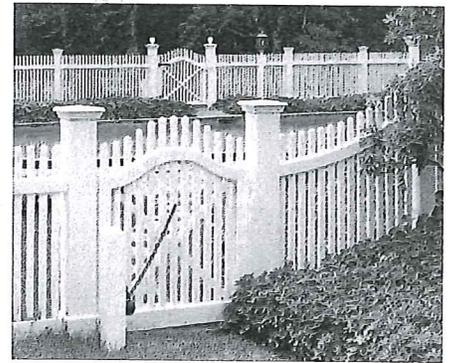
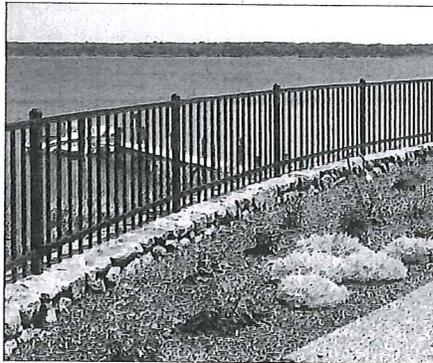
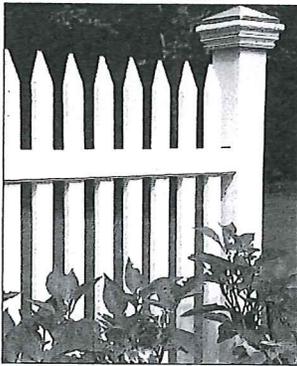
signals or any other form of electromagnetic radiation shall be erected, used or maintained outdoors on any property within **Cypress Creek Phase VI**, whether attached to a building or structure or otherwise with exception of one meter diameter or smaller satellite dish, the placement of which will require Board approval.

- g. Railings and Foundations: All houses shall be built on a crawl space or raised slab. Railing designs will be considered according to safety and coordination with overall design. Detailed drawings for decks, railings, and porches must be submitted with plans.
- h. Accessory Buildings and Structures: Detached garages or any accessory building or structure (including mailbox) must be compatible with the style, materials and color of the primary structure. Detached garages must adhere to the building setbacks defined for the main building.
- i. Driveways: Driveways shall be planned to cover a minimum area of the lot. All driveways must be exposed concrete aggregate. Each home shall have at least two (2) off-street parking spaces.
- j. Landscaping: The site shall remain as natural as possible with a minimum area cleared of trees for the proposed structure(s) and driveway. Outside of the construction area, any trees shall remain undisturbed, unless the homeowner or builder plans to extensively landscape the entire lot. In such cases, detailed landscaping plans shall be submitted with the building plans at the time of architectural review. If clearing is approved, stabilization of disturbed areas must be completed within 30 days of issuance of a building permit. Prior to stabilization of disturbed areas, the homeowner or builder shall be responsible for minimizing erosion or sedimentation caused by the land-disturbing activity, in accordance with the City Code. In areas designated as "Wetlands" absolutely no filling or other regulated land-disturbing activity will be allowed without a permit from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality and other regulatory agencies having jurisdiction.

Landscaping requirements at **Cypress Creek Phase VI** require continuous foundation planting on any side of the dwelling that faces a street. This planting may be broken only by walks and driveways. Further, it is required that the foundation planting make a "return" on the side perpendicular to any street for a distance not less than six (6) feet. All beds must be mulched with an approved material. Sod is required in all yards on Cottage Homes and up to the rear corners of the home on Manor Homes. Utilities, HVAC units, and trash receptacles shall be screened from view with appropriately sized evergreen plantings or approved fencing.

Canopy cover will be provided on each lot as required by the Smithfield Zoning Ordinance.

- k. Lighting: No exterior lighting shall encroach across property lines to the detriment of the surrounding property owner. The installation and display of holiday lighting will be further regulated by rules and regulations promulgated by the Cypress Creek HOA.
- l. Fencing: No fence higher than four feet will be allowed unless an exception is granted by the Architectural Review Committee. No chain-link or opaque fencing is allowed. Written permission from the Architectural Review Committee for any fence is required. All other requirements in the Town of Smithfield Zoning Ordinance shall apply. Privacy panels shall be allowed on the Cottage Homes with Architectural Review Committee approval.



- m. Signage: All traffic and other site signage will be ornamental and complimentary to the existing community. No exterior neon signs will be permitted. No exterior back lit signs will be permitted. Exterior building and pylon signage shall be lit by flood lights. Exterior building and pylon signage may be within public right of ways so long as such signage does not impair access. Notwithstanding the foregoing, no pylon signage shall be within 5 feet of any public street. Blade signs will be allowed. Each lot shall be allowed to install one (1) "For Sale" provided that the sign shall contain only one (1) "blade". All other signage restrictions outlined in the Cypress Creek Rules and Regulations and the Town of Smithfield Zoning Ordinance shall apply.

- n. Garages: Garages shall be side or rear loaded & be a minimum of a two car garage. Exceptions can be submitted to the Architectural Review Committee for review. Detached garages or third bays may be front facing. All garage doors shall have windows and ornamental hardware.
- o. Recreation Equipment: No recreational equipment, such as basketball goals, swings, trampolines and playground equipment will be permitted to be placed forward of the two rear comers of the main structure, or within twenty-five (25) feet of the back lot line of the property.
- p. Swimming Pools, Hot Tubs & Spas: Above-ground pools are prohibited. An in-ground pool, hot tub and/or spa requires approval by the ARC, or the HOA Review Board as the case may be, and additional screening may be required.
- q. Mailboxes: Mailboxes must be the “Whitehall Custom Mailbox and Post Package” in color green – Item no. WHMCUSTOM on [www.mailboxworks.com](http://www.mailboxworks.com), or equivalent as approved by the ARC. Mailboxes must be installed in accordance with the guidelines established by the United States Postal Service, Town of Smithfield branch.

Architectural Review Procedures: Within 60 days after its establishment, the ARC shall meet and promulgate procedures and standards for the submission, review, and approval of applications including, but not limited to (1) time constraints and fees for plan submittal, (2) the format and content of plans to be reviewed, included but not limited to the requirement for site maintenance bonds, (3) timing of reviews, and (4) information on how to communicate with the ARC, telephone, fax, e-mail).

ADOPTED by the Council of the Town of Smithfield, Virginia, the \_\_\_\_\_ day of \_\_\_\_\_, 2017

APPROVED:

\_\_\_\_\_

ATTEST:

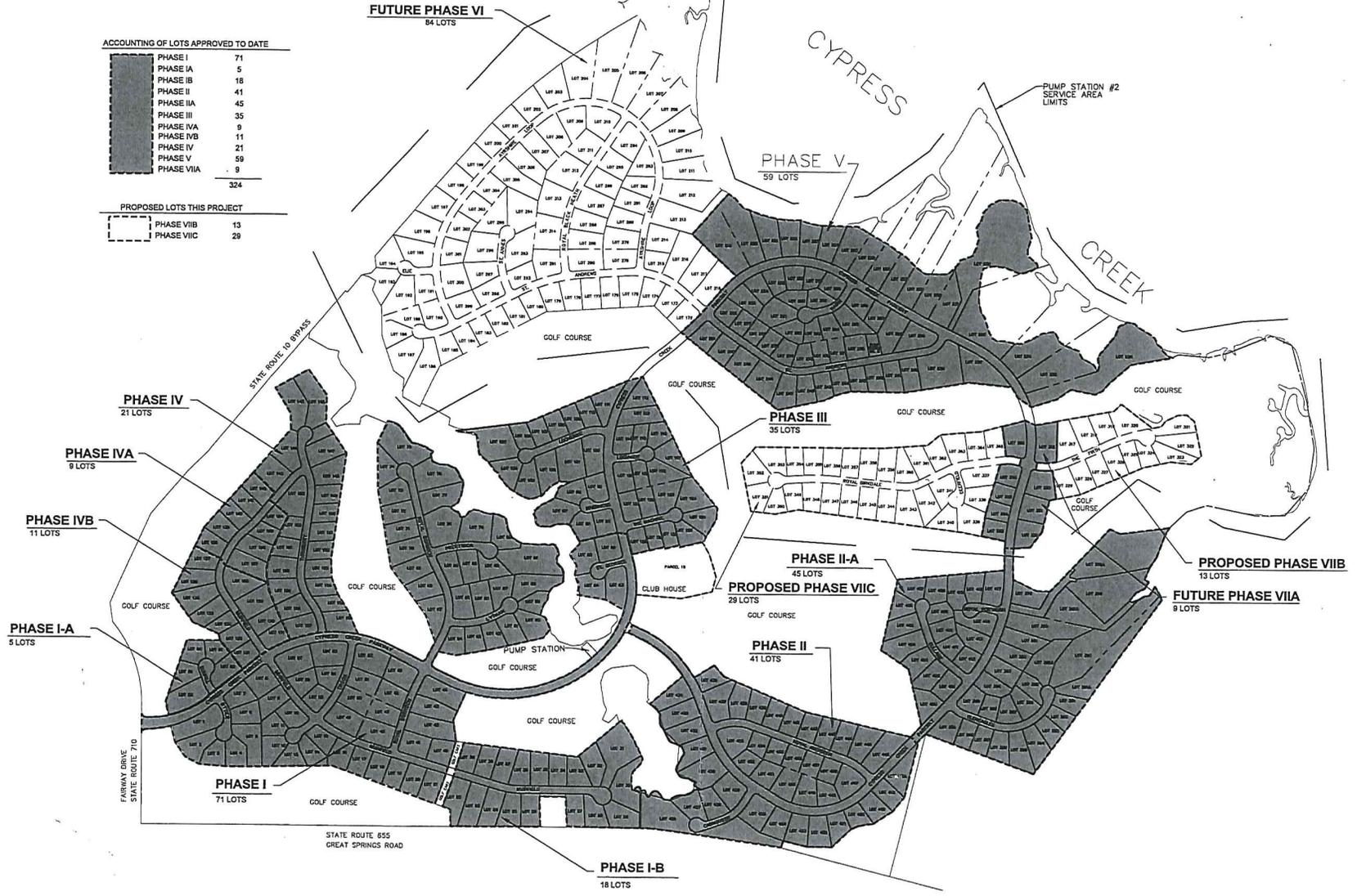
\_\_\_\_\_

ACCOUNTING OF LOTS APPROVED TO DATE

PHASE I	71
PHASE IA	5
PHASE IB	18
PHASE II	41
PHASE IIA	45
PHASE III	35
PHASE IVA	9
PHASE IVB	11
PHASE IV	21
PHASE V	59
PHASE VIA	9
<b>TOTAL</b>	<b>324</b>

PROPOSED LOTS THIS PROJECT

PHASE VIIB	13
PHASE VIIC	29



AFFIDAVIT

COPY

The undersigned, Todd Kuhl authorized person for Cypress Investment Holdings, LLC, the applicant/owner in the proposed rezoning for the development of the property known as Cypress Creek Phase VI, Smithfield, Virginia, after being duly sworn, states under oath pursuant to Article IV, Paragraph B2 of the zoning ordinance for the Town of Smithfield, Virginia, that no member of the planning commission nor the Town Council of the Town of Smithfield, Virginia has any interest in the land to be rezoned either individually, by ownership of stock in corporation owning such land, partnership, as the beneficiary of a Trust for the settler of an Irrevocable Trust nor does any member of their immediate household have any such interest in the outcome of the decision of this rezoning.

BY: Cypress Investment Holdings, LLC, a  
Delaware limited liability company  
BY: Limehouse Street, LLC, Its Sole Member  
BY: Wharf Street, LLC, Its Majority Member

BY:   
Todd Kuhl, Authorized Person

STATE OF VIRGINIA

COUNTY OF Charleston, to-wit:

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of April, 2017, by Todd Kuhl, Authorized Person of Wharf Street LLC, a Delaware Limited Liability Company, as Majority Member of Limehouse Street LLC, a Delaware limited liability company, as Sole Member of Cypress Investment Holdings LLC, a Delaware limited liability company, on behalf of the company.

  
Notary Public

My Commission Expires: 7/5/2026

Notary Registration Number: \_\_\_\_\_

(SEAL)

**A. BOYLE**  
Notary Public, State of South Carolina  
My Commission Expires 7/5/2026

NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION OF THE TOWN OF SMITHFIELD  
AMENDMENT TO PROFFERED CONDITIONS

Notice is hereby given pursuant to Sections 15.2-2204 of the Code of Virginia, (1950), as amended, that the Planning Commission of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Planning Commission in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 8, 2017 at 6:30 p.m. to consider the application of Cypress Investment Holdings, LLC, owner, for an amendment to the current zoning ordinance to amend the proffered conditions attendant to the original approved change in zoning classification of certain property now zoned (S-R), Suburban Residential (Conditional).

The proposed changes in the proffered conditions will provide for:

1. Removal of 24 townhomes.
2. Increase of the maximum number of units from 450 to 518 (68 additional units).
3. Inclusion of 91 age-restricted units.
4. Replacement of references to 'environmental' with 'architectural' review board.
5. Removal of 40-50 boat slips.
6. Removal of the build-out timeframe.
7. Inclusion of the Design Guidelines for the proposed Phase VI.

The property which is the subject of this application is all of the Cypress Creek Subdivision within the Town of Smithfield, being that area bounded by the Route 10 Bypass, Fairway Drive, Great Springs Road, the Town of Smithfield Boundary and Cypress Creek. The parcels' current zoning designations are (S-R), Suburban Residential (Conditional).

Copies of the current Zoning Ordinance for the Town of Smithfield, Virginia, and all amendments thereto, along with copies of the proposed application for an amendment to the proffered conditions and the applicant's proposed amendments to the proffered conditions are on file and may be examined in the office of the Department of Planning, Engineering, & Public Works, 310 Institute Street, Smithfield, Virginia 23430.

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

TOWN OF SMITHFIELD

By: Lesley G. King, Clerk

Publish: July 26 and August 2, 2017

**STAFF REPORT  
TO THE PLANNING COMMISSION**

**SPECIAL USE PERMIT**

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

**August 8, 2017**

<b>Applicant/Owner Name &amp; Address</b>	Timothy S. Culpepper Cypress Investment Holdings, LLC 477 Viking Drive, Suite 405 Virginia Beach, VA 23452
<b>Property Location &amp; Description</b>	Cypress Creek – Phase VI Parcel #22-01-004 (+/-75.93 acres)
<b>Statistical Data (See Site Plan)</b>	
Current Zoning	S-R, Suburban Residential (Conditional)
Proposed Zoning	S-R, Suburban Residential (Conditional)
Overlay District	N/A
Proposed Special Use	To use the cluster provision of the S-R zoning ordinance to develop Phase VI in substantial conformity with the Conceptual Plan dated March 6, 2017.
<b>Surrounding Land Uses/Zoning</b>	Adjacent parcels are zoned: S-R, Suburban Residential, C-C, Community Conservation, E-C, Environmental Conservation
<b>Conformity with Comprehensive Plan</b>	Current future land use plan shows the land as Suburban Residential

**Overview**

The applicant, the new owner of the undeveloped portions of the Cypress Creek Subdivision, proposes to change the design of the undeveloped Phase VI from the original master plan in accordance with Article 3.C and Article 6 of the Town of Smithfield Zoning Ordinance. As per Article 3.C, Section C, the cluster provision for residential developments in the S-R, Suburban Residential zoning district requires the granting of a Special Use Permit (SUP).

The cluster provision in S-R allows for a density bonus (4.5 units per acre rather than 3), smaller lot sizes, (8,000 sq. ft. rather than 12,000) and reduces setbacks, in return for the allotment of 20% of greenspace, rather than the standard 10%.

The proposed changes to the plan for Phase VI are expected to be in substantial conformity with the enclosed Conceptual Plan dated March 6, 2017; which includes 152 single-family, detached housing units, 91 of which are to be age-restricted, in addition to a fitness center and pool. The parcels of the age-restricted units will be maintained by the Homeowner's Association (HOA), funded by a higher level of HOA fees for those units.

## **Staff Comments**

Town staff has deemed the application to be complete and the proposal seems to be within the parameters required by Article 3.C and Article 6 of the Town of Smithfield Zoning Ordinance.

As this is a Special Use Permit application, reasonable conditions may be recommended by the Planning Commission as deemed necessary to protect the public interest and welfare.

Recommendation: Typically, town ordinance requires a preliminary site plan to accompany a Special Use Permit application. Due to the fact that the utility plan, subdivision plat and individual site plans will all be reviewed and approved later in the process of the Phase VI subdivision design if the SUP is approved, town staff recommends that the conceptual plan dated March 6, 2017 be considered to satisfy the preliminary site plan requirement at this juncture.

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



# TOWN OF SMITHFIELD

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

## FILE COPY

### APPLICATION FOR:

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

Applicant(s) Name: CYPRESS INVESTMENT HOLDINGS LLC

Address: 477 VIKING DR STE 405

City, State, Zip: VIRGINIA BEACH VA 23452

Phone Number(s): 757.282.1020

Property Owner(s) Name: (same as applicant)

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Property Address: NA

Tax Map Number(s): 22-01-004

Property Description: Phase VI of Cypress Creek

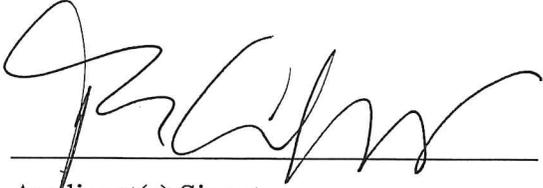
Zoning: SR      Acreage: +/-75.93      Application Fee: \$400

Legal Reference: \_\_\_\_\_      Deed Book#: \_\_\_\_\_      Page#: \_\_\_\_\_

ADJ G A BARLOW PLAT 2-39-4 THR 8      Instrument # 150004995

Proposed Use/Exception: Cluster Development in SR zoning district

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

6/29/17  
 \_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Date

# COPY Cypress Creek VI

Conceptual Plan  
Town of Smithfield, Virginia  
March 6, 2017

### SITE DATA:

Tax Map #: 22-01-004  
Current Zoning: S-R  
Total Site Area: +/-75.93 a.c.  
Environmental Areas: +/-8.52 a.c.  
Net Area: +/-67.41 a.c.

Proposed Zoning: S-R (Cluster)  
Max. Density: 4.5 du/ac  
Min Lot Area: 8,000 s.f.  
Min Lot Width: 60' (90' corner)  
Min Lot Depth: 90'  
Max. Height: 35'

Setbacks:  
Front: 25'  
Side: 6'  
Rear: 25'

Open Space Req.:  
20% or 15.19 a.c.  
(25% of o.s. to be active)

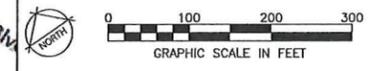
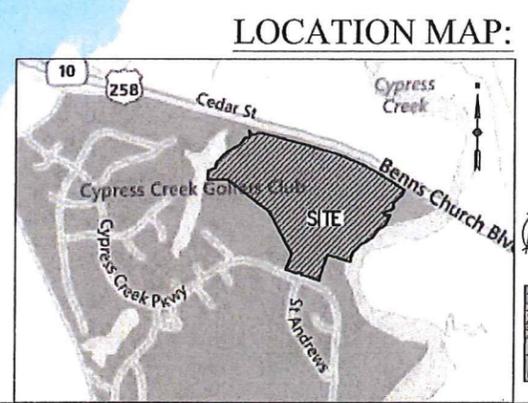
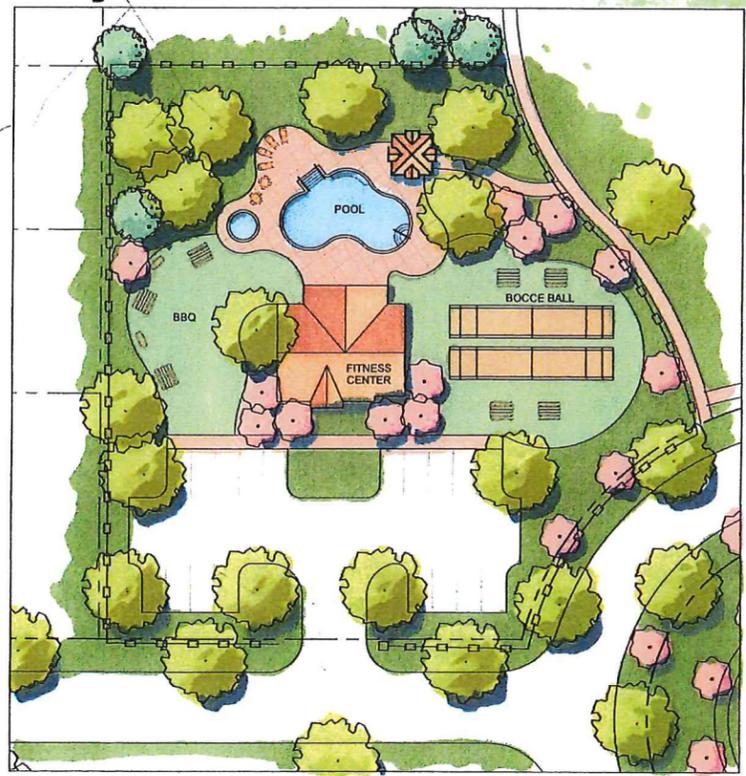
Single Family Units Provided:  
61 & 91 age restricted lots  
Density: 2.25 du/ac

Open Space Provided:  
+/-19 acres

Phasing:  
Phase 1: 61 lots  
Phase 2: 37 lots  
Phase 3: 54 lots

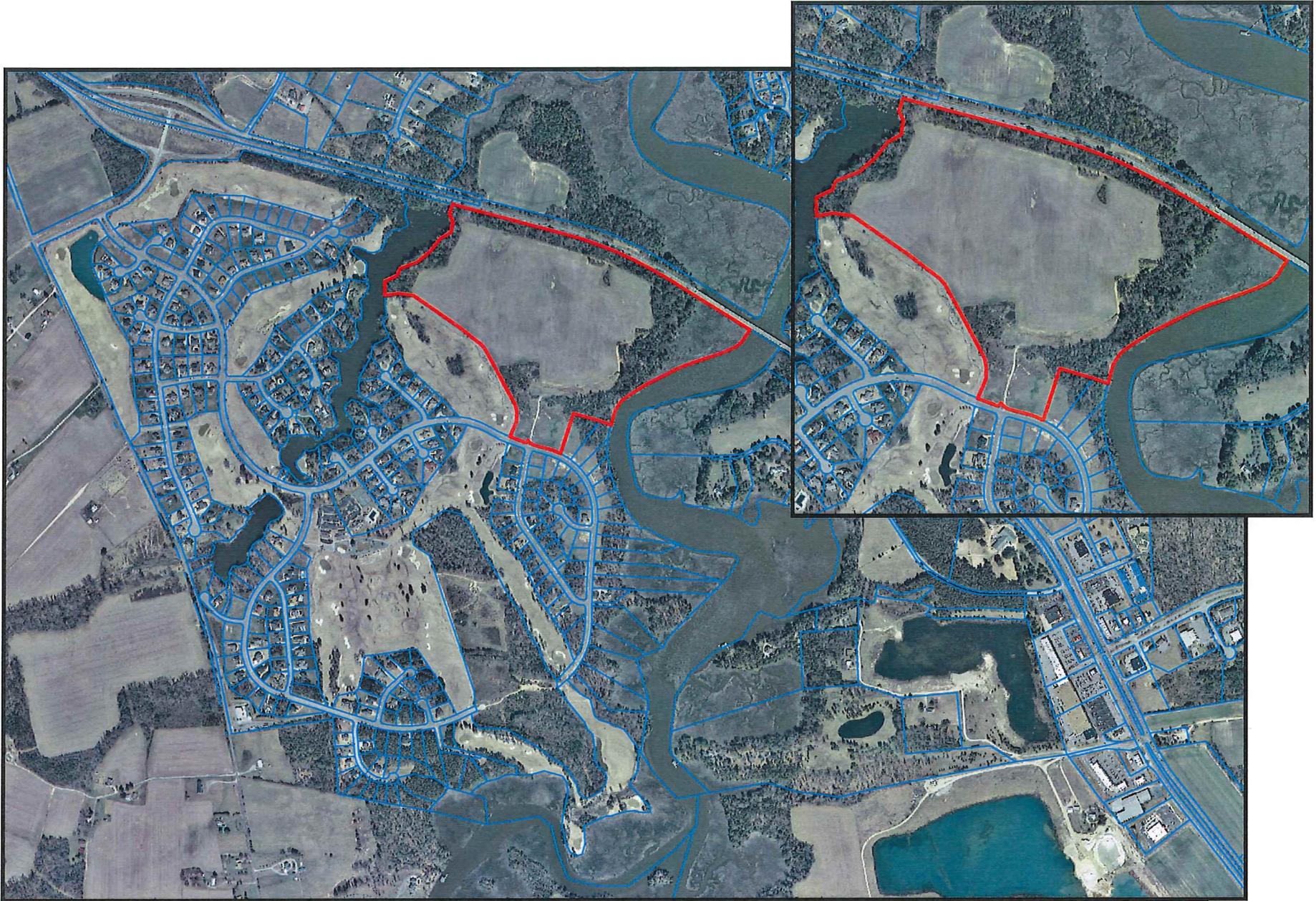


## Fitness Center & Pool Enlargement - 1"=30'



**LPS** LAND PLANNING SOLUTIONS  
5857 HARBOUR VIEW BLVD, STE. 202  
SUFFOLK VA. 23435-2637  
O 757.935.9014 F 757.935.9015  
www.landplanningsolutions.com

C:\Projects\Robinson\_Development\RDC048 - Cypress Creek\Cadd\Prelim\Preliminary\cadd\ul16.dwg, Plotted By: ergalvin, Plotted: May 17, 2017 9:29:49am

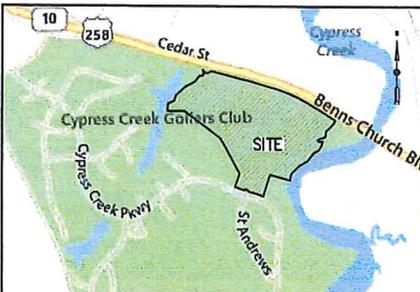


Cypress Creek Subdivision - Phase VI Special Use Permit  
Cluster Provision in Suburban Residential (S-R) Zoning District

Map Created by  
William Saunders  
July 2017



COPY



§ 28.2-1200. UNGRANTED BEDS OF BAYS, RIVERS, CREEKS AND SHORES OF THE SEA TO REMAIN IN COMMON.  
 ALL THE BEDS OF THE BAYS, RIVERS, CREEKS AND THE SHORES OF THE SEA WITHIN THE JURISDICTION OF THE COMMONWEALTH, NOT CONVEYED BY SPECIAL GRANT OR COMPACT ACCORDING TO LAW, SHALL REMAIN THE PROPERTY OF THE COMMONWEALTH AND MAY BE USED AS A COMMON BY ALL THE PEOPLE OF THE COMMONWEALTH FOR THE PURPOSE OF FISHING, FOWLING, HUNTING, AND TAKING AND CATCHING OYSTERS AND OTHER SHELLFISH. NO GRANT SHALL BE ISSUED BY THE LIBRARIAN OF VIRGINIA TO PASS ANY ESTATE OR INTEREST OF THE COMMONWEALTH IN ANY NATURAL OYSTER BED, ROCK, OR SHOAL, WHETHER OR NOT IT EBBS BARE.

§ 28.2-1202. RIGHTS OF OWNERS TO EXTEND TO MEAN LOW-WATER MARK.  
 A. SUBJECT TO THE PROVISIONS OF § 28.2-1200, THE LIMITS OR BOUNDS OF THE TRACTS OF LAND LYING ON THE BAYS, RIVERS, CREEKS, AND SHORES WITHIN THE JURISDICTION OF THE COMMONWEALTH, AND THE RIGHTS AND PRIVILEGES OF THE OWNERS OF SUCH LANDS, SHALL EXTEND TO THE MEAN LOW-WATER MARK BUT NO FARTHER, EXCEPT WHERE A CREEK OR RIVER, OR SOME PART THEREOF, IS COMPRISED WITHIN THE LIMITS OF A LAWFUL SURVEY.  
 B. FOR PURPOSES OF THIS SECTION, "LAWFUL SURVEY" MEANS THE BOUNDARIES OF ANY LAND, INCLUDING SUBMERGED LANDS, HELD UNDER A SPECIAL GRANT OR COMPACT AS REQUIRED BY § 28.2-1200, SUCH BOUNDARIES HAVING BEEN DETERMINED BY GENERALLY ACCEPTED SURVEYING METHODS AND EVIDENCED BY A PLAT OR MAP THEREOF RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE OF THE COUNTY OR CITY IN WHICH THE LAND LIES.  
 C. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WHERE SAND OR OTHER MATERIAL IS PLACED UPON STATE-OWNED BEDS OF THE BAYS, RIVERS, CREEKS, OR SHORES OF THE SEA CHANNELWARD OF THE MEAN LOW-WATER MARK AS PART OF THE PERFORMANCE OF A PROPERLY PERMITTED BEACH NOURISHMENT, STORM PROTECTION, OR DREDGING PROJECT UNDERTAKEN BY A PUBLIC BODY, AND THE PUBLIC HAS AN ESTABLISHED RIGHT OF USE AND MAINTENANCE UPON THE ADJACENT LAND ABOVE THE MEAN LOW-WATER MARK, WHETHER SUCH PUBLIC RIGHT IS ESTABLISHED BEFORE OR AFTER THE SAND OR OTHER MATERIAL IS PLACED, SUCH PLACEMENT SHALL NOT BE DEEMED A SEVERANCE OR TAKING OF, OR OTHERWISE TO HAVE IMPAIRED, AN ADJACENT LANDOWNER'S RIPARIAN OR LITTORAL RIGHTS, AND THE NEWLY CREATED LAND CHANNELWARD OF THE FORMER MEAN LOW-WATER MARK SHALL BE DEEMED NATURAL ACCRETION FOR PURPOSES OF OWNERSHIP, BUT SUCH OWNERSHIP SHALL BE SUBJECT TO THE PUBLIC'S SAME RIGHT OF USE AND MAINTENANCE UPON THE NEWLY CREATED LAND AS PREVIOUSLY EXISTED ON THE ADJACENT LAND ABOVE THE MEAN LOW-WATER MARK. THIS SUBSECTION IS RETROACTIVELY EFFECTIVE BEGINNING JANUARY 1, 2009.

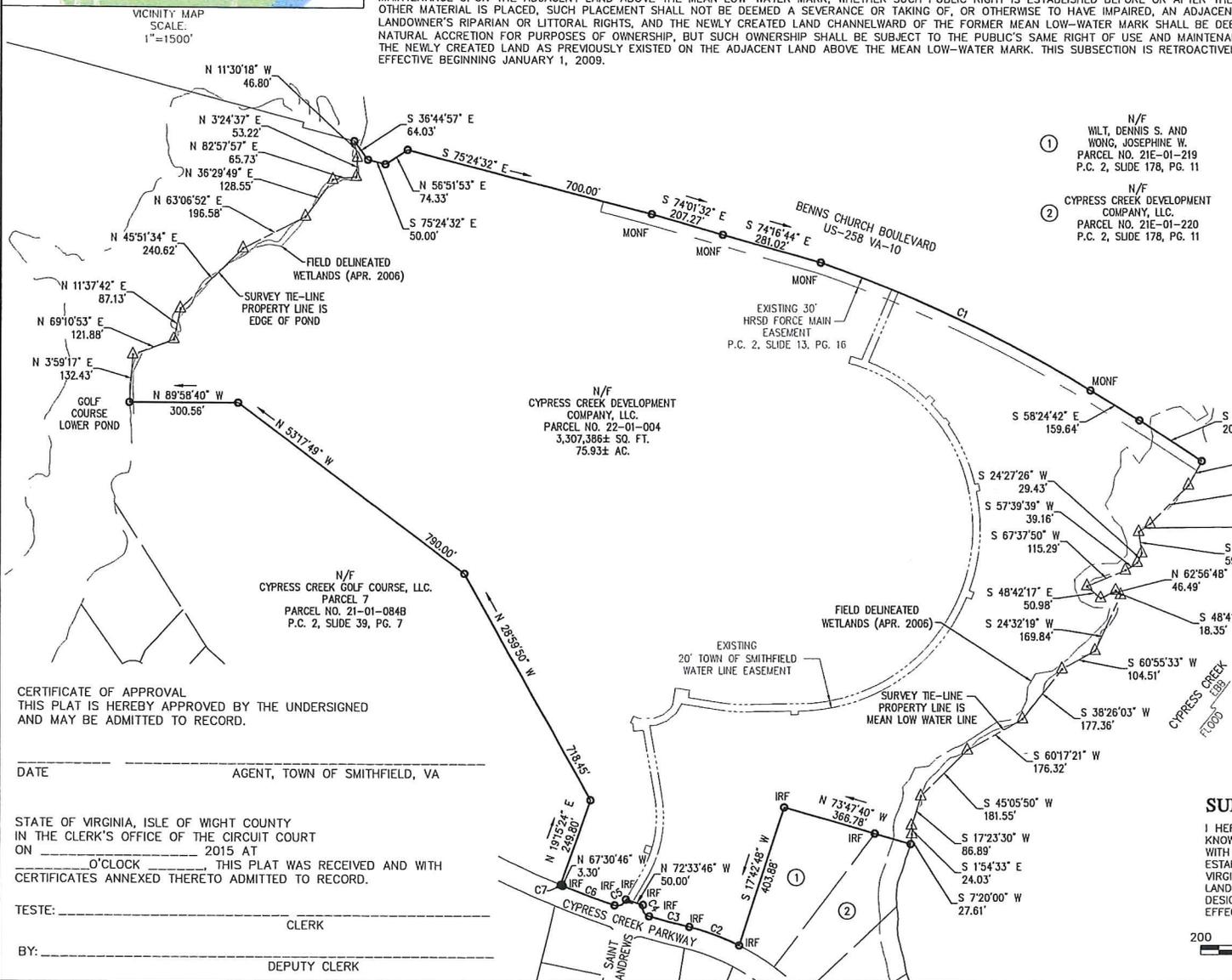
**BOUNDARY LINE SURVEY  
 PARCEL NO. 22-01-004  
 IN THE NAME OF  
 CYPRESS CREEK DEVELOPMENT  
 COMPANY, LLC.**

SMITHFIELD, VIRGINIA

DATE: 11/5/15	SHEET 1 OF 1
33792.00	DRAWN BY: CRO



SEGMENT	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	831.15'	3749.72'	012°42'00"	417.29'	829.45'	S64°45'42"E
C2	148.74'	640.00'	013°18'57"	74.71'	148.40'	N69°56'55"W
C3	115.83'	2320.00'	002°51'38"	57.93'	115.82'	N75°13'47"W
C4	39.82'	25.00'	091°15'34"	25.56'	35.74'	N28°10'13"W
C6	39.81'	25.00'	091°14'14"	25.55'	35.74'	S63°04'41"W
C7	153.49'	2320.00'	003°47'26"	76.77'	153.46'	N69°24'29"W
C9	3.62'	2370.00'	000°05'15"	1.81'	3.62'	N67°28'08"W



**GENERAL NOTES**

1. THIS DOCUMENT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT REFLECT ALL EASEMENTS OR ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.
2. THIS BOUNDARY LINE SURVEY IS BASED ON A FIELD SURVEY PERFORMED DURING OCTOBER 2005 (LOCATE RIGHT OF WAY MONUMENTS), AND AUGUST 2007 (IRF).
3. HORIZONTAL DATUM TIED TO COUNTY CONTROL.
4. THE PROPERTY LIES WITHIN A FEMA DESIGNATED FLOOD PLAIN (ZONE X ZONE X SHADED, AND ZONE AE(EL.B.5)) COMMUNITY PANEL 51093C01350 AND 51093C01550, EFFECTIVE DATE, SEPTEMBER 4, 2002.
5. PROPERTIES SUBJECT TO CODE OF VIRGINIA SECTIONS 28.2-1200 AND 28.2-1202.
6. REFERENCE: P.C. 2, SLIDE 177 PG 6 & 7 P.C. 2, SLIDE 152 PG 3-6 P.C. 2, SLIDE 178 PG 11-14 P.C. 2, SLIDE 72 PG 13 & 14
7. PROPERTY IS SUBJECT TO COVENANTS OF RECORD.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY COMPLIES WITH THE APPLICABLE REQUIREMENTS ESTABLISHED BY THE COMMONWEALTH OF VIRGINIA BOARD FOR ARCHITECTS, ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS EFFECTIVE JULY 1, 2010.



CERTIFICATE OF APPROVAL  
 THIS PLAT IS HEREBY APPROVED BY THE UNDERSIGNED  
 AND MAY BE ADMITTED TO RECORD.

DATE \_\_\_\_\_ AGENT, TOWN OF SMITHFIELD, VA

STATE OF VIRGINIA, ISLE OF WIGHT COUNTY  
 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT  
 ON \_\_\_\_\_ 2015 AT \_\_\_\_\_ O'CLOCK  
 THIS PLAT WAS RECEIVED AND WITH  
 CERTIFICATES ANNEXED THERETO ADMITTED TO RECORD.

TESTE: \_\_\_\_\_  
 \_\_\_\_\_ CLERK  
 BY: \_\_\_\_\_  
 \_\_\_\_\_ DEPUTY CLERK

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

Notice is hereby given pursuant to Sections 15.2-2204 of the Code of Virginia, (1950), as amended, that the Planning Commission of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Planning Commission in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 8, 2017 at 6:30 p.m. to consider the application of Cypress Investment Holdings, LLC, owner, for a special use permit pursuant to Article 3.C, Section C of the Town's zoning ordinance to permit the redesign of Phase VI of the Cypress Creek subdivision under the cluster provisions of the zoning ordinance.

The property which is the subject of this application is Phase VI of the Cypress Creek Subdivision within the Town of Smithfield. The parcels' current zoning designations are (S-R), Suburban Residential (Conditional).

Copies of the current Zoning Ordinance for the Town of Smithfield, Virginia, and all amendments thereto, along with copies of the proposed application for a special use permit and the proposed conceptual plan are on file and may be examined in the office of the Department of Planning, Engineering, & Public Works, 310 Institute Street, Smithfield, Virginia 23430.

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

TOWN OF SMITHFIELD

By: Lesley G. King, Clerk

Publish: July 26 and August 2, 2017

**STAFF REPORT TO THE  
PLANNING COMMISSION**

**SPECIAL USE PERMIT**

**August 8, 2017**

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

**Owner / Applicant Name & Address**

Joseph McCain  
338 Main Street  
Smithfield, VA 23430

**Property Location**

338 Main Street  
(Tax map # 21A-01-161);  
+/-300 ft. northeast of the  
intersection of Cary St. and Main St.

**Statistical Data (see plat)**

Current Zoning  
Proposed Use

D, Downtown District  
Retail (Ground floor);  
residential (2<sup>nd</sup> floor)

Parking Required  
Parking Provided:

0 spaces for <10,000 sq. ft. lot  
Employee parking

**Surrounding Land Uses/Zoning**

D, Downtown District;  
DN-R, Downtown Neighborhood  
Residential

**Conformity with Comprehensive Plan**

Current future land use plan shows  
the land as downtown commercial

**Project Overview**

The applicant is seeking approval for a Special Use Permit (SUP) to operate a retail store / floral company at 338 Main Street under the provisions of Article 3.H, Sections C.7 & H:1 and Article 6 of the Zoning Ordinance; specifically seeking:

- 1) *'the conversion of [a] residential structure for a non-residential use as the principal use of the building'* for the ground floor while leaving the upstairs for residential use, and
- 2) for *'business, storage or display [to be] conducted outside of an enclosed building'*, in order to display live plants, axillaries and topiaries in the front yard.

**Staff Comments**

Town staff has deemed the application to be complete and the proposal seems to be within the parameters required by Article 3.H and Article 6 of the Town of Smithfield Zoning Ordinance.

As this is a Special Use Permit application, reasonable conditions may be recommended by the Planning Commission as deemed necessary to protect the public interest and welfare.

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



# TOWN OF SMITHFIELD

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

## FILE COPY

### APPLICATION FOR:

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

Applicant(s) Name: Joseph McCain  
 Address: 338 Main St.  
 City, State, Zip: Smithfield, VA 23430  
 Phone Number(s): 434-770-9111

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

Property Address: 338 Main St.  
 Tax Map Number(s): 21A-01-161  
 Property Description: RESIDENTIAL PARCEL +/- 300 FT. NORTHEAST OF THE INTERSECTION OF MAIN ST. AND CARY ST.  
 Zoning: D, DOWNTOWN Acreage: +/- 8,000 SQ. FT. Application Fee: \$ 400.00  
 Legal Reference: - Deed Book#: - Page#: -

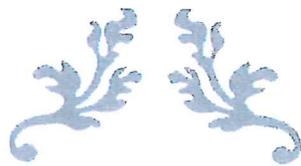
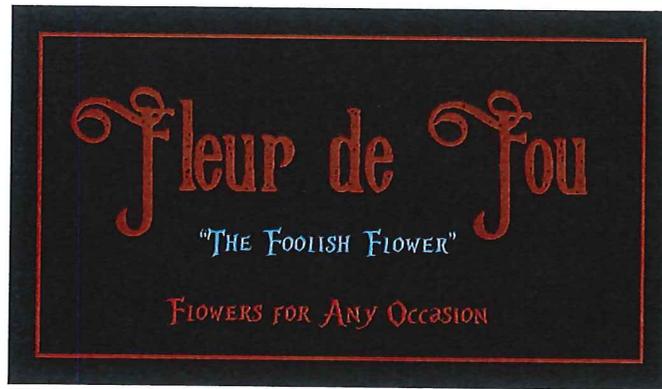
Proposed Use/Exception: AS PER ARTICLE 3H & ARTICLE 6:  
1. THE CONVERSION OF A RESIDENTIAL STRUCTURE FOR A NON-RESIDENTIAL USE AS THE PRINCIPAL USE (GROUND FLOOR FOR RETAIL).  
2. FOR BUSINESS, STORAGE OR DISPLAY TO BE CONDUCTED OUTSIDE OF AN ENCLOSED BUILDING.

[Signature]  
 Applicant(s) Signature

6/30/17  
 Date

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

\_\_\_\_\_  
 Date



---

338 MAIN STREET

---

A Proposal to Continue the Revitalization of Downtown Smithfield



JASON CAMPER    JOSEPH McCAIN  
OWNERS  
(757) 651-8235  
FLOWERS@FLEURDEFU.COM  
WWW.FLEURDEFU.COM  
10907 CENTER ST    WWW.FACEBOOK.COM/FLEURDEFU  
RESCUE, VA 23424

The business card features a colorful illustration of a rooster with a red and black checkered body, holding a bouquet of red roses. The text on the card is in a red, serif font, providing contact information for the owners, Jason Camper and Joseph McCain.

MARCH 22, 2017  
FLEUR DE FOU  
PO BOX 107/ RESCUE VA 23424

## **338 Main Street Proposal**

### **Objective:**

Fleur de Fou is a new floral company that will rely on the proven skills of its founders to take advantage of the floral market within Smithfield, Isle of Wight County and the surrounding areas.

### **Background:**

Fleur de Fou was established in May 2016 as a floral company operating out of a residence within Isle of Wight County. The business name, Fleur de Fou, is French and translates to "The Foolish Flower". The company is a general partnership and started with the demand of friends and family requesting floral arrangements and planning with events such as weddings, engagements, anniversaries, funeral etc. People were so impressed with the quality of the work that the demand has branched out to the community and further within Hampton Roads. The goal is for Fleur de Fou to be the preferred florist within Isle of Wight County and reside on Main Street in Smithfield, VA.

Fleur de Fou has partnered with well-known National Florists such as Teleflora® and FTD®. This branding has allowed for Fleur de Fou to be well known in the floral network with continuous marketing while people place orders online across the globe.

The owners of Fleur de Fou are Jason Camper and Joseph McCain. Jason Camper brings over a decade of floral smarts with his experience planning and designing the floral and landscaping beds at Busch Gardens in Williamsburg, Virginia. Jason graduated from Virginia Tech with a Bachelor's Degree in Horticulture. Joseph McCain adds the skills obtained from his Bachelor's Degree from Old Dominion University where he majored in Business Management. He has worked in the healthcare field for over 15 years. Together, Jason and Joseph have worked with other leading florists as they designed arrangements and tablescapes for "Christmas in Smithfield 2016" at The Parker House.

### **Plan:**

The plan is to convert 338 Main Street in Smithfield, VA, which is currently an upper and lower apartment to a commercial property while the upper floor remains a rental apartment. This business would require the ground floor to be open to the public for retail sales of general home merchandise, artificial arrangements, fresh floral arrangements, outdoor garden décor, landscape design, and event planning. Fleur de Fou would not just be for cut flowers, but for flowers and greenery within the outdoor landscape of a home or business.

#### **Improvements to Building and Grounds:**

Fleur de Fou would use the front yard to display a well-maintained garden with live plants, axillaries and topiaries for ideas and retail sales. Fleur de Fou would not just be for cut flowers, but for flowers and greenery within the outdoor landscape of a home or business. The garden would extend to the back yard where hopes of an architectural greenhouse would be erected in the future.

The Victorian Building would be returned to its original state with the removal of the metal

awning and screened in porch. The decorative moldings would be repaired and replaced over time. The building would be appropriately painted to continue the restored look of the street. A tasteful sign would be affixed to the exterior of the main house.

The garage will be repaired over time to become useable as storage space and used during holidays for the display of cut greens and trees to sell. A mural of the Logo image would be painted tastefully on the garage.

**Conclusion:**

The need and demand for a talented florist is evident within Smithfield. Fleur de Fou will uphold its motto and offer "Flowers for Any Occasion." Being in plain view at 338 Main Street In Smithfield, VA will help attain our goal.

Thank you.

Joseph McCain

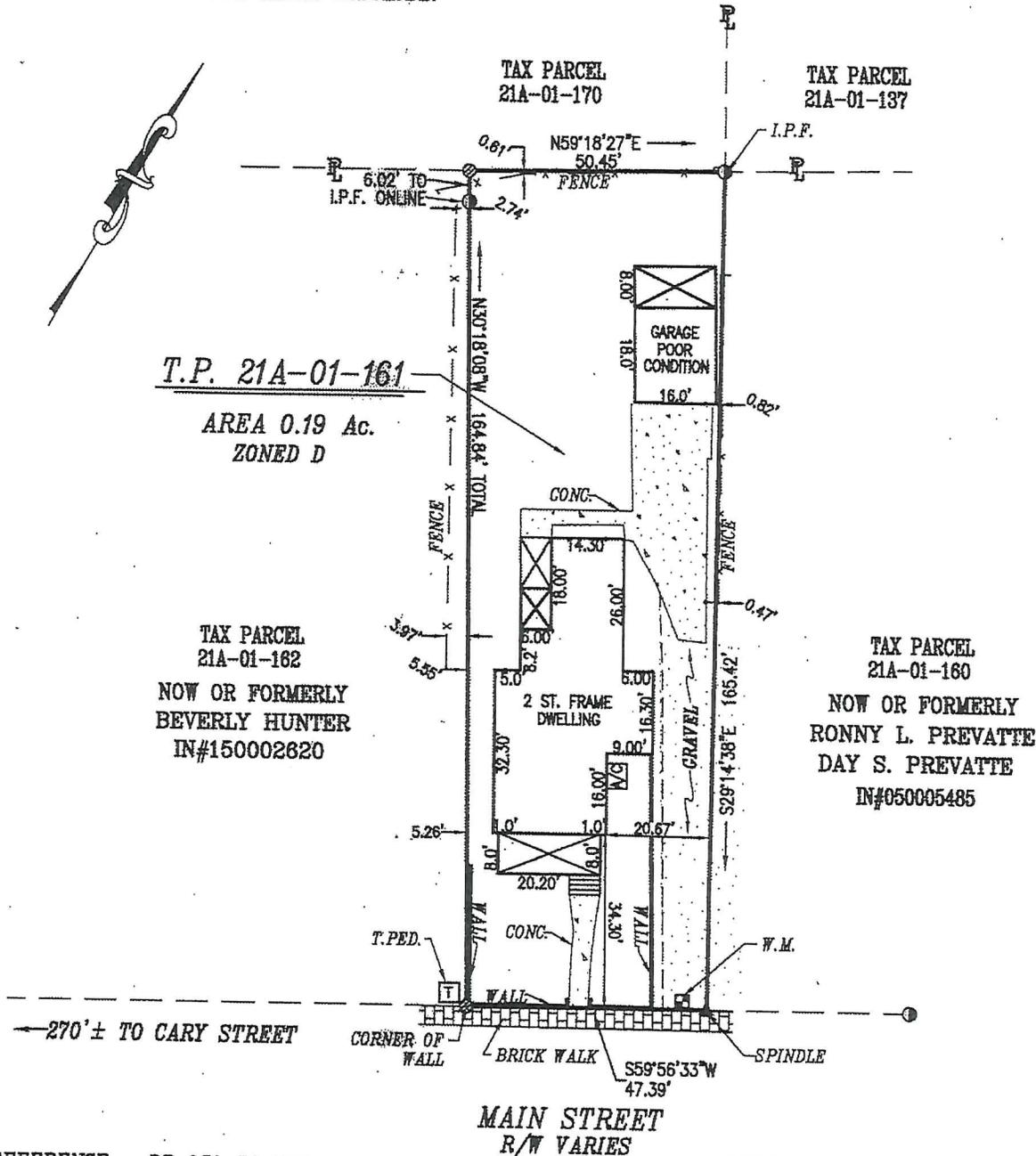
Owner

Fleur de Fou

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 0135 E DATED 12-02-2015.

THIS IS TO CERTIFY THAT ON MAY 3, 2017, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, SHOWING THE TITLE LINES AND PHYSICAL IMPROVEMENTS. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE WERE NO ENCROACHMENTS OR VISIBLE EASEMENTS OBSERVED BY THE FIELD CREW EXCEPT AS SHOWN.

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.



REFERENCE - DB 359 PG 725

**LEGEND:**

- - DENOTES IRON PIN OR PIPE FOUND
- ⊙ - DENOTES COMPUTED POINT
- ⊠ - DENOTES WATER METER
- ⊞ - DENOTES TELEPHONE PEDASTAL
- ▲ - DENOTES SPINDLE

PHYSICAL SURVEY  
FOR

JOSEPH W. McCAIN

LOCATED AT 338 MAIN STREET

TOWN OF SMITHFIELD

ISLE OF WIGHT COUNTY, VIRGINIA

SCALE 1" = 30'

MAY 3, 2017



1212 S. Church Street Smithfield, VA 23430

PHONE : 757-357-2911

DRAWN BY: ECC

JOB #S17-100-SM

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

Notice is hereby given that the Planning Commission of the Town of Smithfield, Virginia, will hold a public hearing at the regular meeting of the Planning Commission in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 8, 2017 at 6:30 p.m. to consider the application of Joseph McCain, owner, for a special use permit under the provisions of Article 3.H., Sections C and H., and Article 6 of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter, in order to approve the use of a residential structure for a non-residential use, in particular for retail sales and a floral shop with outdoor sales and display. The property which is the subject of this special use permit is located at 338 Main Street. The property in question is zoned D, Downtown District.

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

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: July 26 and August 2, 2017

**STAFF REPORT  
TO THE PLANNING COMMISSION**

**SUBDIVISION PLAN REVIEW AND WAIVER**

**August 8, 2017**

**Applicant / Owner Name & Address**

Kenneth W. Coleman  
110 Titus Court  
Carrollton, VA 23314

**Property Location & Description**

West of the intersection of Washington  
and First Streets  
(Tax Map #s 21A-03-C012, C013 & C014)

**Statistical Data (See Site Plan)**

Current Zoning	Downtown Neighborhood Residential, DN-R
Overlay District	Historic Preservation District, HP-O
Proposed Waiver	To assemble property with lot width and area not meeting the ordinance minimums.

**Surrounding Land Uses/Zoning**

Adjacent parcels are zoned:	Downtown Neighborhood Residential, DN-R
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**Conformity with Comprehensive Plan**

Current future land use plan shows the land as Low Density Residential

**Project Overview**

The applicant is seeking approval of a subdivision plan waiver in order to assemble property with lot width and area not meeting the ordinance minimums, as per Article 2, Section K of the Town of Smithfield Subdivision Ordinance. Specifically, the applicant would like to assemble three old 30 ft. wide parcels of record into two new parcels, in order to provide for a more feasibly buildable corner lot.

Currently, an existing residence at 202 Washington Street sits astride both parcels C012 and C013, creating a non-conformity; and parcel C014 is a vacant corner lot. The applicant has had an approved site plan to construct a 15 ft. wide home on the 30 ft. wide corner lot for some time, but has acquired the parcels at 202 Washington Street in an effort to improve the situation at both sites; 1) by vacating the lot line that bisects 202 Washington Street, and 2) to add 9.35 ft. to the width of the corner lot, which would accommodate an 18 ft. wide home that is +/-6 ft. further from First Street than his existing approved plan.

The DN-R zoning district has the following setbacks, and minimum lot widths and areas.

Setbacks	Front/Rear	25 ft.
	Side (Interior)	5' (10' post 1998)
	Side (Corner)	10' (20' post 1998)
Widths	Interior	50 ft.
	Corner	75 ft.
Area	Minimum	6,000 sq. ft.

The specific waivers that the applicant seeks to undertake the land assembly as planned are:

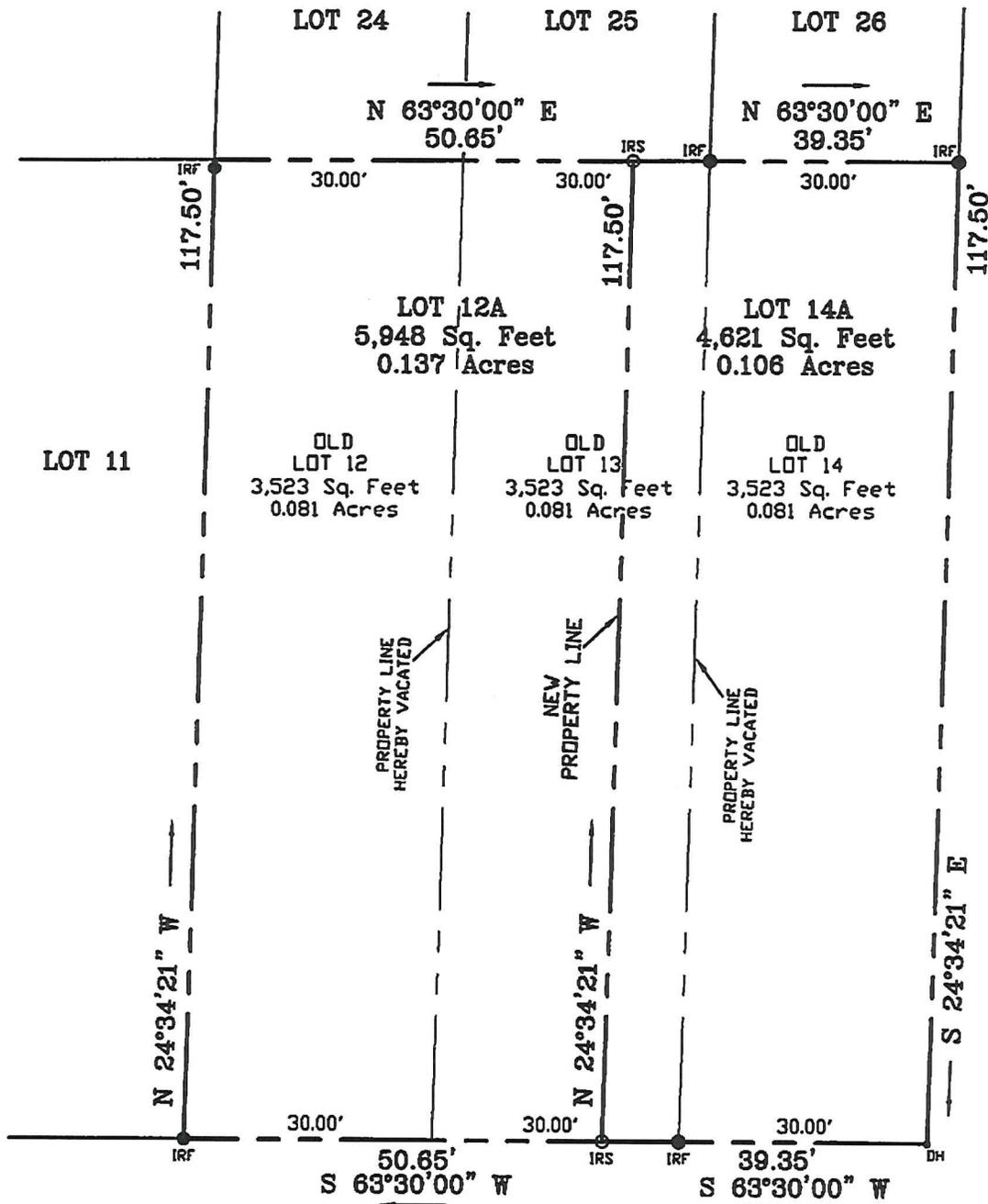
1. Waiver of the minimum lot area for the assembly of lots C012 and C013, as they will fall short of the 6,000 sq. ft. minimum by 52 sq. ft. (Once assembled, they will meet the minimum width of 50 ft.)
2. Waiver of the minimum lot area for lot C014, as it will fall short of the 6,000 sq. ft. minimum by 1,379 sq. ft. (although it will be increasing in size by 2,477 sq. ft.).
3. Waiver of the minimum lot width for lot C014, as it will fall short of the 75 ft. minimum by 35.65 ft. (although it will increase in width by 9.35 ft.).

The applicant's proposed subdivision meets all ordinance requirements, other than those for which he is seeking the waiver.

### **Staff Comments**

Due to the small size of the original lots in the Riverview section, the constraints of existing development and the proposal meeting ordinance regulations in all other ways, staff recommends approval of this waiver and the plan dated June 26, 2017.

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



FIRST STREET  
40' R/W

WASHINGTON AVE.  
50' R/W



SHEET 1 OF 2

PROPERTY LINE ADJUSTMENT  
& VACATION PLAT

NEW LOTS 12A AND 14A, BLOCK C  
MAP OF RIVERVIEW  
TOWN OF SMITHFIELD  
ISLE OF WIGHT COUNTY, VIRGINIA

.....HEREBY CERTIFY  
THAT THE PROPERTY SHOWN ON THIS PLAT WAS SURVEYED  
ON THIS DATE AND IS CORRECT TO THE BEST OF MY  
KNOWLEDGE AND BELIEF.  
THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS  
EXCEPT AS SHOWN.

**PARKER SURVEYING, INC.**  
6858 MICHAEL LANE  
HAYES, VIRGINIA 23072  
PHONE: 804-884-0600

JOB #: 17-104	DRAWN: RRP	F.B.-PG: 12-76	TO: COLEMAN	SCALE: 1" = 20'	DATE: 6-26-17
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SOURCE OF TITLE

LOTS #12 & #13: MAP # 21A-03-C012 & # 21A-03-C013 WAS CONVEYED BY INST.# 170000294 DATED JANUARY 24, 2017 BY MABEL W. WRENN, TO KENNETH W. COLEMAN, AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF GLOUCESTER

LOT #14: MAP # 21A-03-C014 WAS CONVEYED BY INST.# 050006449 DATED JULY 27, 2005 BY JAMES L. WINDSOR, FEBRONIA CHRIST-OGLE AND MICHAEL F. TOOLE, SPECIAL COMMISSIONERS & THE FATHER AND SIBLINGS OF HERBERT G. WILSON, TO KENNETH W. COLEMAN, AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF GLOUCESTER

OWNER'S CERTIFICATE

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES.

LOTS #12, 13 & 14: \_\_\_\_\_  
SIGNATURE DATE NAME PRINTED  
KENNETH W. COLEMAN

STATE OF VIRGINIA  
CITY/COUNTY \_\_\_\_\_ TO WIT:  
I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE JURISDICTION AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY JURISDICTION AFORESAID.  
GIVE UNDER MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ REG. NO. \_\_\_\_\_



SHEET 2 OF 2

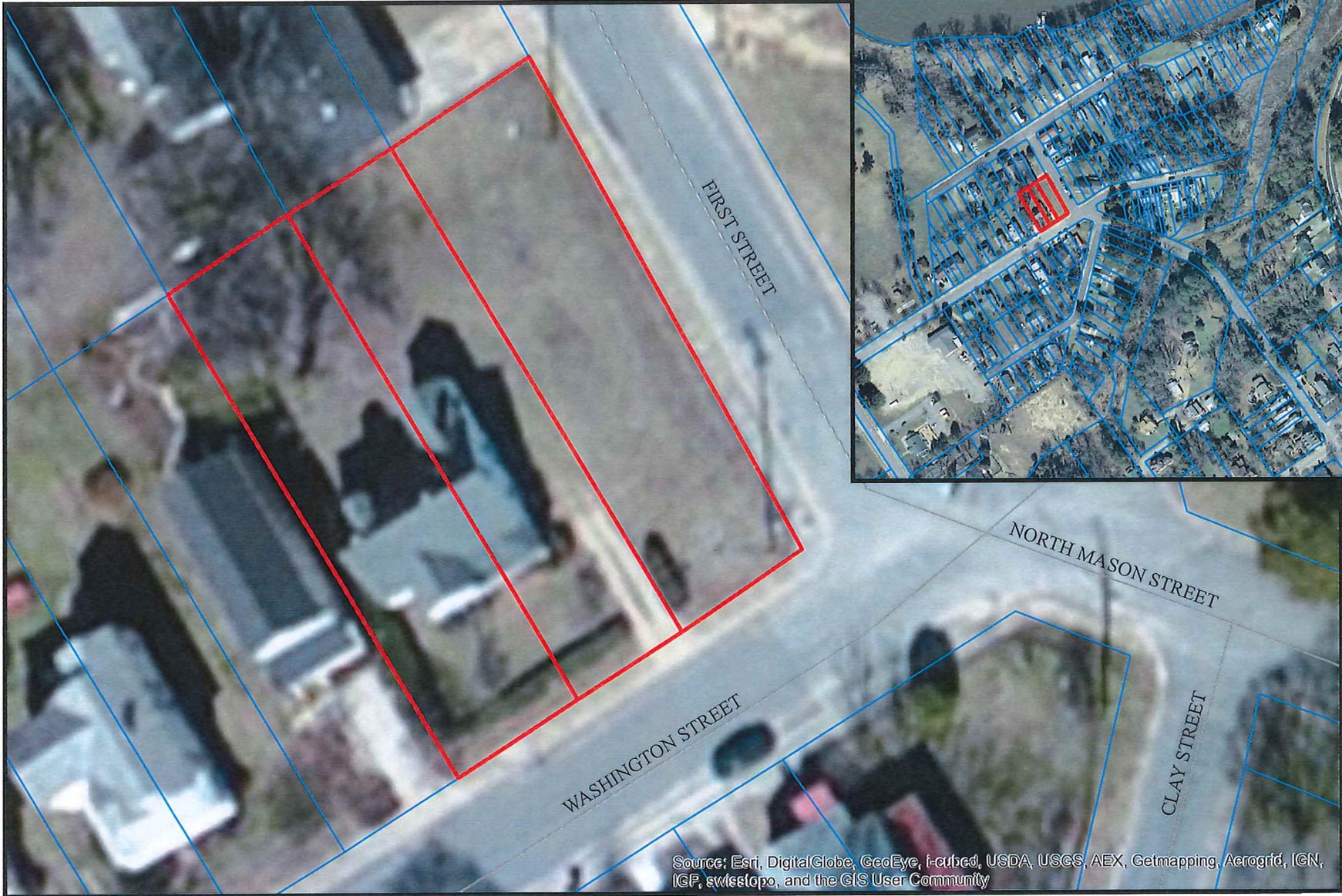
**PROPERTY LINE ADJUSTMENT  
& VACATION PLAT**

**NEW LOTS 12A AND 14A, BLOCK C  
MAP OF RIVERVIEW  
TOWN OF SMITHFIELD  
ISLE OF WIGHT COUNTY, VIRGINIA**

.....HEREBY CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT WAS SURVEYED ON THIS DATE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

**PARKER SURVEYING, INC.**  
6858 MICHAEL LANE  
HAYES, VIRGINIA 23072  
PHONE: 804-684-0600

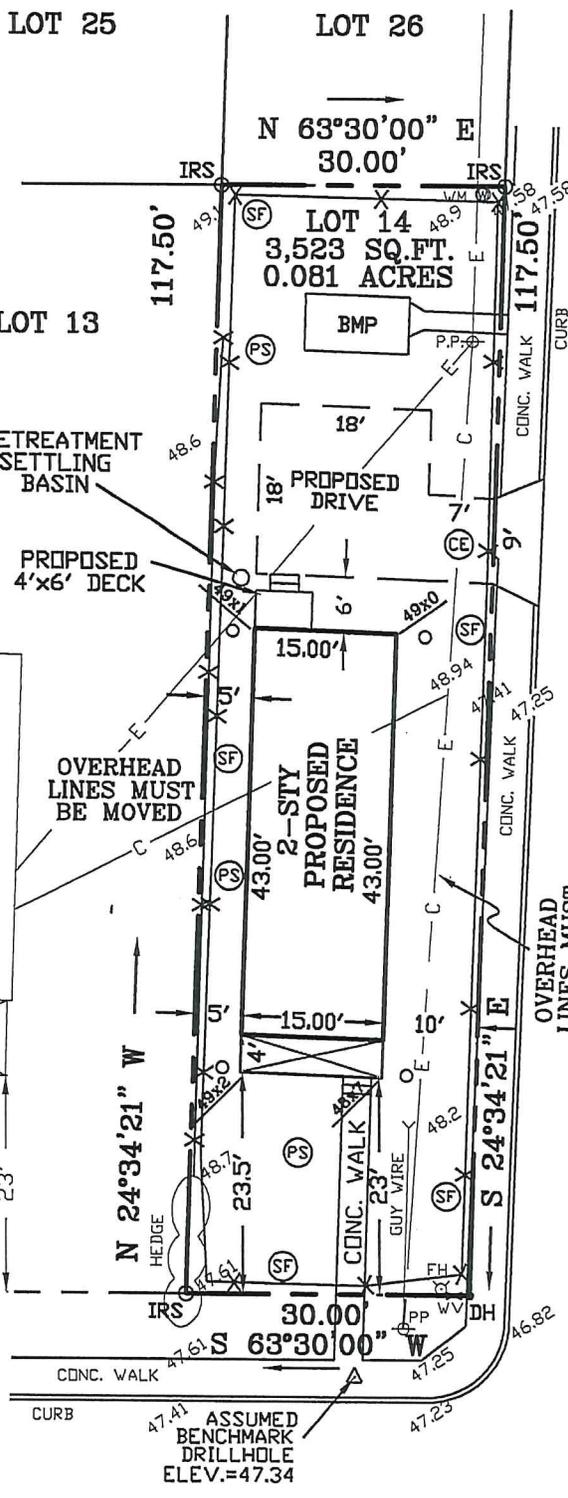
JOB #: 17-104	DRAWN: RRP	F.B.-PG: 12-76	TO: COLEMAN	SCALE: 1"= 20'	DATE: 6-26-17
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## 200-202 Washington Street - Coleman Subdivision Plan Review and Waiver

Map Created by  
William Saunders  
July 2017





**EXISTING IMPERVIOUS**

TOTAL 0 SQ.FT.

**PROPOSED IMPERVIOUS**

HOUSE 705 SQ.FT.  
 STEPS/WALK 99 SQ.FT.  
 PARKING 387 SQ.FT.  
 TOTAL 1,191 SQ.FT.  
 = 33.8% IMPERVIOUS

PROPOSED STORM  
 WATER TRENCH

**APPROVED**  
**TOWN OF SMITHFIELD**

*[Signature]*

Signature

**NOTE:**

- AREA TO BE DISTURBED 3,523 S.F.
- BMP MAINTENANCE AGREEMENT WITH THE TOWN OF SMITHFIELD IS REQUIRED

**NOTES:**

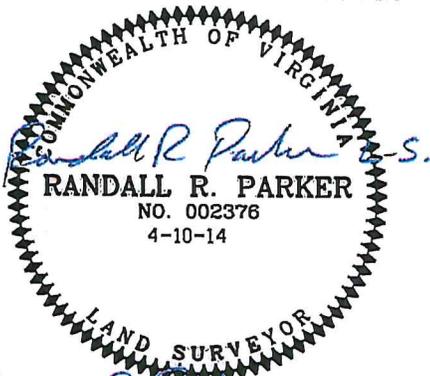
- PARCEL: 21A-03-C-014
- ZONING: DN-R
- PUBLIC WATER & SEWER
- ASSUMED BENCHMARK SHOWN
- FLOOD INSURANCE RATE MAP ZONE: X  
 PANEL NO. 0135D  
 COMMUNITY NO. 510081  
 PANEL DATE: 9-4-02  
 INDEX DATE: 9-4-02
- REF: P.B.1, PG.94A  
 D.B.83, PG.418
- THE BUILDER/CONTRACTOR SHALL VERIFY THE GRADES PRIOR TO CONSTRUCTION
- THE BUILDER/CONTRACTOR SHALL PROVIDE FOR POSITIVE DRAINAGE WITHOUT IMPACTING ADJACENT PROPERTIES.
- THE BUILDER/CONTRACTOR WILL EXECUTE AN AGREEMENT IN LIEU OF A ENGINEERED PLAN AND RESPONSIBLE LAND DISTURBER FORM WITH ISLE OF WIGHT COUNTY / TOWN OF SMITHFIELD IN CONJUNCTION WITH APPROVAL OF THIS PLAN AND PRIOR TO ISSUANCE OF A ZONING PERMIT FOR THIS LOT.
- THIS MODULAR HOME WILL MEET STATE BUILDING CODES & HAVE A PERMANENT FOUNDATION

**SPECIAL NOTE:**

-ON FIRST STREET THERE ARE EXISTING RESIDENCES THAT ARE 6' TO 7' FROM CURB

48x3 = PROPOSED GRADES  
 47.76 = EXISTING GRADES

REVISED: 3-21-14 STORM WATER DESIGN



.....HEREBY CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT WAS SURVEYED ON THIS DATE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

**PARKER SURVEYING, INC.**

101 DAWSON CRESCENT  
 SEAFORD, VIRGINIA 23696  
 PHONE: 757-833-7758

(CE) = CONSTRUCTION ENTRANCE  
 (SF) = SILT FENCE  
 (PS) = PERMANENT SEEDING  
 ALL EROSION CONTROL SHALL BE IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.

WASHINGTON AVE.  
 50' R/W

200 WASHINGTON AVE.

COLEMAN PROPERTY

**SITE PLAN FOR  
 KEN COLEMAN**

LOT 14

BLOCK C

**MAP OF RIVERVIEW  
 TOWN OF SMITHFIELD  
 ISLE OF WIGHT COUNTY, VIRGINIA**

JOB #: 05-132	DRAWN: RRP	F.B.-PG: 12-76	TO: COLEMAN	SCALE: 1"= 20'	DATE: 5-21-13
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**STAFF REPORT TO THE  
PLANNING COMMISSION**

August 8, 2017

**ENTRANCE CORRIDOR DESIGN REVIEW**

<b>Applicant / Owner Name &amp; Address</b>	Robert Neel / Hope Presbyterian Church 13490 Benns Church Boulevard Smithfield, VA 23430
<b>Property Location &amp; Description</b>	13490 Benns Church Boulevard Smithfield, VA 23430; +/-500 ft. south of the intersection of Benns Church Boulevard and Cypress Run Drive (The old Hearn Furniture location)
<b>Statistical Data</b>	
Current Zoning	HR-C, Highway Retail Commercial
Total Acreage	3.17 acres
Tax Map No.	32-10-001
<b>Primary Use</b>	Church, area of religious assembly
<b>Surrounding Zoning</b>	Highway Retail Commercial, HR-C; Community Conservation, C-C.
<b>Site Access</b>	Benns Church Boulevard
<b>Comprehensive Plan Designation</b>	The primary use is compatible with the future land use plan map.

**Project Overview**

In 2015, the applicants acquired the old Hearn Furniture building as a home for the congregation of the Hope Presbyterian Church. Since then, they have undertaken extensive interior renovations of the facility. Now, they seek approval for improvements to the façade of the building.

The proposed improvements include:

1. Removal of existing mansard roof and replacement with a standing seam metal shed roof.
2. Installation of parapet walls and a gable feature in the center.
3. Painting of the existing brick to match the parapets.
4. Installation of a cross feature on the rake of the gable.
5. Installation of signage above the front door.
6. Installation of a wooden front double door (If feasible).

Please refer to the enclosed renderings, elevations and specifications for a visual representation, as well as a list of materials and colors proposed.

## Staff Comments

The design and materials proposed are in keeping with the ECO requirements.

Strengths:

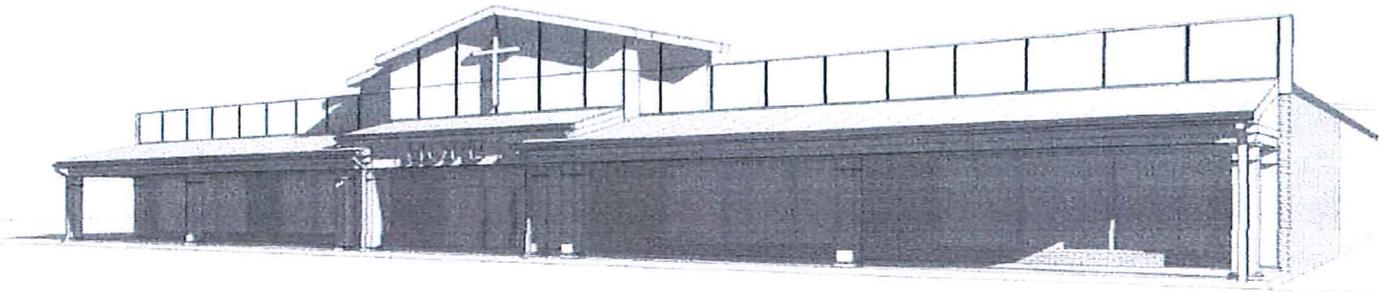
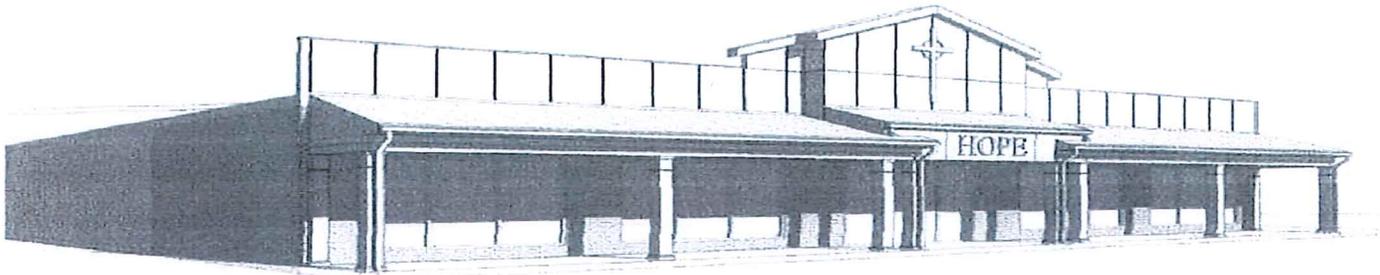
1. The proposed changes will improve the façade of an existing building that predated the Entrance Corridor District, bringing it more into conformity with the district.

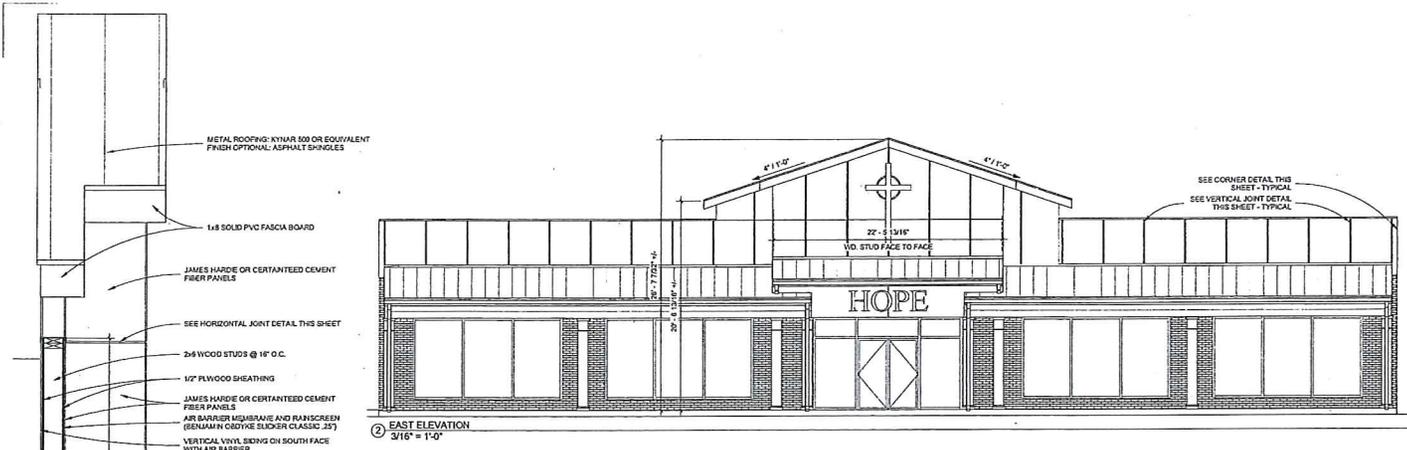
Weaknesses:

1. None identified at this time.

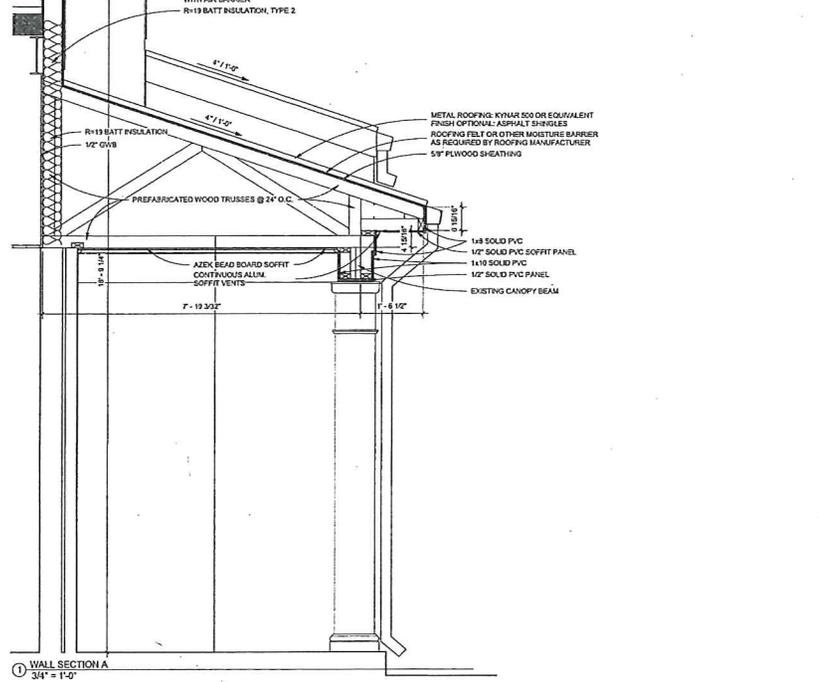
Contact William Saunders at 365-4266 or [wsaunders@smithfieldva.gov](mailto:wsaunders@smithfieldva.gov) with any questions.

# Hope Presbyterian Church Building Front Renovation

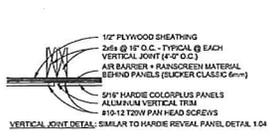




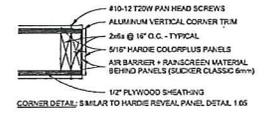
2 EAST ELEVATION  
3/16" = 1'-0"



1 WALL SECTION A  
3/4" = 1'-0"



VERTICAL JOINT DETAIL: SIMILAR TO HARDIE REVEAL PANEL DETAIL 1.04

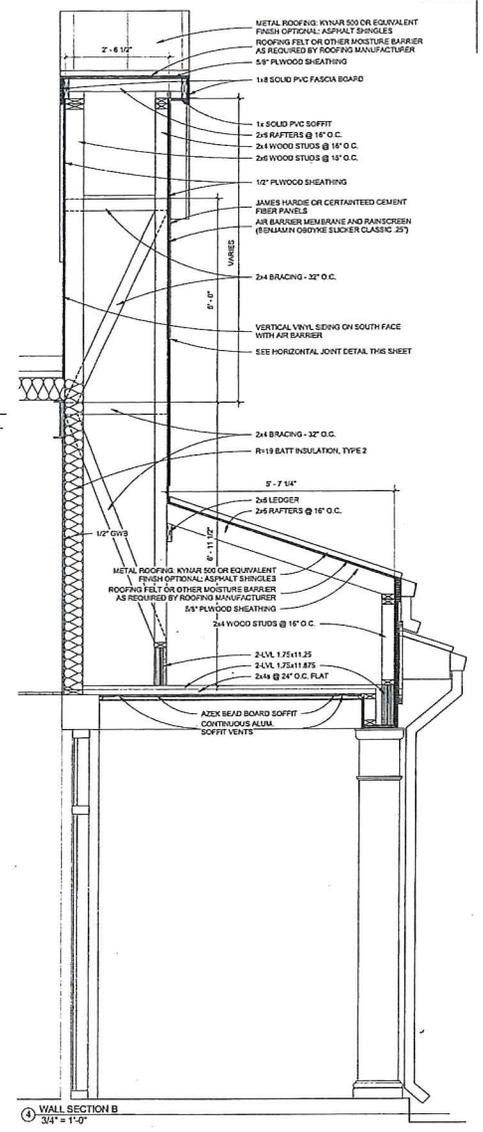


CORNER DETAIL: SIMILAR TO HARDIE REVEAL PANEL DETAIL 1.05



HORIZONTAL JOINT DETAIL: SIMILAR TO HARDIE REVEAL PANEL DETAIL 1.02

3 PANEL JOINT DETAILS  
1 1/2" = 1'-0"



4 WALL SECTION B  
3/4" = 1'-0"

No.	Description	Date

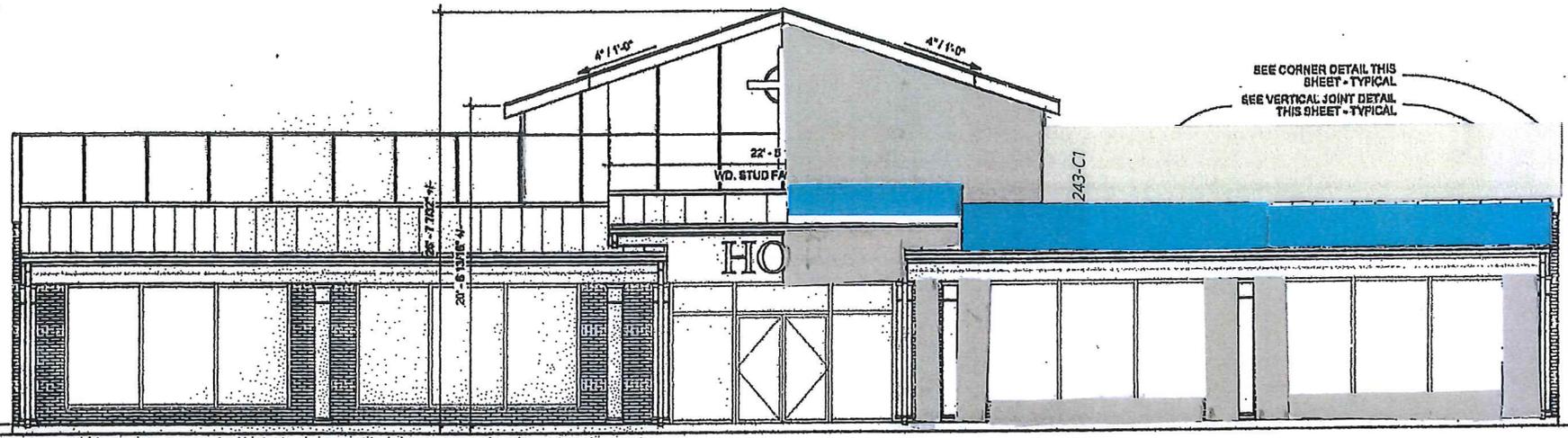
HOPE PRESBYTERIAN CHURCH

WALL SECTIONS



Project number	042417
Date	EBD
Drawn by	EBD
Checked by	EBD
Scale	As Indicated

VALENT



② EAST ELEVATION  
3/16" = 1'-0"

# Hope Presbyterian Church Sample Colors and Materials for Building Front Renovation

## Materials:

- James Hardie\* Stucco Vertical Panels
- Standing Seam Metal Roof
- AZAK Trim

## Colors:

- Metal Roof – Slate Blue
- Brick – Mindful Gray (SW 7016)
- Side Vertical Panels – Cobblestone
- Center Vertical Panels – Monterey Taupe
- Trim – AZAK White
- Sign and Cross – Metallic Gray