

The Smithfield Planning Commission held its regular meeting on Tuesday, December 9th, 2014. The meeting was called to order at 7:30 p.m. Members present were Mr. Bill Davidson, Chairman; Mr. Charles Bryan, Mr. Mike Swecker, Mr. Randy Pack, and Dr. Thomas Pope. Ms. Julia Hillegass and Mr. Larry Odom were absent. Staff members present were Mr. William T. Hopkins III, Director of Planning, Engineering, and Public Works; Mr. William H. Riddick III, Town Attorney; and Mr. William G. Saunders IV, Planner/GIS Coordinator. There were six (6) citizens present. The press was represented by Ms. Abby Proch of The Smithfield Times.

Chairman Davidson – I would like to welcome everyone to the December 9th, 2014 Planning Commission meeting. If everyone will stand, we will say the Pledge of Allegiance.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Davidson – The first item is the Director of Planning, Engineering, and Public Works Activity Report.

Director of Planning, Engineering, and Public Works – Thank you, Chairman. I am glad to see everyone here tonight. The first item is Cypress Creek Phase VII-A is just about completed as far as construction is concerned. Phase VII B and C are still under review. The same thing applies to O'Reilly Auto Parts. The proposed site is located next to the Advanced Auto on Route 10. It is moving slower than we are used to. The third item is the most detailed. It is about meeting times.

Mr. Pack – Before you get into that could I ask about Cypress Creek Phase VII B and C? The sewage lines that are being put in the current section are nearly twenty feet underground to get the flow in. The Public Works department has some concerns with that because if they ever have to have work done to them then it has to be done by outside contractors. There is a tremendous amount of dirt that has to be moved and a lot of issues when we take over these sewage lines. Is it feasible for Phase B and C to change or are we too far along?

Director of Planning, Engineering, and Public Works – We are too far along with those two but the others it could be done differently.

Town Attorney – Should we adopt new construction standards that say you cannot put gravity lines in that way?

Director of Planning, Engineering, and Public Works – We are in the process of doing that. Twenty feet is really kind of shallow compared to some of the other ones that are a lot deeper than that. Our normal monthly schedule is always the second Tuesday of each month and begins at 7:30 p.m. We have been doing this ever since I have been here. It is a little bit challenging sometimes for staff because of the difference in time between getting off work and when the meeting starts. We mostly hear from the public why does the meeting start so late. When Mr. Jeff Holland was here we had the Board of Historic and Architectural Review meeting on the third Tuesday of each month at 7:30 p.m. and the Board of Zoning Appeals meeting on the fourth Tuesday of each month at 7:30 p.m. The same person was the secretary of both meetings so the Board of Zoning Appeals meeting was changed to the third Tuesday of each month at 6:30 p.m. then the Board of Historic and Architectural Review meeting. The Town Planner will discuss with the Board of Zoning appeals and Board of Historic and Architectural Review about swapping the time they meet. The Board of Zoning Appeals only meets about twice a year and the Board of Historic and Architectural Review meets almost every month. It may change to where the Board of Historic and Architectural Review meets at 6:30 and the Board of Zoning Appeals at 7:30 p.m.

Chairman Davidson – Did we discuss last month about changing the meeting time to 6:30 p.m.?

Director of Planning, Engineering, and Public Works – I think an email may have been sent out. I would like to hear from you all about what your thoughts are.

Town Attorney – It does not have to be 6:30 p.m. It could be whatever you choose.

Chairman Davidson – The 6:30 p.m. time frame works for me. I am retired. I do not know how that affects a working person.

Mr. Swecker – I will go along with the majority. It is fine with me.

Dr. Pope – If you set the schedule then I will adapt my schedule to it. Any time after 5:30 p.m. works best for me.

Mr. Bryan – The 6:30 p.m. is fine with me.

Mr. Pack – In the interest of the public is 6:30 p.m. a better time?

Director of Planning, Engineering, and Public Works – The public just thinks the 7:30 p.m. meeting time is too late.

Town Attorney – Years ago people thought 6:30 p.m. was during dinner time. It was the criticism for any suggestion to changing the time. I do not know if that is still a concern or not.

Director of Planning, Engineering, and Public Works – Does the commission have to vote on this Mr. Riddick?

Town Attorney – Yes. They establish their meeting time. It is not up to staff.

Mr. Bryan – Is the idea to increase public attendance?

Director of Planning, Engineering, and Public Works – It is not just the public but also staff.

Chairman Davidson – Mr. Bill Hopkins lives in Franklin. He does not have time to drive home and then drive back for a 7:30 p.m. meeting. I agree that staff does not set the time but if there are not any major objections then I certainly have no problem with moving the meeting to 6:30 p.m. It would actually work out better for me. As we discuss the Comprehensive Plan our meetings may get longer anyway.

Mr. Swecker – I know Mr. Odom does not have a problem with the 6:30 p.m. time.

Mr. Pack – Did we hear from Ms. Hillegass.

Town Planner/GIS Coordinator – She was fine with it.

Chairman Davidson – I will entertain a motion.

Mr. Pack – I would like to make a motion that we move the Smithfield Planning Commission meetings to 6:30 p.m. on the second Tuesday of the month.

Mr. Swecker – Second.

Chairman Davidson – A motion has been made and properly seconded that we move our Planning Commission meeting time from 7:30 p.m. to 6:30 p.m. on the second Tuesday of the month. All those in favor say aye, opposed say nay.

On call for the vote, five members were present. Mr. Bryan voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Mr. Swecker voted aye, and Chairman Davidson voted aye. There were no votes against the motion. The motion passed.

Director of Planning, Engineering, and Public Works – Thank you, Chairman. I think you all received a package in the mail in regards to conflicts of interest that you are supposed to fill out and turn in to our Town Clerk. This is just a reminder in case you have not completed it yet. Please get it to her by December 12th if at all possible. She has to have it in by December 15th.

Chairman Davidson – I understand that is going to come up twice a year. It is what the Ms. Lesley King, Town Clerk told me.

Director of Planning, Engineering, and Public Works – The next item in regards to our meeting times is our workshop schedule. I have a list of some dates and times that the Smithfield Center is available. We are going to go over some of the Comprehensive Plan tonight following the meeting. At the same time, Mr. Pack will go over the future land use map and further expansion of the town. After that it will be a long time before we have our next Planning Commission meeting. Staff will be working mostly on the Comprehensive Plan itself. The future land use map really involves the Planning Commission members as far as expanding outside of the limits. The dates available are Tuesday, December 16th from 6:00 p.m. until 7:30 p.m. Following that we have Monday, December 22 from 6:00 p.m. to 9:00 p.m. We have Tuesday, January 20th available from 6:00 p.m. until 7:30 p.m. We also have Wednesday, January 21st from 6:00 p.m. until 9:00 p.m. The week after that we have Wednesday, January 28th from 6:00 p.m. until 9:00 p.m. My recommendation would be next Tuesday, December 16th while everything is fresh in our minds. The December 22nd date may be too close to Christmas for everyone. Staff will do whatever you feel necessary.

Chairman Davidson – Do you want to schedule them one at the time or do you want to try to line up a couple of meetings.

Director of Planning, Engineering, and Public Works – It would not hurt to have two set up so that we are prepared for it as well as the Smithfield Center staff. If we do the December 16th then the next available is January 20th which is almost thirty days. It does not mean that we cannot also have it prior to the next Planning Commission meeting too.

Mr. Pack – Will we have time to advertise for a December 16th meeting Mr. Riddick?

Town Attorney – You have to give notice to the newspaper.

Director of Planning, Engineering, and Public Works – Three days prior to the meeting we post it at Town Hall and our website.

Chairman Davidson – It sounds like everyone is good for December 16th.

Town Attorney – I would suggest that you put the January 20th or the 28th date on your calendar tentatively in case you need it. Everyone will be able to put it on their calendars. You can always cancel it. You do not want to have a conflict with the schedule.

Chairman Davidson – That sounds good. Is it good for everyone to meet on January 20th from 6:00 p.m. until 7:30 p.m.? Do we need to vote on that?

Town Attorney – No.

Chairman Davidson – Next we have Upcoming Meetings and Activities. The Board of Zoning Appeals meeting has been cancelled for this month. On December 16th at 7:30 p.m. the Board of Historic and Architectural Review will meet. On December 22nd and 23rd at 4:00 p.m. the Town Council Committee will meet. The town offices are closing at noon on December 24th. They will be closed on December 25th and 26th. On January 6th there will be a Town Council meeting. The next Planning Commission meeting is on January 13th at 6:30 p.m. Next is Public Comments. The public is invited to speak on anything that is not on the public hearing. No one has signed up. Would anyone like to speak? Next is Planning Commission Comments. Does anyone have any comments? Next is a Public Hearing: Special Use Permit Child Daycare of 6 – 11 Children as a Home Occupation – 313 Grandville Arch – Sheran M. Oliver, applicant. Could we have a staff report please?

Director of Planning, Engineering, and Public Works – Thank you, Mr. Chairman. Ms. Sheran Oliver of Wellington Estates has applied for a special use permit involving a daycare for six to eleven children. It is something that we just amended in our existing zoning ordinance which will allow for that. Prior to the change you were limited to up to five children. She had up to five children by-right. The property is zoned (SR) Suburban Residential. As far as parking all the requirements are met. At our previous meetings there were a lot of residents who spoke in favor of it. This is the first time this application has come to the town. There are not a lot of details at the bottom of the application. If

you would like to make a recommendation to Town Council then this would move one step further in allowing this home occupation for up to eleven children. Keep in mind with a special use permit you can recommend conditions to Town Council on this.

Chairman Davidson – Are there any questions? The public hearing is open. Would anyone like to speak? Hearing none, the public hearing is closed. Are there any comments from the Planning Commission?

Town Attorney – I think one thing that should be a condition is that in order for the permit to be valid then they have to be licensed by the state. I know they are licensed by the state but it should be a condition that if they lose their license then the permit goes away.

Chairman Davidson – I agree. Is there any other discussion?

Mr. Swecker – Is there a monitoring system set up so that if she decides to have fourteen children we would know?

Director of Planning, Engineering, and Public Works – The business license will state up to eleven children. There are some papers that have to be signed by staff we will state the number allowed.

Town Attorney – You can put a condition on the permit that upon request she agrees to provide a roster of all children enrolled with their contact information. Would you have any objection to that Ms. Oliver?

Mr. Oliver – My name is Mr. James Oliver. I live at 313 Grandville Arch. As far as control on the number of children the home is inspected by the state as well as being USDA Food Program approved. There are multiple inspections both announced and unannounced. If there are too many children in the home daycare it would be noted in the inspection reports. The inspection reports could also be a condition for the town as well.

Chairman Davidson – Does the town get a copy of these inspection reports?

Mr. Oliver – No. I personally would not be opposed to providing those reports if the town requests. There is an attendance sheet and a state permit application.

Director of Planning, Engineering, and Public Works – Is it filled out annually?

Mr. Oliver – There is also a roster that is maintained at the home daycare of how many children are enrolled as well as how many are in attendance each day.

Chairman Davidson – Would you have an objection of providing that information on a periodic time schedule if the town requested it?

Mr. Oliver – We would be happy to comply with whatever the town request.

Mr. Pack – The Oliver's have certainly done everything that we have asked to get the special use permit. It is a unique situation that has been going on in our town for many years. We had a record of traffic. It has all been very positive. Our Town Attorney has mentioned several times that we can put conditions on the special use permit like remaining licensed by the state and provide inspection reports upon request from the town. Do you see any other conditions that we might consider?

Town Attorney – The two issues that everyone raises in every discussion of this is noise and traffic. I would suggest the permit would be subject to review if the Chief of Police advises the town that there have been numerous complaints of excessive traffic problems caused by the daycare. I do not think there is going to be. The Oliver's are in a unique situation. They have done this for years and obviously done a good job. They did not have any complaints on any of these issues. You are not setting your precedent tonight for them because by all accounts they are the gold standard it is the next person that comes along. Someone else who wants to do this will have to live up to the same high standards that the Oliver's have been able to live up to. If noise and traffic are issues then there should be conditions pertaining to noise or traffic. It is hard to measure that which is the problem.

Chairman Davidson – I like your idea of having a situation where the police department would report violations or increasing complaints to us. These people happen to be the gold standard but we have to look ahead at what will come down the road.

Town Attorney – I think a condition could be that if there are multiple unresolved complaints for traffic and noise then we can revoke their permit. If somebody has an isolated problem and it does not happen again then that is not a reason to revoke their permit. If it is a recurring problem then it would have a negative impact on the neighborhood. If it were just one incident of someone blocking someone's driveway then it is not reasonable to revoke the permit. If you have a recurring problem that does not get resolved then you might want to consider reviewing the permit. Of course all their

supporters said they do not have any traffic problems. We do not even know they are there. I do not think it affects Mr. and Mrs. Oliver very much. But you do have to think about this going forward with respect to anybody else who wants to do this.

Mr. Bryan – In the town ordinance there are conditions already to revoke a special use permit.

Town Attorney – There is a mechanism for doing it. If you are going to revoke it for conditions then you have to attach conditions.

Mr. Bryan – Is it an umbrella?

Town Attorney – No.

Chairman Davidson – It is my understanding that every special use permit stands on its own.

Town Attorney – The Oliver's have agreed to file their reports with the town staff to show that they are in compliance with state law and in compliance with the number of children that they are permitted for.

Dr. Pope – I think Mr. Bryan was speaking of the fact that a home business has certain qualifications. There are several things that you can and cannot do.

Town Attorney – Mr. Saunders just pointed out that there is a provision that says a home occupation which in the opinion of the Planning and Zoning Administrator has violated the provisions of the home occupation permit or becomes a burden to the neighborhood due to excessive traffic noise, hours of operation, lighting, or use intensity shall have its permit revoked and the home occupation shall be discontinued. So there is a provision for that. Built within the ordinance is a mechanism to review that so maybe we do not need to talk about traffic or noise since it is covered by the ordinance. I still think the condition for the licensing and his agreement to provide the report is a great mechanism for the town to rely on to make sure they are in compliance.

Director of Planning, Engineering, and Public Works – That goes with any home occupation.

Town Attorney – It sounds like it would not be a burden for them to provide it. Is that right Mr. Oliver?

Mr. Oliver – Absolutely not. My wife and I very strongly support regulation. When you are talking about children you cannot be stringent enough. We are very open to anything that the town would recommend.

Mr. Swecker – How often does the state come in and do their inspection?

Mr. Oliver – The state does inspection twice a year and the USDA Food Program is done quarterly.

Mr. Swecker – So should we put that in ours? They would have to provide inspection reports twice a year and quarterly.

Town Attorney – It could be a condition that they provide copies of their semi-annual and quarterly reports from the state and USDA Food Program to the town.

Mr. Oliver – The USDA Food Program is optional for home daycare business. The only one that is actually required is the semi-annual state inspection.

Mr. Bryan – Are these visits announced or scheduled?

Mr. Oliver – We have a time frame. Typically, we do not know the exact date or time they are coming. They are looking for number of children as well as the number of providers in the home daycare to ensure that you are not exceeding the ratios. There are also safety checks and things of that nature.

Mr. Pack – I would like to make a motion that we make a recommendation to Town Council to approve the special use permit with the conditions that they are licensed by the state of Virginia for a childcare facility for up to eleven children and they provide the inspections reports semi-annually to the Town of Smithfield as they are inspected by the state.

Dr. Pope – I would like to add within thirty days of the inspection or if there is a change in licensing within thirty days or fifteen days in case there is a loss of licensure. I would like for there to be a stipulation on time.

Mr. Pack – So the conditions would be that they are licensed by the state of Virginia and provide inspection reports semi-annually to the town as they are inspected within thirty days of the inspection.

Mr. Swecker – Second.

Chairman Davidson – A motion has been made and properly seconded that we recommend to Town Council that this special use permit be approved with the

conditions of state licensing and provide the semi-annual report from the state to staff within thirty days. Is there any other discussion? All those in favor say aye, opposed say nay.

On call for the vote, five members were present. Mr. Bryan voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Mr. Swecker voted aye, and Chairman Davidson voted aye. There were no votes against the motion. The motion passed.

Chairman Davidson – Next is a Public Hearing: Zoning Ordinance Amendment – Minimum District Size, Article 3.K:2 C-I Commercial – Industrial – Town of Smithfield, applicant. Could we have a staff report?

Planner/GIS Coordinator – Thank you, Chairman. As we discussed last month when this was an item under review we would like to amend Article 3.K:2 C-I Commercial/Industrial zoning district as it relates to the minimum district size as similarly done in our Comprehensive Plan. This would allow the minimum district size of five acres to either include Highway Retail Commercial, a planned shopping center, or the C-I designation. Since the C-I designation was newly created there is no more out there right now to create new districts adjacent to. It would take a five acre minimum. This would be able to be used in other parts of town if it could go adjacent to the other commercial or light industrial zoning districts. It would be the only change as outlined in the ordinance section that was included in your packet. The red lined version is on page five under section F. There is minimum district size of five acres. Other commercial or industrial zoning districts can be counted toward the minimum district size for rezoning.

Town Attorney – The only thing that I would suggest is add the word adjacent. I did not think about it until I just heard you say it.

Planner/GIS Coordinator – We always make sure that it is adjacent but it does not hurt to say it too. I will put the word adjacent between the first two words in the red lined version. It will say other adjacent commercial or industrial zoning districts can be counted toward the minimum district size for rezoning.

Chairman Davidson – Are there any questions? I declare the public hearing open. Would anyone like to speak on this? Hearing none, the public hearing is closed. I do not see any major problems with it.

Town Attorney – I think the whole purpose is to try to build some flexibility in your zoning ordinance to encourage and expedite potential commercial and industrial development.

Chairman Davidson – I agree. I will entertain a motion.

Dr. Pope – I would like to make a motion to recommend to Town Council to approve the new zoning ordinance Article 3K: 2 C-I as amended.

Mr. Swecker – Second.

Chairman Davidson – A motion has been made and properly seconded that we recommend to Town Council to approve the amendment change. All those in favor say aye, opposed say nay.

On call for the vote, five members were present. Mr. Bryan voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Mr. Swecker voted aye, and Chairman Davidson voted aye. There were no votes against the motion. The motion passed.

Chairman Davidson – The next item is the Comprehensive Plan Update – Review of Chapter VII: Historic Areas & Chapter VIII: Urban Design. Could we have a staff report?

Planner/GIS Coordinator – Thank you, Mr. Chairman. As we did previously on the last chapters that we reviewed staff has taken the liberty to make some revisions that we think would be helpful. The two chapters tonight are Chapter VII, Historic Areas which is effectively the land use chapter for the historic district. It is similar to the land use chapters that I did for other parts of town a previous night. The next is Chapter VIII, Urban Areas which is kind of a broad view of best management practices of future planning in different types of urban settings. There were really not many changes to Chapter VIII but there were a few to Chapter VII. In Chapter VII on the top of page three the change is a grammatical to improve the structure of the sentence. We would implement the review of design practices and materials for architectural changes within the historic district. I struck the word south in item E because that revitalization was also on North Church Street. We are discussing the Church Street corridor rather than just the South Church Street corridor. At the time of the previous plan we were talking about implementing some architectural and land development guidelines. Now we are at the point of maintaining those. At the top of page four there was a grammatical error that

was corrected. At the bottom of page seven it refers to the Church Street project that was a future project at the time of the last plan. The red line section that I added a number of years the town and a number of benefactors planned to do a beautification project on that portion of Church Street within the Historic District. Church Street is a main thoroughfare in the town which is adjacent to town businesses and historic homes. In 2008, the initial phase of the Church Street Revitalization Project was begun in the 400 block of South Church Street. This area houses the Smithfield Station Restaurant, Marina, and the station shops, as well as a number of historic homes. The improvements in this phase included the burying of overhead telephone, cable television lines, and the removal of the utility poles that supported them. The replacement of obsolete sidewalks with brick paver walks to ADA standards, installation of brick paver style crosswalks, and the creation of additional parallel parking spaces. The improvement of the storm water management system, installation of asphalt overlay on the roadway, installation of new period street lights, signage, and additional landscaping. The first phase was completed in 2008. Two years later in 2010 the next phase of the project was initiated running from the 300 block of South Church Street, across Main Street, and continuing through the 100 block of North Church Street. This phase was a very intensive undertaking including all of the improvements listed in the first phase. Also the construction of a new six space public parking lot in the 300 block of South Church Street which now houses state and local historic markers. The revitalization project was completed in 2013. In concert with the previous Main Street beautification project has vastly improved the infrastructure and aesthetics of Smithfield's Historic Downtown. In July of 2010, the Smithfield Town Council adopted an ordinance designating an Arts and Cultural District on the heels of the State of Virginia's enabling legislation. This designation waives numerous permit fees and associated costs for start-up arts and cultural venues in the Historic District. On page eleven I added that there was a further enlargement to the YMCA structure and additional parking lot completed in 2012. On page thirteen I kind of repeat part of what was in the beginning about the Church Street project but I am referring to just the North Church Street and South Church Street sections as it refers to those sub areas. In 2013, the Church Street Revitalization Project was completed in this sub-area. This provided

additional parallel parking, landscaping, the placement of utilities underground, and installation of brick sidewalks, brick paver style crosswalks, traditionally styled lighting, and signage in the sub-area. On the next page it is the same thing for the Commercial Main Street sub-area. But here I am referring to those changes that were made on Main Street during this time period. In 2010, permission was granted by the Board of Historic and Architectural Review to demolish the structurally deficient Main Street storefront that once housed the Ben Franklin department store. This parcel fronted the east side of Main Street, extended to Cedar Street at the rear, and provided a valuable space for development downtown. In 2011, Smithfield Foods was permitted to construct a five thousand square foot commercial building on the parcel fronting Main Street. This structure houses a restaurant which specializes in providing their signature products and displays many of their historic artifacts. A landscape parking lot with twenty-eight spaces, larger than what was required for the restaurant's use, was constructed to the rear and dedicated to the Town of Smithfield in order to provide more public parking downtown. In 2012, a small structure on the west side of Main Street was demolished in order to provide a place for the construction of a public restroom facility. In 2013, the restroom facility was constructed for the benefit of those enjoying the shops, restaurants, and tourist destinations downtown. Section five refers to the South Church Street sub-area. The deep lots described above allow for private driveways on most parcels and the Church Street Revitalization Project provided additional parallel parking as well as a new six space public parking lot in the 300 block of South Church Street which now houses state and local historic markers. The South Church Street Revitalization Project provided landscaping, the placement of utilities underground, brick sidewalks, and brick paver style crosswalks, traditionally styled lighting, and signage in the sub-area. On page fifteen it refers to what was at the time of the last plan the future Windsor Castle Park. In August 2009, the first permits to construct the Windsor Castle Public Park Project were issued. Since that time the park has been developed including four miles of hiking trails, a one mile mountain bike trail, five wooden foot bridges, a fishing pier, a handicapped accessible kayak/canoe launch, a picnic area, a dog park, and a scenic lookout on the river. Connectivity to the sidewalk network of the downtown historic district was accomplished by the purchase and demolition of a house that

facilitated the construction of the landscaped park entrance and access to the three hundred and ninety-seven foot Mason Street Bridge. A second connection to the historic district sidewalk network was made via the five hundred and seventy-nine foot Station Bridge which terminates at South Church Street across from the Smithfield Station Restaurant, Marina, and the station shops. This project was accomplished in close coordination with the Virginia Department of Historic Resources, Virginia Marine Resources Commission, US Army Corps of Engineers, Isle of Wight County Wetlands Board, and the town's appointed boards and citizens. A copy of the approved plan is provided on the following page. In section six the Cedar Street Planning sub-area the first item was a typographical error. Then I added street to South Mason. I added court to Sykes. I struck a section referring to the previous plan from 2004 through 2007 which refers to a new subdivision that has been constructed on Cedar Street. The subdivision Evergreen Acres consists of a mixture of single family residences, townhouses, and duplexes. In 2008 and 2009, Patriots Landing was constructed on the east side of Cedar Street. This development consists of the construction of three single-family cottages fronting Drummonds Lane, a six unit apartment building, and a five unit apartment building. This project was constructed on the same parcel as an existing four complex apartment structure which was renovated to match the new apartment complex. On page twenty, I struck the word plan in a reference to the future Windsor Castle Park. In Chapter VIII I believe that was the only one revision that was made but it was made several times in the chapter. There were a couple of minor changes on page four.

Director of Planning, Engineering, and Public Works – Before we go any further do you all have any questions or comments on Chapter VII?

Planner/GIS Coordinator – In Chapter VIII, on page four we corrected one typographical error. Some of the numbers of respondents under the survey responses were incorrect so those were corrected. Everywhere that there was a reference to the Chesapeake Bay Local Assistance Board which is now disbanded was changed. The first correction was on page thirteen where it refers to environmental management and best management practices in the Chesapeake Bay Preservation Areas should employ well-coordinated site engineering and landscape design expertise which it previously

said it is sensitive to CBLAB and other regulatory criteria. Now it refers to the Virginia's Department of Conservation and Recreation (DCR), and Department of Environmental Quality (DEQ), and other regulatory criteria. The same change was also made on page seventeen, twenty, and twenty-four. Are there any questions?

Mr. Bryan – Why was CBLAB struck?

Planner/GIS Coordinator – CBLAB is the Chesapeake Bay Local Assistance Board. They were a group that handled a lot of the permitting and regulation on the Chesapeake Bay Act. When the Department of Conservation and Recreation and the Department of Environmental Quality recently restructured their organizations and moved a lot of the Chesapeake Bay and stormwater stuff out of DCR. The Chesapeake Bay Local Assistance Board ceased to exist as an entity. Now that regulation comes directly from Department of Conservation and Recreation or Department of Environmental Quality rather than coming through the Chesapeake Bay Local Assistance Board. So that reference was struck and in its place was put the two governing bodies that are the regulatory agencies now that deal with state environmental regulations as they relate to the Chesapeake Bay and stormwater.

Director of Planning, Engineering, and Public Works – I just wanted to point out that it did not seem like a lot of changes were made to the chapters but they have been read thoroughly. It takes a bit of time to make sure everything is correct.

Chairman Davidson – You can see that there was a lot of preparation just from some of the changes that were made. I do applaud the work of staff. I think Mr. Pack would like to address some information on the expansion.

Mr. Pack – One of the things that Town Council has directed us to do in looking at our Comprehensive Plan is to look at expanding the town borders. This map has current town borders drawn in red with specific regards to Gatling Pointe and Gatling Pointe South as well as the farm for future development or anything else that the Planning Commission thought should be included. We expect this annexation to be contested by the County. If you go through a contested annexation then you cannot do it again for ten years. Our job is to look at these areas and make a decision if we feel this is a good thing for us moving forward. In addition to that anything else that we may feel is appropriate to grow the limits of the town. Once we do the annexation then you

cannot do another one for ten years. We need to look forward ten years to see where we want to go. I told you last month some of the conditions for annexation. One of those specifically is the town cannot grow out of developable land so where does the town foresee growth. This is just preliminary information until we get into our workshop. We need to find land that makes a natural fit for the town to grow. Cypress Creek will be developed out eventually. There is some area over on the west side of town where we have some growth. Our job is to figure out where we want to go. One of the reasons we need to protect this area is because of the Reverse Osmosis Plant that we built a couple of years ago. Twenty percent of our water goes to Gatling Pointe and Gatling Pointe South. Now the County has this great plan to develop this end of the county to bring water to all of these folks as well. It then becomes a big deal to us. It is in the County's CIP to run water lines to Gatling Pointe and we get cut out of that deal then twenty percent of our customers are gone. It will make rates go up for everyone in the rest of the town. We really need to protect our interest and the water customers we have here. There have been some informal surveys among residents. I think you have to do this with a very open mind of what works for these residents and what works for the town to try to balance the two.

Director of Planning, Engineering, and Public Works – The sewer still comes through the town. So we would be able to provide water and sewage.

Mr. Pack – The County does not have a plan in their CIP to bring sewage here. I do not know how you bring water and not sewage. It is best to do a boundary line adjustment by a natural border like a stream or river. It is harder to do these along property lines. There is a river here on the map that picks up this whole area. I am by no means suggesting it. I think the folks out in Rescue and Rushmere would have a real problem with it. I can certainly understand why but it is something for us to consider. We are not necessarily here to make friends but we want to do the best job that we can do for the town and what makes the most sense. We need to figure out what we think is best and take into consideration all of the factors then make a suggestion to Town Council. We would have to have a public hearing.

Director of Planning, Engineering, and Public Works – Will be focusing on the future land use map at our meeting next Tuesday night not the Comprehensive Plan. It

will be recorded. It will give you the opportunity to discuss it in great detail. If you need maps from us let us know. We need to discuss everything in a great detail.

Town Attorney – At the workshop you can take each of these areas and look at the available open land, the proximity of the utilities, and natural boundaries to decide whether it makes sense or not.

Director of Planning, Engineering, and Public Works – You pick particular areas then at the next meeting we will come back with more detail like acreage and location of utilities.

Mr. Pack – With the Scott farm there are no utilities so there is no cost involved. Considering Gatling Pointe and Gatling Pointe South there are utilities there. The pump stations, water lines, and sewer lines are owned by the County so the town would have to purchase those from the County. I have found out that these utilities are not maintained in the same strict fashion that the town utilities are. I know the County checks the pumps to make sure they do not flood. We spend almost \$15,000.00 a year on every pump we have in town replacing impellers, motors, and do preventive maintenance to them. It is my understanding that their pump houses are not in as good of shape as the town. They still function which is good. Does it make financial sense for us to do it? Does anyone know how to price utilities?

Director of Planning, Engineering, and Public Works - We can come up with that depending on the size of the pump station. You have to know what type of station it is in order to determine the price.

Town Attorney – You would also have to depreciate it depending on the age and use.

Mr. Pack – We need to have a basic idea of what the utilities are worth. I think the thing to do at our work session is to hammer out some of the details. If you have any information on what utilities would cost that would help.

Director of Planning, Engineering, and Public Works – I will try to get some numbers. I will talk to our Town Manager and the Town Treasurer.

Mr. Pack – We will look at these three areas that Town Council has asked us to look at to decide what makes sense. I looked at the Yeoman farm which has natural borders around. But do you only take part of it on the highway and leave the other side

open or do you try and include this piece of property along with it. I do not see any reason to take the high school.

Dr. Pope – Is somebody going to come back to us such as the town and citizens to say how they would like to see it developed? Are we looking at this to say that we want housing developments in one area and commercial development in another area? Who is coming to us to say this is the shape of the town. I know they may task us to make decisions on that but is staff going to come to us to say this is what we want

Town Attorney – It is sort of organic. You just talk about it to see what you think makes the most sense. You have some suggestions then look at it in more detail and then make a recommendation. The recommendation may be well accepted by Town Council or they might say we do not like any of it or we want to go further than what you suggest. It is your opinions based on the information you have before you as to what makes the most sense for the future growth of the town.

Mr. Pack – What started this was that Napolitano Homes owns a piece of property that they want brought into the town limits. They want to do a residential development. We could say that this is our residential growth area because we have plans pending or approved.

Director of Planning, Engineering, and Public Works – It is called Mallory Pointe. We do have plans which have already been approved.

Mr. Pack – We do not have anything on the Scott farm but that is his intention as well so that becomes a residential section there so we could look at it that way. It is an intelligent way to look at it. The Yeoman farm depends on which side of it. The way that this area is going right now is that you would have commercial along Route 10 with residential behind it.

Director of Planning, Engineering, and Public Works – It is shown on our future land use map already.

Town Attorney – There are so many new members that were not here during the Mallory Pointe rezoning. It was all pre-economic collapse. Their plans at that time were to do a more traditional type of subdivision on the property. At the same time they owned the property just before you get to Mallory Pointe on the left hand side. They did not include it in the rezoning because they were trying to decide what type of housing

project to put there. The unpleasantness unfolded and things did not happen. They acquired the Scott farm as well. They now own three large pieces of land that are essentially contiguous. One thing that a lot of you may not know is that as part of their development plan a roundabout is required right there. If they do that it would have a tremendous impact on the traffic flow. They are becoming more and more common. There are not a lot of them in this area but there is one in Newport News. You can put a lot of traffic through one of those without anybody stopping. The idea is that it would have a tremendous impact on the quality of life people daily commutes would be better. There are a lot of things that were taken into consideration way back then. It was all part of the Planning Commission's vision. Now it is your turn.

Dr. Pope – Maybe this is just me not knowing what the County's plans are outside of the town limits but do we have anything that we can get to see how they plan to develop from the Yeoman farm up to Benn's Grant down the Brewers Neck corridor and down to Route 17. Can we find out how they are looking at the Route 10 bypass past Richmond Cold Storage and west of the town? Do we have any idea of what the County is seeing in their vision for the future land use?

Director of Planning, Engineering, and Public Works – We can get that for you because it is public information. They have a future land use map and a Comprehensive Plan.

Mr. Pack – What about the plan they brought up to develop the Carrollton area?

Town Attorney – It has not been adopted yet from what I understand. It is just under discussion.

Director of Planning, Engineering, and Public Works - One other thing to point out is that the Scott farm is in the County as of right now. In order for them to receive utilities it would have to come from the town. In our last annexation that was one of the agreements. If and when utilities were ever needed or extended outside of the town limits then there would have to be a boundary line adjustment. Is that correct Mr. Riddick?

Town Attorney – Correct.

Director of Planning, Engineering, and Public Works – It is another thing for you to be aware of.

Town Attorney – The reason for that is in the past the town would extend its utilities outside of its boundaries at the request of property owners and the County. You end up with a problem as with Gatling Pointe where utilities are serving residents that are not citizens of the town. It just became a mess. The Town Council decided that in the future it should be the town's policy that whenever we extend our utilities they need to be within the corporate boundaries of the town so you do not have these problems that cropped up at Gatling Pointe.

Director of Planning, Engineering, and Public Works – The problems he is speaking of with Gatling Pointe is the town is responsible for the sewer lines and the County is responsible for the water. When getting a Certificate of Occupancies it was a mess.

Town Attorney – The sewer is a much more cost intensive expensive and messy utility to deal with and water is the opposite. Once we got it all sorted out the Town Council did not want to do it anymore. It has been their policy.

Mr. Pack – It is probably the best way to look at this on how the land is developed. We have land use maps that we can start with to see if that is the way we want to continue to go.

Town Attorney – It is important to know what their vision is for the same property because may not be the same vision. For example, years ago their Comprehensive Plan created this big green belt all the way around the town which was seen by the town as an attempt to strangle the town's growth. They did that about twenty years ago. It did not go over very well. It had a lot to do with the last annexation.

Dr. Pope – I am new to the committee so I am trying to figure out my role in this. Does the Planning Commission decide on design principles and things for the town? Is there any consistency that we have across developments maybe not individual houses to the developer but how developments are done and how commercial properties are developed? Do we have a theme of color coordination, light poles, and signage that we prefer? Do we have a guideline that states to the developer what we want? Do we keep the same light pole throughout the town so that we do not have all different ones at every business? Is there something that we go by to unify the way the town looks and the way things are done?

Director of Planning, Engineering, and Public Works – We do have design guidelines which involve our Entrance Corridor Overlay District. Outside of that, other than the Historic District, we do not have details on it. In the past it is addressed when the applicant comes in for rezoning. We discuss a lot of different things. For example, Mallory Pointe is not allowed to put any piers in along the creek. As far as the size of the houses there were certain things brought up then. When you are dealing with rezoning that is when you get involved with proffers not special use permits. We have design guidelines. They are guidelines but not required. When dealing with light poles and things those things are discussed. It is not a requirement but there are strong recommendations. Another example would be the Terminix building on South Church Street. They had to use Hardi Plank siding on it not vinyl siding and bring the roof up to blend with the entrance corridor.

Chairman Davidson – Taco Bell came to us with what the corporate office wanted. The colors were a lot brighter than what we had decided we wanted. The next week the corporate office decided that they would make some changes to conform to what we wanted.

Director of Planning, Engineering, and Public Works – Since then Taco bell has used that design in other localities.

Town Attorney – There are guidelines that pertain to the entrance corridor and the Historic District. They give guidance as what the town has deemed to be an appropriate appearance of things. If you are talking about residential we do not get to design their subdivision. You can ask why they have chosen something and would they consider choosing things that are more typical or consistent to Smithfield. There is an opportunity for the Planning Commission to have their input into steering things in that direction. This is an advisory board.

Director of Planning, Engineering, and Public Works – Especially when you deal with rezoning. Mallory Pointe took over a year.

Town Attorney – Rezoning is not objective it is subjective. People tell us what their vision is for a piece of property. They tell us what they would like to do and we think it is consistent with your land use proposals. They tell us what they are willing to do in order to entice you to recommend approval to the Town Council. We can say that

we like the plan but would like for them to do these things a little bit different and do these extra things. They can agree or not agree. The opportunity at the Planning Commission level is to have that kind of impact to plan to steer developers in the direction that is consistent with the vision of the town. That is the Planning Commission function. There are objective standards that are applied to the overlay corridors. You can pick and choose from those and try to apply them as they are appropriate in other areas of the town in order to have a consistent development plan.

Mr. Bryan – What is the status with the developer of Mallory Pointe? Do we know what the developers intend to do?

Director of Planning, Engineering, and Public Works - The subdivision plans have already received full approval. I feel that because of the economic conditions and the changes that have occurred that they will be coming back to us to amend the rezoning. It was more of a low density development. It had bigger lots with big houses and it has kind of changed. I feel they will come back to us with some changes.

Chairman Davidson – We will move to Approval of the November 12th, 2014 Meeting Minutes.

Town Attorney – Mr. Chairman, I have read the minutes and found no changes. I recommend they be approved as presented.

Mr. Pack – So moved.

Mr. Swecker – Second.

Chairman Davidson – A motion has been made and properly seconded that we approve the minutes. All those in favor say aye, opposed say nay.

On call for the vote, five members were present. Mr. Bryan voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Mr. Swecker voted aye, and Chairman Davidson voted aye. There were no votes against the motion. The motion passed.

Chairman Davidson – Is there any further business? The meeting is adjourned.

The meeting adjourned at 8:52 p.m.



Bill Davidson
Chairman



William G. Saunders, IV
Planner/GIS Coordinator