

The Smithfield Planning Commission held its regular meeting on Tuesday, January 11th, 2022, at 6:30 p.m. at the Smithfield Center.

Members present:

Charles Bryan - Chairman

Julia Hillegass – Vice Chair

Michael Swecker

Thomas Pope

Randy Pack

Members absent:

Michael Torrey

Raynard Gibbs

Staff present:

Tammie Clary - Community Development & Planning Director

Jack Reed – Director of Public Works and Utilities

Trey Gwaltney – Chairman, Board of Historical and Architectural Review

Nadya Jaudzimas – Administrative Assistant

Press: Stephen Faleski - The Smithfield Times

Citizens: 25

Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

2022 Election of Officers:

Chairman Pack stated that an election of commission officers would take place as it was the first Planning Commission meeting of the year. He asked Tammie Clary, Community Development and Planning Director, to run the election.

Mrs. Clary asked if there were any nominations for the Chair of the Planning Commission.

Chairman Pack nominated Charles Bryan. The nomination was seconded by Dr. Pope.

Mrs. Clary asked for any additional nominations, and hearing none called for the vote. On call for the vote, four members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, and Chairman Pack voted aye. Mr. Bryan was named the new Chairman of the Planning Committee.

Mr. Pack stated that he would continue with the election of the Vice Chair and then hand the meeting over to Chairman Bryan to continue. Mr. Pack congratulated Chairman Bryan.

Mrs. Clary asked if there were any nominations for Vice Chair of the Planning Commission.

Mr. Swecker nominated Julie Hillegass as Vice Chair. Mr. Pack seconded the nomination.

Chairman Bryan nominated Dr. Pope as Vice Chairman. Mrs. Clary inquired if there was a second to the nomination. Hearing none, Mrs. Clary called for the vote for Mrs. Hillegass' nomination that had been seconded.

On call for the vote, four members were present. Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Pack voted aye, and Chairman Bryan voted aye. Mrs. Hillegass was named the Vice Chair of the Planning Commission.

Mr. Pack formally handed the running of the Planning Commission meeting to Chairman Bryan.

Community Development & Planning Director's Report:

Tammie Clary, Community Development and Planning Director, reported that the owners of 1400 South Church Street have failed to provide an acceptable Spot Blight Abatement Plan for the property (since notified on June 9th, 2021); therefore, Town Council adopted a Spot Blight Abatement Plan for 1400 South Church Street, which involves condemning and demolishing the structure.

She added that a group photo of the Planning Commission members will be taken at the February 8th, 2022 meeting in order to update the website.

Upcoming Meetings and Activities:

Tuesday, January 18th, 2022, 6:30 PM – Board of Historic & Architectural Review Meeting

Tuesday, January 18th, 2022, 6:30 PM – Board of Zoning Appeals Meeting

Monday, January 24th, 2022, 3:00 PM – Town Council Committee Meetings

Tuesday, January 25th, 2022, 3:00 PM – Town Council Committee Meetings

Tuesday, February 1st, 2022, 6:30 PM – Town Council Meeting

Tuesday, February 8th, 2022, 6:30 PM – Planning Commission Meeting

Vice Chair Hillegass made the correction that the Board of Zoning Meeting would be held at 7:30 pm on the 18th.

Public Comments:

Chairman Bryan explained that the public was invited to speak to the Planning Commission on any matters, except scheduled public hearings and to please use the sign-up sheet. Comments are limited to five (5) minutes per person. He added that typically the Town Attorney would track the time a would let each speaker know when they have one minute left. Any required response from the town will be provided in writing following the meeting.

Chairman Bryan called on Christopher Goggin, who had signed up in the public comment section. Mr. Goggin clarified he did so in error and was present as a representative of Tractor Supply to discuss item 9 on the agenda.

There were no additional public comments.

Planning Commission Comments:

Dr. Pope reported that he had fielded complaints from people complaining about the brightness of the LED lights on Vape shops, and he inquired if there was any ordinance pertaining to the ability to have it toned down. Dr. Pope acknowledged that this was not a Planning Commission action but wanted to relay the concern of people regarding the brightness.

Mrs. Clary inquired if this was in regard to the shop off of Benn's Church Road near Kroger. Dr. Pope stated it was this one as well as one in the direction of Farmer's Table Restaurant.

Mr. Pack inquired if there was an ordinance as he felt the lights were bright as well.

Vice Chair Hillegass stated that she thought there was some provision for light pollution.

Mrs. Clary stated that she believed that the provision dealt with whether the light caused a potential distraction from the color scheme of the traffic lights coming down Benn's Church Road. She added that if the light was visible from Benn's Church Road, then it would interfere with the traffic and lighting. Mrs. Clary stated that she would investigate the matter.

Dr. Pope stated that in preparation for discussion of the proposed mixed-use ordinance he had reviewed previous zoning ordinances from Community Conservation through Heavy Industrial. He stated that there is a concern in the Heavy Industrial section of the ordinance under the paragraph titled “Adult Entertainment” including a multitude of descriptions. He continued that there are the obvious bookstores, movie theaters, etc. but it also includes “drug paraphernalia shops” and “massage parlors.” Dr. Pope asked for clarification as to what this included as it seems to be very old terminology. He stated that he does not know how establishments like Massage Envy or Vape stores fall into those categories. He added that he does not know what is considered a drug paraphernalia store or what is considered drug paraphernalia legally. Dr. Pope stated that the terms are antiquated and need to be better defined. He stated that if a Vape shop falls under the definition of a drug paraphernalia shop, then they are out of compliance with the ordinance. He stated that you can apply for adult entertainment services under heavy use industrial zoning, but it does not make sense with today’s terminology. He acknowledged that it was not something that would need to be fixed at this meeting but asked that the other Commission members review this information and consider updating the terminology.

Chairman Bryan wanted to thank all the Commissioners, Mayor Williams, and the Town Council for their support and believing that he could manage the task of becoming Chairman of the Planning Commission. He stated that it would be difficult to follow Mr. Pack as Chairman, but he must try. He told Mr. Pack that he was very happy that he was still on the Board and a liaison to the Town Council. He added that Mr. Pack’s insights would be helpful and wanted to thank the Commission again. He added that he felt that the Planning Commission did a good job, and that this would continue.

Chairman Bryan summarized the purpose of the Planning Commission, stating that it was for the orderly development of the locality and its environments. He continued that the Smithfield Planning Commission serves in an advisory capacity to the Town Council under the Code of Virginia, Title 15.2, Chapter 22, Article 2. He stated that they act in accordance with their bylaws with guidance from the Smithfield Zoning Ordinance (SZO) and reference the Comprehensive Plan and the future land use map. Chairman Bryan said that with these in mind, he would continue with tonight’s agenda.

Presentation by Ann Darby & Michael Stapor of Summit Design & Engineering Services, PLLC on the 2020-2021 Smithfield Comprehensive Plan Update

Ann Darby, Planning Department Manager for Summit Design & Engineering Services, stated that she was present to give an update on the Comprehensive Plan. She stated that there had been three in-depth work sessions with the Planning Commission and that there was now a final draft of the Comprehensive Plan that would provide guidance on development, infrastructure, and funding priorities for the next 20 years.

Mrs. Darby stated that she would give an overview of the plan and added that she was glad that there were so many members of the public present. She reported that the draft she was presenting was the result of public meetings, surveys, and open houses. She stated that the plan was a distillation of the feedback from the public and gave the website address that had the plan available for review: www.smithfieldvacomprehensiveplan.com. She encouraged the public and the Planning Commission Members to review the plan and provide feedback.

Mrs. Darby showed an example of what the online document looked like and stated that the previous plan completed in 2007 had a “phone book effect,” meaning that it was an extremely dense document, at about 500 pages, with little images or maps and a lot of text. She stated their goal was to make the document accessible, keeping all of the different types of readers who will access the document in mind. Mrs. Darby stated that one of the main ideas was to continue having public engagement, and the document needed to be readable in order to do that. She read from the plan, beginning with the Vision statement: Smithfield is an active, charming, and historic community. The local economy is vibrant and diverse. A local network of paths and parks connects the town from border to border. Smithfield affords many opportunities and amenities which ensure a high quality of life for the residents. Mrs. Darby stated that this was formulated from input given by the public through surveys and when asked to share their own vision statement on the website. She added that the Planning Commission had given feedback for the vision as well.

She stated that because there are so many different bold, objective strategies within the Comprehensive Plan, the designers wanted to condense it to four big ideas. The first of these ideas is to make South Church Street a walkable area. She explained that process would include changing the character of South Church Street over time. She added that the reason for this was that the feedback received consistently referenced that people who lived and worked in Smithfield loved the small-town charm and the walkability of the Historic District but disagreed with the increased traffic and suburban style used outside the downtown area. She stated that the way to address this was to increase a walkable downtown area by modifying South Church Street over time. She added that they had provided visuals of how the quarter would transform, what the benefits would be, and what tools would be used.

Mrs. Darby reported that the second idea in the plan was to reduce traffic. She stated that the document explains how traffic is effectively decreased. She referenced the common conception was that many people think that widening roads was the way to reduce traffic, adding that this has been proven not to be true. Mrs. Darby stated that the way to reduce traffic was to offer multiple uses near one another so that you are driving to one place and accessing many different areas without having to drive to all of them separately. She added that by also increasing access by alternate modes of transportation, such as walking or bike riding, the traffic would be reduced to these areas.

Mrs. Darby continued with the third idea of increasing opportunities in Smithfield. She explained that feedback from the public had indicated that a want of more restaurants, shopping, job opportunities, etc. The Comprehensive Plan includes many recommendations that will increase amenities and make it that much more of a better place to live.

She finished with the fourth idea of staying engaged with the community. Mrs. Darby reported that the Planning Commission had requested that the design firm utilize the Town Council’s Strategic Plan to inform the Comprehensive Plan to unite them together. She added that there was a lot of public engagement in the Strategic Plan, and to keep that high level of participation the Comprehensive Plan was designed with public accessibility and inclusion in the process in mind.

Mrs. Darby told the Planning Commission that the design firm reviewed all the objectives and then added some objectives to meet State Code regarding Environment in the Tidewater Area.

She explained to them that this is why they would see a new Environment section in the Comprehensive Plan.

Mrs. Darby then covered the Future Land Use section, adding that there was a map that was reflective of every Planning Commission comment. She asked that if the designers had gotten something wrong, to please let them know. She stated that Commission members had received hard copies of the plan that they could mark up and give to Mrs. Clary, but she believed that the Plan included everything that was discussed in their last workshop. There is visual spread for every Future Land Use category: the Historic Downtown, New Downtown, etc. Each Future Land Use category is described and has a map included on the page.

Mrs. Darby said she understood that it was a lot of information, but it was 160 pages which was much shorter than the previous Comprehensive Plan which was around 500 pages. She stated that they kept in mind three different types of readers: some people read through the document thoroughly, some people just look at maps/charts/pictures, and then some that look at maps/charts/pictures and then skim. Per Mrs. Darby the document is designed for all three of these types of readers.

She went over the next steps involved in the Comprehensive Plan process. She stated that the final changes and edits will come with the Planning Commission's feedback and again reviewed the web address. She stated it will also need to be sent to the Virginia Department of Transportation (VDOT) for approval, and the Planning Commission will need to make a recommendation to the Town Council, and they will adopt the plan when they are ready following a public hearing.

Mrs. Darby ended her presentation by informing the Commissioners that there was a blank page left at the beginning of the Comprehensive Plan in case the Planning Commission wanted to complete a forward or letter which is often an introduction to a comprehensive plan. She stated it would be at their discretion, and if they chose not to, she would include an executive summary in that section.

Vice Chair Hillegass asked Mrs. Clary if there was a specific timetable in which to have the Commission's feedback and edits completed.

Mrs. Clary stated that if Commission wanted to set a deadline for mark-ups, she would compile the information and send it to Mrs. Darby for consideration.

Mr. Pack recommended that the Commission should have their mark-ups to Mrs. Clary by the next Planning Commission meeting on February 8th.

Dr. Pope inquired as to when they could expect VDOT to complete their review. Mrs. Darby responded that they requested 90 days.

Portable Storage Unit Appeal – 1802A S Church St, C/O Town of Smithfield, applicant

Mrs. Clary reported that at its Tuesday, December 8th, 2020 Planning Commission meeting, the Planning Commission decided to table this application until the Planning Commission was furnished with a letter from a Smithfield Volunteer Fire Department (SVFD) official containing the following information concerning the proposed storage unit:

1. What it will store?
2. Why it is necessary?
3. How long it will be needed?

4. Whether it will be owned or rented? and
5. Whether or not the SVFD has considered constructing a permanent storage building or facility on their property?

Mrs. Clary added that at its Tuesday, January 12th, 2021 Planning Commission meeting, the Planning Commission decided to approve the application under the condition that the proposed portable storage unit be removed from the property no later than January of 2022, or the Smithfield Volunteer Fire Department must return to the Planning Commission for an additional portable storage unit appeal at its Tuesday, January 11th, 2022 meeting.

She reported that pursuant to Smithfield Zoning Ordinance (SZO) Section 2.P.15, Town staff have already issued a zoning permit waiver and zoning permit for the keeping of a portable storage unit for 150 days at the property in question. The purpose of the portable storage unit is to temporarily house some of the Smithfield Volunteer Fire Department's training equipment. Pursuant to the same Section of the SZO, applicants are allowed to exceed this 150- day period following a successful appeal to the Planning Commission. She added that at this time the portable storage unit is on this property and is a red shipping container approximately eight feet (8') tall, eight feet (8') wide, and forty feet (40') long, and is located in between the existing detached garage on the premises, and the boundary line shared with 1804 S Church St (TPIN 22- 01-005B).

Mrs. Clary stated that the positive aspect of application was that it provides the Fire Department with additional covered storage space for equipment. She added that the negative aspect would be that due to the length of time present on the property, this application does require approval from the Planning Commission.

Chairman Bryan asked if the applicant was present and if they would like to comment.

Chief Chris Edwards of the Smithfield Volunteer Fire Department (SVFD) explained that the department had all of their training props currently stored in the container. In an effort to find a permanent area for storage, Chief Edwards stated that he had previously worked with the Town Manager to have a facility set up for them at the old Town Treatment Facility Plant. He added that he had spoken with the Chief of the Isle of Wight Rescue Squad as the County owns land behind their building. He explained that to meet Fire Protection Agency (FPA) standards, the training facility needs to have access to municipal water supply. He reported that the Town Treatment Facility Plant does not have this type of water supply available, so they had continued to look for a suitable site. Unfortunately, they had not found one. He reported that in the past 30 days he had been working with Councilwoman Rountree to see if there was any land in town that would have the water supply needed. He clarified that they do not use the municipal water supply, it just needed to be available for the training.

Chief Edwards stated that they have multiple trainings set up throughout the year with many students and instructors coming from out of the area to participate in. SVFD holds a 3-day Truck Training Class in March of every year that is attended by 100 students and 50 instructors. He estimated that out of the students and instructors about 100 were from out of the area. He reported that in December they will have a 3-day Vehicle Rescue School that will be attended by approximately 50 students and 50 instructors. In October there will be a 2-day Hook and Cane Class which has about 80 students and 100 instructors. In April there will be a 2-day Search and Rescue Class which will have 40 students and 50 instructors. Chief Edwards summarized that with

all of this class available, SVFD is becoming well-known for their willingness to share knowledge within the field. He stated that they need the storage to house all the lumber, the props for training, and the equipment it takes to hold the classes.

Mr. Pack acknowledge that Smithfield is becoming well-known for its fire-fighter training. He noted that he had witnessed their trainings before at the station and inquired if the temporary storage could become a permanent storage facility at another location.

Chief Edwards stated that this was his goal.

Mr. Pack stated that what the SVFD does is impressive from as residential as well as regional standpoint. He added that he sees the fire-fighting trainees come through his restaurant all the time and he finds being a teacher makes a better fire-fighter. He stated that anything the Commission can do to help is great, but at the same time they have the responsibility to treat the Fire Department the same as anyone else. He stated that he was in favor of approving the temporary storage for one more year but wanted him to understand that next year they may not continue the temporary storage. He reiterated that he appreciates the SVFD and enjoys seeing the positivity the trainees from out of town bring with them.

Dr. Pope asked how big of building did they need.

Chief Edwards stated that they weren't necessarily looking for a building, but for land. Dr. Pope asked for confirmation that they needed some sort of covered storage. Chief Edwards stated that this was correct, covered storage was needed for props. He added that most of the other departments in the are using Conex boxes for burn buildings, search and rescue, and other training props. He used the example of a department in Arizona that had a 6-story building made with stacked Conex boxes.

Dr. Pope inquired if they were looking for two things: things they can burn and storage for training. He asked Chief Edwards how much storage they needed, and gave the example dimensions of 8 x 40, 320 sq feet, 2500 cubic feet to hold all their necessary supplies.

Chief Edwards confirmed stated that was appropriate sizing for the classes that they were doing currently. He added that their goal was with the success of the classes they are holding to expand the training ground with increased and improved scenarios and increase their members. He reported that the Truck Class started nine years ago, and this year it sold out in less than 4 minutes. He added that last year they had a student from Canada attend, and this year they have students enrolled from Baton Rouge, Louisiana.

Dr. Pope asked for clarification as to where they were looking for land to hold the trainings. He asked if they were looking to use the land next to the fire department lot as it exists or if they were looking at land out in Isle of Wight County. He stated that a lot of the Commission's recommendation would be based on what the long-term plan would be.

Chief Edwards stated that if a site could be found within the Town or the County for training and storage then everything could be moved there. He added that in talking with the Town Manager, and they have gotten a spot surveyed off of the old Treatment Plant that will work fine. However, when there is a training they will depend on Carrollton, Rushmere, and other nearby localities to bring their tankers in to have enough water to meet the safety standards. He continued that if they were situated at a spot that had town hydrants then they could bring their engines as well and meet the safety standards without depending on other agencies.

Chairman Bryan stated that this was a matter of time and finding a permanent solution to this issue. He asked if in the Chief's talks with Town Officials there had been any discussion of funding for affordable structures to replace the temporary container and keeping the current location.

Chief Edwards stated that the problem they are incurring with the Town is the proximity to the property line and the set-back standards.

Mr. Pack clarified with Mrs. Clary that the Commission can make exceptions for set-backs. He asked if an application for a set-back exception would go through the Board of Zoning Appeals (BZA).

Mrs. Clary stated that it would depend if it was a waiver for that particular property, but there are potential BZA special yard exceptions available.

Mr. Pack stated that maybe the department could stay where they are.

Chief Edwards reported that they are outgrowing where they are currently. He added that with the Town growing the call volume has grown and they need more volunteers to keep up with the increase. He stated that they are finding that the trainings are bringing in new people to Smithfield's station to volunteer.

Dr. Pope inquired as to how the property would be used when they are not using it for training courses and if it would be used continuously or intermittently.

Chief Edwards reported that they have ongoing training that include drills the first Monday of every month. He continued that some of these drills are in the classroom, and some are hands on. He confirmed that if it were a hands-on training it would be at that facility.

Chairman Bryan inquired as to how often property is donated to the station for training.

Chief Edwards stated that this happens very rarely. He reported that there are many protocols that must be followed if a house is donated for them to use in a legal live burning, including asbestos and shingle removal.

Chairman Bryan asked if Chief Edwards had spoken with Town Officials regarding a funding amount if an opportunity for a facility purchase arose. Chief Edwards answered no he had not.

Mr. Pack stated that the current issue was whether they wanted to extend approval for the temporary storage unit. He made the motion that the Commission extend the temporary storage unit for another year with the understanding that the Fire Department is searching for a permanent solution. The motion was seconded by Vice Chair Hillegass.

Chairman Bryan called for the vote. On call for the vote, five members were present. Vice Chair Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Pack voted aye, and Chairman Bryan vote aye. The motion passed.

Planning Commission Waiver Application – 201 Battery Park Road, Smithfield Storage C/O Trey Gwaltney

Mrs. Clary reported that at its Tuesday, May 19th, 2017 meeting, the Planning Commission approved a floor area ratio for the applicant for the construction of a multi-level climate-controlled storage building. The applicant is now seeking the same waiver (as applied for in 2017) from the Planning Commission, for a waiver of maximum floor area ratio allowed on the site, for the proposed expansion of the multi-level climate-controlled storage building, originally appearing on

the agenda December 14th, 2021. She reminded the Commission that the floor area ratio is the ratio of the floor area of the buildings on the site to the size of the parcel; however, it includes the floor area on all three floors. This proposed project will result in the removal of five (5) non-climate controlled outdoor storage sections currently present on the property. This new configuration features the removal of an additional non-climate-controlled building, which was parallel to John Rolfe Drive. The current zoning district allows for a maximum of floor area ratio of 0.50, which based upon the area of the parcel would allow 32,110 square feet. The floor area of the existing buildings (minus the square footage of the five (5) buildings that would be removed) on site total 26,001 square feet, and the proposed building is 46,200 square feet, providing a total floor area of 72,201 square feet (which would be a floor area ratio of 1.13). Similarly to 2017, the applicant will require approval of a waiver from the Planning Commission regarding the maximum floor area allowed, to redevelop the site as proposed.

Mrs. Clary stated that the strengths of the application included the replacement of various structures in need of repair and alleviate some drainage and stormwater concerns. She added that the proposed plan will unify the building and eliminate all but one of the standalone storage units, while also removing the nonconforming structures located on the east (right) side and west (left) side of the property. She reported that a weakness of the application would be that the proposal exceeds the maximum floor area ratio intended for the zoning district.

Trey Gwaltney of 1012 McGruder Road in Smithfield was present to discuss the application. He stated that last month he was present to discuss the proposal and had since altered a few things at the recommendation of the Commission. He stated that the building that was remaining last month that had caused concern was now removed from the proposal and they had also added some landscaping.

Mrs. Clary reminded the Commission that the issue for discussion was the floor ratio waiver, and that the applicant would be required to return with a site plan that included a full landscaping plan. She stated that the applicant would like to get a head start on the project to ensure that he wouldn't be applying for the floor-area ratio waiver once they were farther along.

Mr. Swecker asked for clarification that the only thing up for approval at this meeting was a waiver for the square footage for the floor of the building.

Mrs. Clary stated that the application was to exceed the maximum floor area ratio.

Mr. Pack asked Mr. Gwaltney if the proposed building were just one story versus three what would be the difference in the square footage requirement.

Mr. Gwaltney stated that he was unable to give an exact number, but that it would be within a few thousand feet of going over the limit.

Dr. Pope stated that his calculation of this would be a floor area ratio of 0.4.

Mr. Pack summarized that three stories increases the square footage, but it does not increase the buildings footprint.

Mr. Gwaltney stated he agreed with both points and added that he had the builder with him if there were any questions.

Chairman Bryan asked about whether the ditch had been able to handle the previous rainwater runoff from the roof.

Mr. Gwaltney stated that he had not encountered any issues with runoff, adding that it fills up and then goes down with no flooding. He added that as it exists now, there are driveways between the buildings that have impervious surface. He stated that this will not change as there will be the same amount of impervious surface, they will just be collecting the rainwater in a more efficient way. He explained that water will be collected on the building and sent directly to the storm drain.

Chairman Bryan inquired as to whether the invitation to visit the building was still open. Mr. Gwaltney confirmed that it was.

Dr. Pope stated that this would be a three-story building, but that it would be considered low intensity. He continued that this would not be a three-story hotel with people coming and going non-stop. He stated that floor area ratio calculation and figuring out what that means relative to how the building will be used is irrelevant. He agreed that if this was for a one-story gymnasium it wouldn't even be before them for a waiver.

Vice Chair Hillegass agreed, as did Chairman Bryan.

Mr. Pack asked Dr. Pope to confirm that his calculations if the building were a one-story building would be lower than the 0.50 limit that would necessitate a waiver from the Commission.

Dr. Pope checked the calculation for the new building presented and stated that the floor ratio would be 0.36.

Vice Chair Hillegass moved to approve the application as presented. Mr. Pack seconded the motion.

Chairman Bryan called for the vote. On call for the vote, five members were present. Vice Chair Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Pack voted aye, and Chairman Bryan vote aye. The motion passed.

***Public Hearing* Special Use Permit Applications (Drive-thru & Greenhouse) & Entrance Corridor Overlay Review Application– 13500 Benn’s Church Blvd. RPA TS Smithfield LLC C/O Beth Dorminey, applicant.**

Mrs. Clary reported that the applicant is seeking Entrance Corridor Overlay review in addition to two Special Use Permits (SUPs), for the construction of a greenhouse and a drive thru facility, in accordance with Article 3.I.C.18 & 24, which permit these uses only after the successful acquisition of a Special Use Permit.

She continued that the greenhouse and drive thru facility will be constructed where there is already existing foundation (currently being used as a fenced outdoor sales area), and no additional impervious cover is proposed. The approximate forty-three foot (43') by eighty-three foot (83') greenhouse will feature white polycarbonate panels with two (2) roll-up curtains facing Benn’s Church Blvd. The right side of the drive thru will feature white polycarbonate panels with single clear polycarbonate pockets, and a single rollup curtain. The drive thru will also feature metal siding across the top of the structure. There will be a green sign with white lettering for the “Garden Center,” and a yellow sign with black lettering for the drive thru.

Mrs. Clary reported that this application package was sent to Isle of Wight County, as well as the Virginia Department of Transportation (VDOT). VDOT did respond with a “no impact” comment letter. She stated that strengths of this application included the addition of a designated customer pick up area, in lieu of having designated curbside pickup zone and the greenhouse will

provide customers with overhead coverage for the outdoor storage area. She added that weaknesses of the application included that both proposed additions are only permitted with the successful acquisition of a Special Use Permit.

Chris Goggin of 6632 Sweetwater Point in Flowery Branch, Georgia was present to discuss the application. Mr. Goggin stated that the drive-thru would consist of adding gates to the already existing Fenced Outdoor Display (FOD) of the Tractor Supply store on Benn's Church Road. He added that the greenhouse addition would be for selling plants and was something the company was doing to all their stores.

Mrs. Clary stated that staff had included a picture of the Suffolk Tractor Supply where a greenhouse had already been constructed for the Commission's review.

Vice Chair Hillegass asked for confirmation that the proposed greenhouse in Smithfield would be larger.

Mr. Goggin stated that this was correct and pointed out that the picture from Suffolk had a greenhouse with one gable, where the plan for Smithfield's greenhouse included three gables. He estimated that the gables would be about 10 feet deep, and 50 feet long with signage about the greenhouse and drive thru on the front.

Dr. Pope asked Mr. Goggin if he could expand on the plans for the propane tank area.

Mr. Goggin stated that the propane area would be moved because it is currently sitting in the footprint of the greenhouse area. He added that when it moves it will also get a blast light and structure. He stated that the propane structure will exactly like the one in the pictures provided of Suffolk's Tractor Supply.

Chairman Bryan stated that he also had concerns about the propane area, not about the one being removed but the proposed propane area.

Mr. Goggin stated that they do not place the propane tanks in the same area every time and that it would depend on the site and its limitations. He added a lot of times they will be moved to the front of the greenhouse off to the side. He continued that there would be a concrete apron that leads up to the fenced outdoor display. He added that it is done this way so that it would not be out on an island or placing it in the parking lot. Mr. Goggin stated that technically the store staff would have to stop traffic when they are completing a fill, so it is very inconvenient to put it anywhere else.

Dr. Pope asked if it is placed in the front wouldn't that limit access to that area.

Mr. Goggin clarified that customers would be allowed to drive through, but just would not be able to do so during a fill.

Dr. Pope stated that his concern lies within its placement at the front right center in the proposed plan drawing and would be visible from the highway. He added that the structure looked like it was similarly made to an aluminum carport and inquired if it could be moved somewhere to the back right-hand corner of the pad.

Mr. Goggin stated that the store fills a lot of RVs, which would eliminate that option as they would block the drive thru.

Chairman Bryan stated that he had quite a few concerns about the proposed structure, and they were in reference to the Entrance Corridor Overlay (ECO). He continued that there were restrictions in relation to the ECO, particularly concerning the appearance of the buildings that are

on the main corridor into town. Chairman Bryan added that the greenhouse does not look like a permanent structure. He questioned the use of white polycarbonate panels.

Mr. Goggin stated that it would be on the roof and the top third of the walls.

Chairman Bryan questioned as to why they could not be the same color as the main building.

Mr. Goggin stated that in some cases they have been required to do Hardie Plank or brick in the structure. He added that the building itself is just aluminum with the white polycarbonate inserts, but that it was very sturdy. He stated he did not know where the closest example would be that the Commission could visit to see that it is a permanent structure. He added that it sits on a concrete foundation, has columns put in, has sprinklers, and is a climate-controlled building. He explained that there is a roll-up function to the walls so that they may be put up in nice weather, but it is a roofed structure.

Chairman Bryan stated that he did not have a problem with the roll-up function, but it was more with the appearance of the structure and felt it did not fit in that corridor. He asked Mr. Goggin if this was something done with the expansions at all their stores.

Mr. Goggin stated that yes, this is done with all new stores and for existing stores if the landlord would approve it. He added that they have completed 300-400 this year.

Chairman Bryan asked if all the greenhouses were identical or did they change from location to location.

Mr. Goggin stated that sometimes they are larger depending on the feasibility study that their corporate office completes to determine the sales volume at the store.

Vice Chair Hillegass asked Mr. Goggin to confirm if they had done some expansions with Hardie Plank or a different more permanent appearing material.

Mr. Goggin reported that there were some municipalities that required a different exterior look to the expansion. He added that if it is feasible then they will do it, but if the study does not support the expense, then the project will be cancelled.

Chairman Bryan stated that the greenhouse looks like it belongs in an industrial area and does not look appropriate for Smithfield's ECO concerns.

Mr. Pack stated that an issue that he has had with Smithfield's ECO is that there has not been any enforcement of it after-the-fact. He used the example of applicants installing landscaping, plants aren't maintained, and they die away. Mr. Pack stated that Tractor Supply's landscaping has fallen into this category and the landscaping would now not match what had originally been approved. He continued that if these applications were to be considered by the Commission, as this is a Special Use Permit and can put restrictions on it, he would strongly encourage the Commission to require Tractor Supply to go back bring their plantings back into ECO accordance. Mr. Pack stated that Tractor Supply had complied on day one, but as the plants died, they were not replaced and now there is no tool to go back and readdress the situation. He suggested that this was an opportunity to reach out to Tractor Supply and state that the Commission would approve their greenhouse, in a way that the Planning Commission finds satisfactory, if they fix their landscaping. He stated that this could be a win-win for the Town and for the business.

Mr. Goggin stated that he thinks Smithfield Tractor Supply would do that regardless, adding that he was not aware of the issues with the plantings. He added that this was his project,

and he would make sure that it happens. He relayed that there would be a remodeling done of the inside of the Tractor Supply as the first part of the upgrade, and then the greenhouse/drive thru would be part two.

Chairman Bryan asked to reconfirm that it was possible that there could be another material outside of the polycarbonate paneling.

Mr. Goggin confirmed this and stated that he was not sure what those other options were, and this was just the standard package for the greenhouse. He stated that he would go back to the architect to find out what the other options were, and then get on the February 8th Planning Commission Meeting agenda to present them.

Vice Chair Hillegass stated she would like to see something more consistent with the façade of the main building. She added that she had seen better event tents at Windsor Castle Park.

Mr. Goggin stated that the pictures are not flattering, and that the proposed greenhouse looked nothing like it. He stated he could not think of a Tractor Supply nearby that he could use as an example that looked more similar to the proposal.

Dr. Pope stated that the only concern that he had was with the propane tank being in a metal building out in front.

Mr. Goggin stated that the propane tank was not in a metal building, the fill has to be under a canopy due to code.

Dr. Pope expressed he was not excited about the metal material use and asked if there was another option available other than metal as the Commission was not favorable to carports. He asked if perhaps there was another placement option in the back if there was not an alternate material.

Mr. Goggin stated that they would need to look into it as there were many codes around the propane tanks usage. He gave the examples that it could not be covered, it could not have anything within 10 feet of it, and it could not be hidden with a fence.

Dr. Pope stated that his only other concern was the bright yellow drive thru sign that seemed out of place with the coloring of the building.

Chairman Bryan stated that he agreed with Dr. Pope that the metal structure covering the tank does not fit where it is in the plan.

Mr. Goggin stated that they could potentially leave it in the fenced display area, but he would need to look into it.

Chairman Bryan stated that its placement next to the drive thru seemed like a safety hazard with drivers passing so close to it. He added that in the picture of the Suffolk Tractor Supply he noticed a buffer near the structure, but that it was not present on the plans presented. He reiterated that the metal structure does not fit the ECO.

Chairman Bryan opened the public hearing and asked if anyone would like to speak for or against the applicant.

Theresa Mulherin of 206 Washington Street in Smithfield, approached the podium and reported the mic had shocked her. She began by stating that she is always in favor of garden centers. She added that she thinks what she would like to hear from a greenhouse with plastic is what is the hurricane protection that building is afforded and that this is with the knowledge of what is planned for the other side of Turner Drive. She stated that she would like to protect the

houses that are going there and added that she agrees with Dr. Pope regarding concern about the safety of the propane system.

Hearing no other comments, Chairman Bryan closed the public hearing, and moved to Planning Commission consideration.

Mr. Pack summarized that he would like direct the applicant to revisit the application with the Commission at their earliest convenience with modified plans that show some other options for the greenhouse, propane fill area, and landscaping that had been discussed. He added that previous applicants had stated they had not been sure what the Planning Commission had been requesting when an application had been tabled, and he wanted to make sure they were being clear.

Chairman Bryan reiterated he wanted to see an alternative to the polycarbonate panels, and that it should blend in with the main structure.

Mr. Pack made a motion to table the application until the applicant presents a change in the propane delivery system, a change in the appearance of the greenhouse material so that it blends in with the material on the Tractor Supply building, and updated landscaping plan.

Mrs. Clary asked for clarification as to whether the Commission was tabling both of the applicants Special Use Permits (SUP) as there were two SUPs: one for the greenhouse and one for the drive-thru.

Mr. Pack confirmed with Mrs. Clary that they were presented as separate and stated that they should be kept separate.

Chairman Bryan stated he did not know in this case how you could approve one and not the other. Vice Chair Hillegass stated you could for example approve the greenhouse and not the drive-thru.

Mrs. Clary reiterated there were two separate SUP applications.

Mrs. Hillegass gave the example that someone could order something like dog food, unrelated to the greenhouse, and pick it up in the drive-thru.

Mr. Pack stated that his motion would be keep both SUPs separate and both are tabled with the previous instructions listed by him to the applicant. Vice Chair Hillegass seconded the motion.

Chairman Bryan called for the vote. On call for the vote, five members were present. Vice Chair Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Pack voted aye, and Chairman Bryan vote aye. The motion passed.

***Public Hearing* SZO Article 3.J2 Text Amendment – Town of Smithfield, applicant.**

Mrs. Clary stated that Article 3.J2 was originally the Planned Corporate Office and Research (PCOR) District. This zoning designation was not assigned to any parcel located within Town limits and is not being actively pursued as a potential zoning designation. While in the process of updating the Comprehensive Plan, Town Staff believed that this would be a perfect opportunity to provide the new zoning district which would incorporate residential, commercial, and light industrial uses, as one planned development. Therefore, Town Staff proposed a completely updated Article 3.J2 as a Planned Mixed-Use Development (PMUD) District. This district would allow a variety of by-right uses, while still maintaining certain proposed uses as Special Use Permits (SUP) only. The zoning designation also provides for Planning Commission waivers giving the Planning Commission ultimate flexibility in the development process. This

zoning district was crafted with the intention of incorporating various discussions, including the Planning Commission Comprehensive Plan working sessions with the consultants.

She continued that the new Article 3.J2 will feature the similar net developable acre calculations and open space requirements that are located in other zoning districts. Additionally, because of the nature of a PMUD, a pre-application conference will be required. Because this a complete overhaul of Article 3.J2 a draft is provided instead of a red-lined version and has been included. She clarified to the Commissioners that on B18 which would be the by-right uses permitted in the HRC and the I1 districts included for reference will be the second tab electronically on their PDF.

Mrs. Clary reported that Town staff has given a favorable recommendation and that the application returns as a public hearing for Town Council.

Chairman Bryan explained that public comments were limited to five (5) minutes per person. He added that Mrs. Clary would track the time and would let each speaker know when they have one minute left. Chairman Bryan opened the public hearing and asked speakers to please state their name and address when they come up to comment. He added that any comment from the Town would be provided following the hearing.

Bob Hines of 216 Washington Street in Smithfield stated that he hated to criticize the Commission as they did the heavy lifting, adding that he appreciated what they do whether or not there are people in attendance. He stated that most of the time people don't come to meetings as they figure that the Commission is doing their job and they don't need to get involved. Mr. Hines stated that sometimes you don't feel something is quite right then you have to speak up. He stated that he felt have been times in the past, namely with the Pierceville and Mallory Point projects, that the people doing the heavy lifting are not paying attention. He continued that Mayor Williams had stated at the meeting regarding the Mallory Point project that he used to hunt on that land but all he did was make the point that land was being developed. Mr. Hines stated that if he was reading what the Smithfield Times had reported correctly then there were things that the new zoning would allow the developer to do that other people would have to abide by other regulations. He added that he did not know if he had interpreted that correctly, but if he had then he felt this was wrong. Mr. Hines added that just because the Town Attorney, Bill Riddick, said it was not a conflict of interest to represent the Town and the Contractor doesn't mean it is not. He added that he could not imagine a lawyer going into court and being both the defense attorney and the prosecuting attorney. He stated that he does not know who benefits from the this, but it seems like the good old boy's club. Mr. Hines stated that he does not know how a 5-story building can be in the Historic District of Smithfield, 3 stories max.

Mr. Pack stated that he would like to place a chair over a plug that the speakers were having to walk over to keep speakers from possibly tripping.

Theresa Mulherin of 206 Washington Street in Smithfield congratulated Chairman Bryan on his election and stated that he may have a rough road ahead. She began by stating that she was against the incorporation of Article 3.J2 and specifically asked for the banning of it for use in the Historic District. She stated that she noticed in the Comprehensive Plan that Pierceville was already incorporated as a Mixed-Use Development. She added that it was shaded in red and was already able to be reviewed. Mrs. Mulherin stated that she was disturbed that people are not being

given full information when receiving summaries from the last meeting. She stated that no one on the Commission realized that this article would allow up to a 60 foot high building in the Historic District. She stated that she had been at her place of work when a 3 story building was erected in this area and the amount of pressure it took to drive supports in the ground made it feel like an earthquake. She questioned what this would do to the houses and foundations in the Historic District, let alone the cost of earth that would be needed to be moved. Mrs. Mulherin stated that this part of Main Street already floods and she wondered what would happen as they are not requiring a water run-off plan. She stated that she would like to support Mr. Hines previous comment regarding wanting to see all members of Town Council, the Planning Commission, etc. be more vocal about their conflicts of interest. She continued that any conflicts of interest and they could not render an opinion or influence a vote. She stated that this is resident's tax money that is going to pay for any development project and she felt they could not keep coming to the well for money. She stated that she could not come to every meeting because she gets up at 3 o'clock in the morning to take care of Covid patients. She stated that if the Commission chooses to use it she does not want to see it used in the Historic District, she does not see history in the Comprehensive Plan. She is concerned that new employees of the town do not understand what a Historic District is.

Nick Blevins of 220 Grace Street in Smithfield stated that he would like to echo the appreciation of the service of the Town that Mr. Hines had stated previously. He stated that he would like to make a couple of points regarding the proposed revision to the zoning ordinance. He stated that he believed that now is not the time to make such a change. He stated that the rules work well enough that developers want to come to this area and making changes like this before a large development project seems like too much urgency for what is being proposed. He stated he is not convinced that this is the right change to make, adding that he is not seeing a lot of power for the Town to enforce compliance with the site plan. He stated that it seems to him that it would be easy for a developer to make changes after approval of the initial site plan and because they are by-right uses the Town would have no recourse. He continued that whether those changes are good, bad, or neutral you are still left with unintended consequences that the municipality had no say in the planning of. Mr. Blevins stated that he also had concerns about allowing large Mixed-Use districts to encroach on the Historic District would jeopardize Smithfield's participation in the State's certified local government program, and that program offers major tax incentives to both homeowners and to builders. He stated that as a resident of the Historic District he appreciated the protections that are offered by the rules, but he is worried that this revision is going to have the unintended effect of making it easier to build a 50-acre retail and apartment complex than it would be for him to build a shed in his backyard. Mr. Blevins stated that he is not opposed to change, people need a place to live and work, and the town needs to maintain a sustainable rate of growth in order to survive. He gave the example that he was surprised and pleased by the plans given for the area around the VFW and the YMCA and the arrival of a compromise between the Town and the builder and felt that this was the kind of communication that should be encouraged. He stated that the current process and the current zoning rules and protections in the Historic District work and wanted added ability of the Town to enforce compliance of those rules. He stated that his

recommendation was to please leave the zoning ordinance in place as it is for now, and revisit it in the future.

Mark Gay of 110 Goose Hill Way in Smithfield stated he thought it was February of 2015 that many people present first met regarding this topic. He stated that he would like to thank the sizeable number of citizens who came out to address their concerns in the public hearing to changes proposed to Article 3.J2. He added that the changes were why the majority of people were present, and he appreciates that with Covid concerns, uncomfortable plastic chairs, and the late nights that they were still here. He stated that they are all opposed to changes to Article 3.J2 as drafted for consideration. He added that they are also opposed to efforts to change the future land use map in the Town's Comprehensive Plan to reflect high-density, Mixed-Use rezoning of any existing properties within the town's corporate limits and especially in the Historic District. Mr. Gay stated that if one needed an example of what a Mixed-Use District would look like with a 60-foot height allowance, they only need drive south on Route 17 to North Suffolk and observe the recently completed Bridgeport Development. He stated while he goes to some restaurants and a bakery in this area, he feels that Bridgeport is a public eyesore. He stated that if you drive there during inclement weather, the traffic congestion is unmistakable. He continued that our Town had no need for a similar development, not on any entrance corridor and especially not on any property in the Historic District. Mr. Gay stated that changing the ordinance would seem to lower the bar for the pending Joe Luter IV project at Pierceville as described in the Smithfield Times. He reported that efforts to use the future land use map to compliment prospective zoning change was last attempted August of 2016 at a Town Hall meeting of the then Town Manager. He stated that at that meeting nearly 50 members of the public attended and overwhelmingly rejected that proposed change. He continued that while much has changed at Pierceville, the acreage remains of historic importance dating from early colonial times. Mr. Gay stated that the Luter's, like any others, should clear the high hurdles in place for development of that property within appropriate zoning perimeters.

Chairman Bryan reported that the previous speakers were all that had placed their names on the sign-up sheet but stated that if anyone else present would like to speak they may do so.

Joe Giltner of 109 Cary Street in Smithfield stated that he wanted to leave everyone with the thought regarding the changing the of the zoning to allow the PMUD designation specifically at the Pierceville property. He continued that the information that has been released to the public indicates that the development includes 230 apartments, and this is a high-density population. He added that he does not see how this fits into the long-term Comprehensive Plan for the Town to reduce traffic as given in the presentation earlier in the evening. He stated he does not see how that development fits with the Comprehensive Plan.

Carrolyn Torrey of 32 Main Street stated that there are many issues that people have spoken about, and she thinks of the words to a song, "don't it always seem to go/ that you don't know what you've got 'til its gone/ they paved Paradise and put up a parking lot." She questioned that isn't that what it seems is happening to the Historic District. She mentioned underground parking plans for small Smithfield. She asked what as a Town we are talking about doing. She asked if we were going to chip away at the fabric of the Town. She reported that she moved here under a decade ago, from an area in Southern California where she watched an increase in development remove the character, look, and history of the area. She compared the area to the board game

Monopoly with many houses. She added that the aesthetics of the Town needed to be considered, and that she felt that even if it didn't address numbers it matters. Mrs. Torrey stated that adding density matters as the James River Bridge is already a nightmare. She questioned where the increase in people would go to live, work, and what roads would they drive on, and has the Virginia Department of Transportation (VDOT) approved. She added that this would include major intersection changes, and that the Bypass could not handle the influx of people and speeds. She outlined that this would affect the entrance to the town. She again questioned if the Town needed to do this and encouraged thinking about smart ways for the town to grow. She stated that growth did not need to affect the historic district and imparted that its beauty was why she moved here. She stated that Smithfield was not built for this type of development, and that you could see buildings in Town that had been there for 250 years. Mrs. Torrey reported that there was not a taxpayer buy in for change to the Comprehensive Plan. She stated that this had been relayed through surveys and when it was opened to the public for comment. She finished by saying that she is speaking for others and that this is not what they want.

Betty Clark of 120 North Church Street stated she was unsure if anyone present remembered what old downtown Newport News looked like when it had unique shops and a few large department stores. She stated that they built large malls and downtown Newport News died. She questioned if they wanted the 100, 200, and 300 blocks of Main Street Smithfield to die. She reported that this almost happened 25 years ago, but through the work of a group of people it was able to come back life. She questioned if the Town would survive if major shops, restaurants, and hotels were placed on the Pierceville property.

Sandy Cleary of 115 Institute Street in Smithfield stated that she had lived in Smithfield for 30 years, that it was a beautiful town, and she wouldn't want to live anywhere else. She reported that the traffic is currently very bad on Grace Street, and they cannot get policing to stop speeders. She stated that nobody has fixed the roads or sidewalks. She stated that she missed tourists walking the sidewalks to see the houses and gardens. She stated that she does not understand the focus of building a large development right next to the Historic District. She stated that she wanted to preserve the Town's beauty. She referenced Mrs. Mulherin's previous comment that the developer would need to drive supports into the ground, asking the Commission if they knew what that would do to 200-year-old windows. She reported that it ruins the windows, foundations and the plaster of the homes and is very expensive to restore. She stated that the owners restore the homes because they love them, as do the tourists who come to the town. She asked that it not be destroyed.

Elizabeth Hopkins of 320 Grace Street in Smithfield stated that she lived in a wonderful neighborhood and loves her neighbors. She stated that she thinks the project should be shelved, as there was much growth happening at one time in Isle of Wight and neighboring Suffolk. She recommended waiting to see what the repercussions of existing large developments were before starting another one. She stated that traffic on Grace Street has become loud and, in some cases, dangerous, giving the example of nearly getting run over while walking with her dog. She stated that people don't realize that this is a residential area, driving 45-50 mph. She stated that this is already a problem, and she cannot imagine what will happen when we develop a city in this area. Mrs. Hopkins stated that the variety of towns and shops to choose from in this size town was

unbelievable. She stated that we are the definition of a Small Town and encouraged growth in an incremental and smart way as to not flood it with people.

Susie Gay of 110 Goose Hill Way in Smithfield stated that there was one point that she wanted to make regarding the allowance of a Mixed-Use Development. She stated that the developer will build the multi-family housing, restaurants, etc. but the Town of Smithfield is left with a multi-million-dollar bill on top of it. She stated that they have seen it before. She reminded the Commission that those people that live in the Town of Smithfield are already taxed twice, once by the Town and once by the County. She continued that they had probably already gotten rid of any proffers which would help to pay for the sewage, the run-off, the addition to the schools, and water purification, and residents pay extra for that. She said it needs to be taken into consideration when a new development gets built.

Dennis Arinello of 113 Goose Hill Way in Smithfield expressed his thanks to the Commission as they had a tough job. He stated that the Commission was about a year removed from a hearing on the Mallory Scott Farm development, and that this was a similar issue. He stated the difference is that Mallory Scott Farm has 500 acres of developable land where Pierceville Farms has 30 acres of mixed-use developable land. Mr. Arinello stated that this was not the right use for this parcel of land. He continued that speaking about developments with housing and high rises, it is going to ruin the charm and the demeanor of the Town. Mr. Arinello applauded what Mr. Luter had done previously for the Town and the County but reported that there has always been a portion that is paid by the taxpayer. He asked that if it is going to be done, do it for the good of the Town, but don't tax him in the same vein. He stated that he is not opposed to development, but he would like to see it done properly. He asked the Commission to not make the same mistakes that were made with Mallory Scott Farms, and to do their due diligence. He told the Commission to listen to the citizens and keep them involved in the decision-making process.

Chairman Bryan asked if there were any other members of the public who would like to speak. Hearing non, the public hearing was closed. Chairman Bryan asked the Planning Commission if they had any comments.

Mr. Pack stated that he wanted to be fully transparent, and that the Commission had not been discussing the Pierceville development tonight, but that he understood why the PMUD designation could look as such. He continued that he wanted to address the public, as the Planning Commission was already aware of it, about his intentions to possibly become involved in the development of the Pierceville Farms/Luter Project if it is approved in some sort of business fashion. Mr. Pack emphasized that he will not vote on any item with that project. He stated that this is why he did not want to remain Chairman of the Planning Commission. He stated that he has spent a lot of time working in Smithfield and has been able to do business in a proper way. He again stated that he understood how the PMUD could be applied to the Luter Project, however when it had originally been discussed while updating the Comprehensive Plan, it applied to the Cypress Creek Bridge, down South Church Street, out towards Turner Drive. He continued that he felt that this plan would be well used in that area. He stated that this zoning has never been used, and nothing was before the Commission that requested this type of zoning. His recommendation to the Commission was if they were interested in this type of zoning designation to wait until after the Luter Project had come to pass. He stated that the Luter Project dealt with the last 30-50 acres of

land in the Historic District, and it needed to be well protected, utilizing the guidelines that are currently in place. Mr. Pack stated that he felt many of the comments made about the Historic District were spot-on. Mr. Pack stated that he did not want to have any influence into what happens with the Luter Project because of his possible interest to become involved with it. He stated that what has been proposed at Pierceville should stand on its own, and that a new planning district did not need to be developed for it. He stated that he knows the recommendation is to send this issue to Town Council, but he did not see the urgency in getting it done now.

Vice Chair Hillegass stated that she agreed with Mr. Pack that she felt this zoning designation had more impact off Church Street near Turner Drive. She stated that it was useful designation to have from a planning perspective. She said she also did not see the urgency, especially given the passion shown by the speakers this evening. She stated that this zoning designation was not designed to address the Luter Project at all and stated that the Comprehensive Plan was a “living” document and this could be revisited at a later time.

Dr. Pope reported that he had not seen anything about the project yet, so he was speaking in ignorance of what was referenced. He recalled back to the Mallory Scott Farms hearing, and stated appreciation for public attendance. He asked that when they disagreed with a project, to not only say they didn’t want a development, but give feedback as to what it is they do want to see instead. He gave the example of where the previous Little Supermarket had been and stated that specifics needed to be given if retail, parking, etc. should go in instead of just nothing. He reiterated that it is important for citizens to give constructive criticism on what they can live with in a development.

Mr. Swecker agreed, also encouraging people to say what they wanted there instead.

Vice Chair Hillegass agreed and stated that not developing where the Littles Supermarket was would not be realistic, especially considering it was an entrance corridor. She stated that the vacant lot there currently was not a great welcome into the town. Vice Chair Hillegass stated that it looked like a gentleman in the audience wanted to speak, but as the public hearing had been closed she would defer to the Chairman.

Chairman Bryan apologized and explained that the public hearing was closed.

Vice Chair Hillegass encouraged the citizens to utilize the Comprehensive Plan website or email the Commission members or Mrs. Clary directly with any additional comments they may have.

Dr. Pope added that any development would be up for public discussion at the time that it would be presented.

Vice Chair Hillegass made the motion to recommend to Town Council to table the ordinance. Mr. Pack seconded the motion.

Dr. Pope asked to make a comment before a vote was held. He continued that he had gone through the ordinances to make a recommendation, and some of them did not make any sense. He gave the example that in the ordinances the highest height listed is 50 feet in the light industrial area, but in industrial it is only 35 feet. He stated that he did not understand where 60 ft came from in the proposed update. He added that drive-thru’s had always required a special use permit and he wanted that to continue. Dr. Pope stated that he did not think that there should be any waiver of floor ratio regulation. He stated that if the proposed changes were approved, it looked like

developers were getting by-right items that don't make sense. He added that there was a section to the ordinance that stated, "maximum building height except where building abuts a residential district," and asked if "abuts" only addressed properties that shared the property line or if it applied to properties separated by a street. Dr. Pope stated that the greenspace calculation seemed small for 10%. He stated that if this type of zoning is entertained in the future, these were the changes he would be looking for.

Chairman Bryan asked Dr. Pope if he preferred a Special-Use Permit to a waiver.

Dr. Pope stated that with a waiver indicates that once it is received the applicant can move on, but with a Special-Use Permit the Commission would still have to agree. He added he would always want it more restrictive not less restrictive no matter what the development ordinance.

Mrs. Clary asked for clarification that the motion was to table at the Planning Commission level.

Mr. Pack stated that the motion had been to table at the Town Council level, but if the Commission tables then it doesn't get sent at all.

Vice Chair Hillegass recommended not to send to Town Council at all.

Chairman Bryan stated that tabling it would mean that it would need to be addressed at a future meeting.

Mr. Pack stated that a date for that future meeting did not need to be identified. He clarified that the Commission would still like to look at it, just not until after the Luter Project so that it could not be used for it.

Chairman Bryan called for the vote. On call for the vote, five members were present. Vice Chair Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Pack voted aye, and Chairman Bryan vote aye. The motion passed.

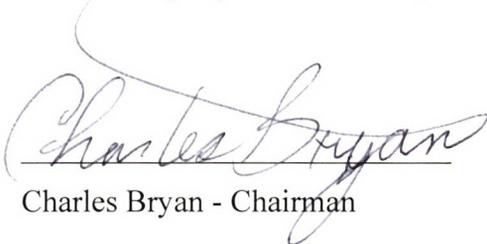
Approval of the Tuesday, December 14th, 2021, Summary Meeting Minutes.

Chairman Bryan stated that the Town Attorney was not present and recommended that the approval of the minutes be tabled until the next Planning Commission meeting.

Mr. Pack recommended reviewing at next month's meeting as the Town Attorney was not present and he gives the recommendation to approve. He stated that a motion to table was not needed, but that it would just be deferred.

Chairman Bryan thanked the citizens present for coming to the meeting, for their input, and making their position known.

The meeting adjourned at 8:33 p.m.


Charles Bryan - Chairman


Tammie Clary – Community
Development & Planning Director