

The Smithfield Planning Commission held its regular meeting on Tuesday, January 12th, 2021 at 6:30 p.m. at the Smithfield Center.

Members present:

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Thomas Pope

Raynard Gibbs

Members absent:

Randy Pack – Chairman

Michael Torrey

Staff present:

John Settle – Community Development & Planning Director

William H. Riddick, III – Town Attorney

Tammie Clary - Planner

Press: None

There were approximately ten (10) citizens present. Vice Chairman Bryan welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

Community Development & Planning Director's Report:

The Community Development & Planning Director welcomed the newest member of the Planning Commission, Mr. Raynard Gibbs. Mr. Settle explained that the Planning Commission tasked Town staff with examining ways to adequately address blighted properties within Town limits. At this time, Town staff have determined that adopting a spot blight abatement ordinance is likely the best way to address these properties. A spot blight abatement ordinance has been drafted. Town staff are awaiting feedback following review by the Town Attorney and Town Manager. The Town of Smithfield is in need of public input on the Comprehensive Plan update. The Town's consultants, Summit Design & Engineering Services, PLLC, have prepared a citizen survey to assist us in gathering this input. The survey was mailed in the Town's fall newsletter to all recipients and is available in hard copy at Town Hall upon request. It is also available online via survey monkey and the Town's website. Input is requested no later than Thursday, February 4th, 2021. There have been 200+ surveys submitted thus far. Following conversations with the Town's consultants, it was determined that extending the survey period would assist in expanding public input. Mr. Settle congratulated Board of Zoning Appeals (BZA) member Gene Monroe for obtaining his certified BZA member certificate last month. Town staff would also like to congratulate staff members Tammie Clary and John Settle for obtaining both their certified BZA member certificates, as well as their certified Planning Commissioner certificates.

Vice Chairman Bryan welcomed Mr. Gibbs to the Planning Commission and offered the support of the Planning Commissioners while he is transitioning into his new role. He congratulated Town staff on their certifications.

Upcoming Meetings and Activities:

Tuesday, January 19th, 6:30 PM – Board of Historic & Architectural Review Meeting

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

Tuesday, January 26th, 3:00 PM – Town Council Committee Meetings

Tuesday, February 2nd, 6:30 PM – Town Council Meeting

Tuesday, February 9th, 6:30 PM – Planning Commission Meeting

Public Comments:

Vice Chairman Bryan explained that the public was invited to speak to the Planning Commission on any matters, except scheduled public hearings. Please use the sign-up sheet. Comments are limited to five (5) minutes per person. Any required response from the Town will be provided in writing following the meeting.

Mr. Antonio Viudez-Mora of 10101 Bolling Blvd. stated his opposition to the proposed development of the Mallory Scott Farm development. He spoke on behalf of a group of four-hundred (400) neighbors who are concerned about the development; particularly, traffic concerns with the amount of vehicles per day at the intersection of Nike Park Road and Battery Park Road. He asked that no new developments be approved until the Comprehensive Plan update was finalized. He went on to say that the approved development behind the Royal Farms' will contribute to additional potential traffic problems which increase the neighbors' fears. He urged the Planning Commission to look at the "big picture" and consider the fact that eleven (11) or so other large-scale residential developments are already in progress within Isle of Wight County.

Mr. Steven Erickson of 20404 Gatling Pointe Parkway stated that he moved to the area for the rural lifestyle. He sees the potential for degradation of the rural lifestyle with the development of the Mallory Scott Farm and opposes the proposed development. He asked the Planning Commissioners to take a look at the proposed development's impact on the existing residents before deliberation. He went on to say that he already experiences noise and sound pollution from Nike Park, and is intimidated by the thought of an additional two-thousand (2,000) vehicles on the road. Additionally, the shrink-swell soils present in the proposed development will likely have an adverse impact on the potential residents' qualities of life. He admitted that he is a single voice, but that he was representing a group of citizens.

There were no other public comments.

Planning Commission Comments:

Mrs. Hillegass asked Mr. Settle when he expected to see the Mallory Scott Farm return to the Planning Commission's agenda.

Mr. Settle explained that the developer indicated that they would have a revised submittal to Town staff by the end of last week, but it does not appear to have been submitted or received.

Entrance Corridor Overlay (ECO) Design Review Application & Site Plan Amendment Application – 903 S. Church Street, c/o Tommy Turner, applicant:

The Community Development & Planning Director explained that the applicant is seeking an approval to install a twenty-four foot (24') wide, twenty-one foot (21') deep vertical roof steel carport on the premises. The carport will be no taller than sixteen feet (16') and will cover an existing paved area. The applicant has indicated that the proposed carport will be utilized to cover and protect lawn care equipment, vehicles, and machinery from the elements. The proposed carport will be similar to the one shown in the attached illustrations, featuring a green-colored exterior. Although this does not match the color scheme of the primary building on the premises, the proposed carport will be screened from the public right-of-way by a series of large trees that

currently exist immediately south of the primary building. Town staff recommended approval as submitted.

Mr. Tommy Turner, the applicant, was available for questions by the Planning Commissioners.

There were no questions for the applicant.

Mrs. Hillegass made a motion to approve the application as submitted. Mr. Swecker seconded the motion. With no further discussion, Vice Chairman Bryan called for the vote.

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

Final Plat Application – Lot 4 Cypress Creek Parkway, c/o Edward Rudiger, applicant:

Mr. Settle reported that, at its Tuesday, October 8th, 2019 meeting, the Planning Commission approved a site/subdivision/utility plan and preliminary plat application for Cypress Creek Phase VI, under the condition that the applicant acquire a Special Use Permit (SUP) from the Town Council prior to breaking ground on the proposed gravel trailer and recreational vehicle parking lot. At its Tuesday, January 7th, 2020 meeting, the Town Council approved a subdivision agreement for the same development. A zoning permit was issued on Wednesday, March 18th, 2020 for the construction of all infrastructure related to the proposed development. At its Tuesday, October 13th, 2020 meeting, the Planning Commission approved an amendment to the site/subdivision/utility plan and preliminary plat application, under the condition that all comments generated by the Town's Public Works & Utilities Department and the Isle of Wight County Stormwater Division be resolved prior to Town staff's issuance of a zoning permit. Following the resolution of all remaining issues identified by Town staff and the interagency review process, an amended zoning permit was issued on Friday, December 11th, 2020 for the construction of all infrastructure related to the proposed development. The applicant is now applying for final plat review and decision by the Planning Commission, allowing for the formal subdivision of a portion of the property into fifty-five (55) Suburban Residential (Cluster)-zoned properties to accommodate the new construction of a like number of single-family detached dwellings. In addition, two (2) open space parcels are to be subdivided through this action. Town staff recommended that the application be approved under the following conditions:

- (1) The applicant must acquire an SUP from the Town Council prior to breaking ground on the proposed gravel trailer and recreational vehicle parking lot.
- (2) The Town must be furnished with a bond in the amount of twenty percent (20%) of the total scheduled value shown in the cost estimate prepared by CA Barrs Contractor, Inc., dated Wednesday, November 25th, 2020.
- (3) The Town must be furnished with no less than six (6) signed copies of the subdivision agreement that was approved by the Town Council on Tuesday, January 7th, 2020, as well as a \$31 recordation fee. Page three (3) of the subdivision agreement must be updated with the value noted in item two (2) above.

- (4) The deed of drainage and utility easement that is to accompany this final plat at recordation, which is currently under the review of the Town Attorney, must be revised (if necessary). The Town must be furnished with no less than five (5) signed copies of this deed.
- (5) Following the recordation of the final plat, as well as the deed noted in item four (4) above, copies of the recordation receipts thereof must be provided to the Town.

The applicant's representative, Mr. Tim Culpepper, is with Cypress Investment Holdings who is the principal owner of Cypress Creek, Phase VI. He explained that the final plat approval is the first in a series of what will be three subdivision plats for Phase VI of Cypress Creek. The site plan details Section 1 representing approximately fifty-five single family detached lots. It is consistent with the preliminary plat approved by the Planning Commission and the Town Council previously. He was available to answer any questions regarding the application. He respectfully requested approval of the final plat application.

Vice Chairman Bryan asked Mr. Culpepper how far construction had progressed.

Mr. Culpepper stated that they were moving right along- curb and gutter have been installed, utilities have been installed, and the base paving has been installed.

Dr. Pope asked if they were ready to break ground.

Mr. Culpepper stated that they would be as soon as the plat is approved and recorded.

Mrs. Hillegass asked if Mr. Culpepper was aware of the five conditions recommended by staff and if he was prepared to meet all of the conditions.

Mr. Culpepper stated that they were prepared to meet all five of the conditions as soon as they receive approval from the Planning Commission.

Dr. Pope asked Mr. Settle if approval was needed just for Section 1 or if it included the age-restricted area.

Mr. Settle explained that it is partial approval including part of the age-restricted portion of the development. The applicant had laid out their site/subdivision/utility plans in phases. The current application is only for phase one.

Dr. Pope made a motion to approve as presented including the five conditions recommended by Town staff. Mrs. Hillegass seconded the motion. With no further discussion, Vice Chairman Bryan called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Gibbs abstained, and Vice Chairman Bryan voted aye. There was one abstention. The motion passed.

Portable Storage Unit Appeal – 1802A S. Church Street, c/o John Settle, applicant:

The Community Development & Planning Director 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 (SVFD'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. The proposed portable storage unit's placement on this property will exceed this period. The proposed portable storage unit will be a shipping container approximately eight feet (8') tall, eight feet (8') wide, and forty feet (40') long. Its color will not be known until following

its delivery. The proposed portable storage unit will be located in between the existing detached garage on the premises, and the boundary line shared with 1804 S Church St (TPIN 22-01-005B). At its Tuesday, December 8th, 2020 meeting, the Planning Commission tabled the SVFD's application until they could be furnished with a letter from the SVFD that would answer the following questions:

- (1) Why is the shipping container necessary?
- (2) Will the shipping container be owned or rented by the SVFD?
- (3) How long is it anticipated that the shipping container will be needed?
- (4) What will the shipping container be used to store?
- (5) Has the SVFD considered constructing a permanent storage building or facility on their own property to avoid the necessity of portable storage units?

Mr. Settle explained that most of the questions above have been answered in the attached letter in the packet. Town staff recommended approval as submitted.

Representatives of the fire department were available to answer any questions from the Planning Commission.

Mr. Swecker asked if this was the same application from the previous meeting, and if the fire department had tried to obtain funds for a permanent structure on fire department property.

Mr. Christopher Edwards stated that there is not enough room on the property to build another facility. The container will be located behind the police department's annex building.

Mr. Swecker asked if a building could be put there for fire department use.

Mr. Edwards stated that it is Town property. He did not know if the Town would entertain that idea. The fire department had not asked them. Currently, the fire department is in discussions with the Town Manager to try to get a more permanent facility set up at the old water treatment plant, which is now the Public Works & Utility Department's maintenance shop and laydown yard. He explained that a survey was being done there currently. The fire department could potentially move all training props to that property, as they saw it as beneficial to have all their training equipment in one location. The fire department is seeking a more permanent solution instead of a Conex container. Specifically, they need the storage unit to keep their training equipment and supplies out of the weather. The oriented straight board props are no longer salvageable for use and reuse after exposure to the elements.

Mrs. Hillegass asked if one container would meet the fire department's needs.

Mr. Edwards stated that one container meets their needs for the time being.

Vice Chairman Bryan asked about the layout showing the placement of the container. He asked about the larger building between the container location and the water tower.

Mr. Edwards stated that it is a detached garage. He thinks the police department uses that building.

Vice Chairman Bryan asked if there was a driveway from the fire department to the container.

Mr. Edwards stated that there was not a driveway; but there is a walk path beside the fence. There is also a stormwater retention pond. There is approximately a twelve-foot wide area to walk back and forth.

Mr. Swecker asked if the permanent building located adjacent to the location of the proposed shipping container was owned by the Town's administration, or just the Police Department, and if it was possible to attach a separate garage to accommodate the fire department's needs instead of using a portable container.

Mr. Edwards was not certain about the property lines between the fire department and the annex building. He does not know if it would meet setback requirements.

Vice-Chairman Bryan noted that at the last meeting, Mr. Settle had stated that the SVFD was anticipating interior renovations to the building.

Mr. Edwards stated that no interior renovations to the SVFD were anticipated at the time.

Mr. Settle indicated that he had been provided with information prior to the previous Planning Commission meeting that was incorrect, and that his statement from the previous month was incorrect.

The Community Development & Planning Director went on to say that it would be cumbersome for the fire department to build an addition to the building. The property is almost entirely built-out.

Mr. Swecker believed it would be better than a Conex container on the property.

The Town Attorney stated that the container is only temporary and not permanent. It is not designed to be permanent.

Mrs. Hillegass stated that the fire department is looking for a temporary solution. They are also seeking a permanent solution.

Vice Chairman Bryan stated that his concern was how many extensions the Town would allow for the Conex container.

Dr. Pope stated that at the last meeting there was not a definitive end date. The Planning Commission had asked for a time frame from the fire department. He was concerned about how many extensions would be allowed, and how long it would be left there.

Mrs. Hillegass stated that the Conex container is not as visible as they have been in other locations, referring to the CVS Pharmacy on Benns Church Blvd.

Mr. Edwards explained that the container is tucked behind the detached garage. There is a lot of vegetation, so it is barely visible from S Church St.

Dr. Pope asked about the time frame to hear from the Town for the possible use of Town property.

Mr. Settle stated that the Town would have the survey, hopefully, by the end of the week. No funding has been committed for the project. The fire department is looking into a training facility to be located at the old water treatment plant off of Cary Street. The property is encumbered by a substantial amount of wetlands, Resource Protection Area, and floodplain.

Mr. Edwards stated they are looking at other options in the event the old water treatment plant site does not work out. The fire department puts on vehicle extrication classes one time per year. They also do fire truck company classes with as many as three hundred people. The current facility is busting at the seams when they have training. They are in desperate need of another facility to do training.

Vice Chairman Bryan asked if the Conex container would be rented.

Mr. Edwards stated that the fire department purchased it.

Mr. Gibbs stated that his concern is that there needs to be an expiration date for the container. No one wants a temporary solution to turn into a permanent problem.

The Town Attorney stated that the Planning Commission has the authority to do that.

Vice Chairman Bryan asked if at the end of the term the fire department would have to come back for an extension.

Mr. Settle stated that they would either have to remove the container or reapply for an extension.

Mrs. Hillegass stated that the Planning Commission should be realistic. The project has just begun, survey work was needed, and there is no funding at the moment for the construction of a permanent facility.

Mr. Gibbs suggested that the shipping container be permitted for a term of six (6) months.

Mr. Swecker asked about the expense incurred to locate the container behind the fire department.

Mr. Edwards stated that it was between \$300 - \$500 to have it moved.

Mrs. Hillegass asked what the fire department would need by way of a time frame.

Mr. Edwards stated the longer the better. He did not know how long negotiations would take with the Town for a more permanent solution. He explained that they have been working with the Town Manager for close to a year already. He does not know how long the planning stage would take even if it works out. He believes it would take about a year or longer.

Mrs. Hillegass asked if the fire department could come back and revisit the container in twelve months, and at that time offer a report on the progression of their Cary St project.

Mr. Edwards stated that he would have a much better idea about future plans by then.

Mrs. Hillegass made a motion to approve the portable storage unit in the location requested on the application and that it be revisited in twelve months.

Mr. Settle stated that any time frame assigned to the application would begin at the conclusion of staff's 150 days which has already been authorized.

Dr. Pope stated that they need a more permanent solution.

Mrs. Hillegass explained that the fire department is working on it. They just got a survey started and they have no funding committed at all. It is not going to happen overnight. The Planning Commission needs to be realistic about it.

Dr. Pope stated that it is going to be a Town of Smithfield and Isle of Wight County issue that will need to be worked out.

Mr. Gibbs suggested adding six months which would keep it on the table. If they have a year, the fire department will use a year. The Planning Commission has the power to extend it for six months. If they are moving forward and making progress, then the Planning Commission can extend it.

Mr. Swecker stated that he is 100% for the fire department. He thinks the Town could come up with some money to help them out or possibly Smithfield Foods. He does not feel the Conex container would end up being something permanent. The fire department deserves something better than a Conex container.

The Town Attorney stated that Mr. Swecker was exactly right but that is not the issue. The question is if the fire department can have the Conex container in a temporary location longer than what staff is able to administratively permit.

Vice Chairman Bryan explained that funding is outside of the Planning Commission's responsibility.

Dr. Pope asked when the current 150-day approval expires.

Mr. Settle stated that it was authorized about a month ago. He speculated it would expire sometime in April.

Dr. Pope proposed making a decision in December 2021.

The Town Attorney recommended January since December is the worst time to have a deadline on anything.

Dr. Pope did not want to approve an additional twelve months plus the 150 days. He would like to give the fire department a year from when it was approved.

Mrs. Hillegass amended her motion to give the fire department an extension until January 2022.

Vice Chairman Bryan stated that the Planning Commission wants to cooperate with the fire department. They do great things for the community. He wants to cooperate and support them in their efforts for a training facility. He asked Mrs. Hillegass to repeat her motion.

Mrs. Hillegass made a motion to allow the fire department to have the container on site as presented in the application until January of 2022 and the Planning Commission will revisit it at that time. Mr. Swecker seconded the motion. With no further discussion, Vice Chairman Bryan called for the vote.

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

Approval of the Tuesday, December 8th, 2020 Meeting Minutes.

The Town Attorney recommended the minutes be approved as presented.

Mrs. Hillegass made a motion to approve the minutes. Mr. Swecker seconded the motion. Vice Chairman Bryan called for the vote.

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

Election of 2021 Planning Commission Officers:

Mr. Settle explained that the bylaws state there should be an election of officers at the first meeting of each new year.

Vice Chairman Bryan asked if it could be delayed since two members were not present.

The Town Attorney stated that the Planning Commission could move the election to the February meeting.

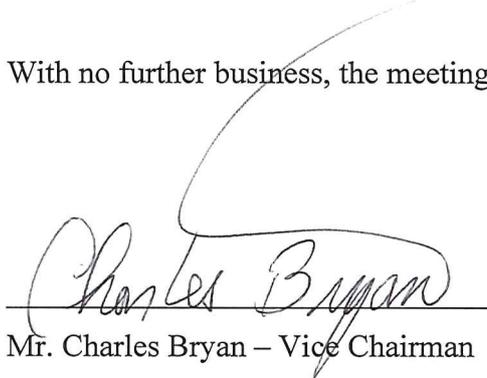
Vice Chairman Bryan made a motion to postpone the election of the 2021 Planning Commission officers to the next regularly scheduled Planning Commission meeting.

The Town Attorney asked for all those in favor to say aye, opposed say nay.

Smithfield Planning Commission
January 12th, 2021

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

With no further business, the meeting adjourned at 7:15 p.m.



Mr. Charles Bryan – Vice Chairman



Mr. John Settle – Community
Development & Planning Director