

The Smithfield Planning Commission held its regular meeting on Tuesday, April 13<sup>th</sup>, 2021 at 6:30 p.m. at the Smithfield Center.

**Members present:**

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Julia Hillegass

Thomas Pope

Raynard Gibbs

**Members absent:**

Michael Torrey

Mike Swecker

**Staff present:**

John Settle – Community Development & Planning Director

Tammie Clary – Planner (remotely)

**Press:** None

**Citizens:** 5

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

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

Mr. Settle reported that, at its Tuesday, October 13<sup>th</sup>, 2020 meeting, the Planning Commission tasked Town staff with examining ways to adequately address blighted properties within the 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 draft spot blight abatement ordinance was adopted by the Town Council at its Tuesday, April 6<sup>th</sup>, 2021 meeting. This ordinance will replace Section 22-2 of the Smithfield Town Code. At its Tuesday, March 9<sup>th</sup>, 2021 meeting, the Planning Commission tasked Town staff with ascertaining the net developable acreage of the Wellington Estates and Gatling Pointe subdivisions. Town staff have contacted Isle of Wight County for this information (Wellington Estates' rezoning was approved when it was still located in the County). At the writing of this report, no response has been received from the County. On Monday, March 22<sup>nd</sup>, 2021, Town staff received the latest submittal of the applications for a comprehensive plan (future land use map) amendment, official zoning map amendment (rezoning), zoning ordinance text amendment, special use permit, and Planning Commission waiver for 19474 & 19502 Battery Park Road (TPINs 22-01-017, 22-01-026, 22-01-028, 22-01-029, 22-01-033, 22-03-001, 22-03-002, 23-01-008 & 23-01-008A). The applications were then circulated to all reviewing agencies concerned, thereby initiating the mandatory thirty day administrative review process. At this time, the applications are anticipated to appear as a public hearing item on the Tuesday, May 11<sup>th</sup>, 2021 Planning Commission meeting agenda. Summit Design & Engineering Services, PLLC, our consultants for the 2020/2021 Comprehensive Plan update, have developed a website to assist in providing transparency in the comprehensive planning process. The website is accessible via this link: <https://smithfieldvacomprehensiveplan.com/>. A draft existing condition report and a draft summary report of the recent citizen survey are accessible via the link. In the interests of reaching

a citizen participation threshold of ten percent of the Town's population, our consultants have created a vision feedback form for continued public input and engagement throughout this process (<https://smithfieldvacomprehensiveplan.com/#feedbackform>). We are now coordinating with our consultants on the scheduling of a series of virtual and in-person public input sessions. The dates, times, and locations of these sessions will be posted on the website. On Thursday, March 25<sup>th</sup>, 2021, Town staff received a Conditional Use Permit application from Isle of Wight County for courtesy review (see Enclosure A). It concerns the anticipated redevelopment of the Hardy Elementary School site (9170 Blounts Corner Road & 9311 Hardy Circle, TPINs 13B-02-A003, 13B-02-A004, 13B-02-A009 & 13B-03-025). Town staff are awaiting comments, if any, from the Fire, Police, and Public Works & Utilities Departments, while simultaneously developing their own. Town staff wanted the Planning Commission to be aware of the proposed development, and welcome any additional comments for the County. Any comments would be needed by April 24<sup>th</sup>, 2021.

**Upcoming Meetings and Activities:**

Tuesday, April 20<sup>th</sup>, 6:30 PM – Board of Historic & Architectural Review Meeting

Monday, April 26<sup>th</sup>, 3:00 PM – Town Council Committee Meetings

Tuesday, April 27<sup>th</sup>, 3:00 PM – Town Council Committee Meetings

Tuesday, May 4<sup>th</sup>, 6:30 PM – Town Council Meeting

Tuesday, May 11<sup>th</sup>, 4:00 PM – Pinewood Heights Management Team Meeting

Tuesday, May 11<sup>th</sup>, 6:30 PM – Planning Commission Meeting

**Public Comments:**

Chairman Pack 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.

Renee Bevin resides at 101 Beale Avenue in Smithfield. She asked the Planning Commissioners to reject the proposed rezoning of the Mallory Scott Farm. She explained that Town leaders developed an extensive plan in 2009 to protect and preserve the Town of Smithfield. The plan included the Mallory Pointe/Scott Farm. The Community Conservation district is an environmentally sensitive area and future development must consider the poor soil conditions and the rich ecological treasures. Mr. Napolitano's development plan provides neither. The Future Land Use summary indicates that the area has "the potential to accommodate between 126-378 new households. While it is unlikely that the upper level of the projection will ever be realized due to the poor soil conditions. The future development of the planning area should provide additional single-family detached residential development opportunities including affordable workforce housing." Keeping those guidelines in mind, the current Comprehensive Plan clearly states that, for many reasons, the area cannot support more than 378 homes. She stated that it was unfathomable to her that the proposed plan is more than double that number and is even being considered. The current rezoning proposal is diametrically opposed to every recommendation in the current, well thought-out Comprehensive Plan. She stated that it would be inevitable that the area would be developed; but the current proposal is not the answer. There are many examples of communities that are developed in concert with an environmentally sensitive area. One option is a conservation community that will respect the marshes,

the wildlife, and the waterway. Once these things are destroyed, they will not come back. While the development proposed by Mr. Napolitano might be appropriate somewhere, it is ill-conceived for the Mallory Scott Farm area. It is incongruent and incompatible with Smithfield and the current Comprehensive Plan. There is no compelling reason to deviate from the plan. On behalf of all the citizens who do not have the opportunity to speak, she asked the Planning Commissioners to have the wisdom, strength, and courage to support the current Comprehensive Plan. Do not let someone who lacks a vested interest in Smithfield to do irreparable harm to our very special town. Honor the vision set forth by predecessors and reject the proposed rezoning.

**Planning Commission Comments:**

There were no Planning Commission comments.

**Public Hearing – Conditional Official Zoning Map Amendment & Special Use Permit Applications – 601 South Church Street, Lewis & Sandra Little Living Trust, applicant:**

Mr. Settle reported that, at its Tuesday, May 2<sup>nd</sup>, 2006 meeting, the applicant received an approval from the Town Council for a Special Use Permit (SUP) for a “waiver of yard requirements, subject to the prohibition of parking in front yards,” pursuant to Smithfield Zoning Ordinance (SZO) Section 3.I.C.28, for relief from SZO Section 3.I.E. This approval was intended to facilitate the construction of an approximately ten thousand (10,000) square foot building subject to the following reduced setbacks:

- (1) A reduction in the required front yard setback extending from South Church Street from forty feet (40’) to twenty-three feet (23’).
- (2) A reduction in the required side yard setback extending from North Street from forty feet (40’) to 15.5’.
- (3) A reduction in the required rear yard setback extending from 106 North Street (TPIN 21A-12-030) from forty feet (40’) to 20.8’.

A zoning permit was issued for the new construction of this building on Friday, July 7<sup>th</sup>, 2006, despite the following facts:

- (A) A lot line still existed between the two lots (TPINs 21A-01-032A & 21A-01-032B) that comprised the property.
- (B) The two lots that comprised the property were located in different zoning districts (TPIN 21A-01-32A was zoned “NR” and TPIN 21A-01-032B was zoned “HRC”).
- (C) Throughout the applicant’s initial SUP process, the “prohibition of parking in front yards” provision does not appear to have ever been noted. Pursuant to SZO Section 3.I.C.28, the applicant has been unable to utilize the area located forward of an imaginary line running parallel with the forwardmost projection of the building’s primary façade for off-street parking. However, an off-street parking area in this vicinity was still installed in conjunction with the new construction of the primary building.
- (D) The approved zoning permit from 2006 features a plan that is consistent with the materials circulated in the Town Council and Planning Commission agenda packets from the same year, but it differs from the

amendments to the plan that were verbally noted and approved by the Town Council at its Tuesday, May 2<sup>nd</sup>, 2006 meeting. These amendments resulted in the reduced setbacks noted in items one (1) through three (3) above.

The applicants are now preparing to sell the property in the coming months, and believe that the resolution of the issues identified above are paramount in improving the property's marketability. As such, the applicants have submitted the following applications:

Conditional Official Zoning Map Amendment (Rezoning): The applicant wishes to amend the official zoning map's designation of Lot 32A, North Street (21A-01-032A) from NR to HRC in a manner consistent with how the property is illustrated in the comprehensive plan's future land use map. This would result in the entirety of the applicants' property being zoned HRC, and would place the building within a single zoning district. It is important to note that, should the applicants' proposed conditional rezoning application be approved, they intend to record a lot consolidation plat to vacate the existing lot line that currently bisects their property.

Special Use Permit (Parking & Loading Waiver): The applicants have submitted an SUP application for a "waiver of parking and loading requirements" pursuant to SZO Sections 3.B.C.27 & 3.I.C.30, specifically for relief from the following SZO Sections:

- 3.I.C.28: The applicant is requesting relief from the front yard parking prohibition provision that was applied to the property as a consequence of the SUP that was issued on Tuesday, May 2<sup>nd</sup>, 2006.
- 8.B.8: The applicant wishes to utilize existing driveways located within ten feet (10') of the adjacent public rights-of-way (ROWs) as dedicated parking spaces.
- 8.B.22: Four (4) of the proposed seven (7) off-street parking spaces will depend on the public ROW to maneuver into and out of those parking spaces.
- 8.C.1(a): Two (2) proposed parallel parking spaces at the front of the property will be sixteen feet (16') long instead of the minimum required length of twenty-two feet (22').
- 8.C.1(b): One (1) proposed perpendicular parking space adjacent to North Street will be 17.2' in length instead of the minimum required length of eighteen feet (18'). Additionally, the parking area at the rear of the property will be accessed via a parking area entrance featuring two (2) ten foot (10') wide travel ways instead of the required two (2) twelve foot (12') wide travel ways.

8.E.50: A reduction in the required number of on-site parking spaces from seventeen (17) to seven (7) to accommodate the intentions of a prospective buyer.

8.E.57 & 8.H.1: A reduction in the required number of handicap parking spaces from one (1) to zero (0).

This application has resulted in requests for comments from several agencies and entities outside of the Smithfield Community Development & Planning Department. Comments received at the writing of this report have been labeled and attached, and are enumerated below:

- Isle of Wight County Schools (IWCS) . . . . . Enclosure 1
- Virginia Department of Transportation (VDOT) . . . . . Enclosure 2
- Isle of Wight County Planning & Zoning (IWPZ) . . . . . Enclosure 3

Pursuant to SZO Section 4.E.4, the Planning Commission has until Thursday, July 22<sup>nd</sup>, 2021 to decide on this application before it is automatically forwarded to the Town Council with a recommendation for approval.

The applicant, Lewis Little, resides at 1 River Road in Smithfield. He explained that Bill Hopkins, the previous Director of Planning, Engineering & Public Works, helped get the application processed. Mr. Little stated that he obtained a plat of the property showing it as one parcel. The contractor was issued a commercial building permit. Mr. Little stated that he had thought that everything had been taken care of appropriately. He appreciates Mr. Settle clarifying the issues with the property. He was available for questions from the Planning Commissioners.

Dr. Pope asked about the parking requirements proposed on the plan. Did the applicant ask for a waiver of parking or was it a remedy proposed by Town staff?

The Community Development & Planning Director, Mr. Settle, explained that Town staff looked at the physical improvements located on the site. It was determined that the items outlined in the report were in conflict with how the property was oriented.

Dr. Pope asked about the additional parking spaces that are being proposed. Is it something that the Town or the owner would like in order to satisfy all of the commercial stipulations?

Mr. Settle explained that the applicant is not proposing any additional parking spaces. There are existing parking spaces on site that the Town is treating as parking spaces.

Dr. Pope asked if the buyer of the property planned to use the facility in the same way.

Mr. Little stated that he does not have a buyer yet. He had a potential buyer, but it did not work out. In 2006, he had the option to build a small building on a large lot or build a large building with a lack of parking spaces which he preferred. He does not have a potential buyer right now. There is a lot of concrete there currently. He is not asking for any additional improvements to the property.

Vice Chairman Bryan asked if Mr. Little was asking for a waiver of the handicapped parking.

Mr. Settle stated that the absence of handicapped parking is an existing condition onsite. Town staff was simply trying to check as many boxes with the site as it is now. There are conflicts between various sections of the zoning ordinance but he would have a special use permit that remedies those conflicts. If the property is sold and there is a new use occupying the building, then the new owner would have to comply with Article 8. If there is not a handicapped parking

space for a new use, the new owner would have to install a handicapped parking space. The application clears up every issue that currently exists physically on the site which is the whole purpose of the application.

Chairman Pack stated that if the building were to sell and a new owner proposed any use different than the current use then the new owner would need to come back to the Planning Commission.

Mr. Settle stated that was correct.

With no further questions for the applicant, Chairman Pack opened the public hearing. There were no signups to speak for or against the application. Chairman Pack closed the public hearing. The floor was open for discussion by the Planning Commissioners.

Dr Pope stated, to be clear, that the property will remain as is with no additional improvements. When the building sells then the new owner will have to make a new application to the Planning Commission.

Mr. Settle stated that was correct. He explained that any new owner with a new use for the property would have to make an application to the Planning Commission as well as VDOT. The property is on a VDOT right-of-way as well as a Town right-of-way.

Chairman Pack asked what would happen if the Planning Commission did not approve the current application.

Mr. Settle stated that it would be a very unfortunate circumstance. The Town would have an existing non-conforming condition that there has been no remedy for. He believes it would confuse future perspective buyers and make it difficult for Mr. Little to sell his property.

Mr. Gibbs asked if this application was to make the property marketable.

Mr. Settle stated that the application has been made to market the property and clean up the issues. All of these issues should have been corrected in 2006. As far as he was concerned, the applications before the Planning Commission tonight should have been before the Planning Commission in 2006.

Mrs. Hillegass made a motion to recommend approval to the Town Council. Vice Chairman Bryan seconded the motion. With no further discussion, Chairman Pack called for the vote.

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

**Site Plan Amendment & Entrance Corridor Overlay Design Review Applications – 888 & 900 West Main Street, Town of Smithfield, applicant:**

Mr. Settle reported that the applicant is seeking approval to install three (3) new accessory buildings (storage sheds) on the premises at the Joseph W. Luter, Jr. Sports Complex. The Parks and Recreation Department has requested additional storage. An eight foot (8') by twelve foot (12') shed (ninety-six (96) square feet) will be located behind the football/soccer field at 900 West Main Street (TPIN 21-01-051), while another identical shed will be located behind the concession stand on the same property in the area between the two (2) rearmost baseball fields. The remaining fourteen foot (14') by twenty-eight foot (28') shed (392 square feet) will be located behind the single-family dwelling at 888 West Main Street (TPIN 21-01-051B). Two (2) of the three (3) sheds

will be located within the Entrance Corridor Overlay (ECO), which extends into the area of this property located within five-hundred feet (500') of West Main Street. As such, these two (2) sheds will be roofed in black architectural asphalt shingles, and will be painted gray with white accents (simulating white trim) to match the color of the materials present on the existing concession stand. This is proposed to ensure compliance with the ECO Design Guidelines. Town staff recommended approval as submitted.

Chairman Pack stated that the sports complex is beautiful. The Town has rules and is now asking to violate those rules and put sheds in the sports complex. They look like garbage. He is not in favor of this application. He understands that storage is needed but there are other ways to do it. He believes the Town should follow the same rules that others should follow for the Entrance Corridor Overlay. He stated that he was sympathetic of the Department's need for more storage, but also acknowledged the importance of not detracting from the beauty of the concession stand.

Dr. Pope and Mrs. Hillegass agreed.

Dr. Pope asked what Parks & Recreation needed the sheds for.

Mr. Settle stated that he was told the sheds would be for groundskeeping equipment.

Dr. Pope stated that he thought the concession stand had ground level storage facilities already built into it.

Chairman Pack stated that there is storage on the ground level, but it is not very big.

Dr. Pope asked who maintains the grounds currently.

Chairman Pack stated that it was the Town of Smithfield Parks & Recreation staff.

Dr. Pope stated that he usually sees trucks with trailers transporting equipment from site to site as needed.

Chairman Pack explained that Parks & Recreation staff keeps most of their equipment on the sports complex site separate from the Public Works Department who trailers their equipment. The departments are different and they have different equipment. Parks & Recreation equipment is more specialized for ballfield maintenance. Behind the Wombwell house, there is a pole barn type shed that some equipment is stored in. The more expensive equipment is stored in the concession stand storage area. He agrees that they do not have enough storage; but does not feel that sheds are the solution.

Dr. Pope stated that he does not think sheds are a solution either. He asked what is currently stored at the concession stand storage area. The building is of substantial size and he wondered how it was being utilized.

Mr. Gibbs stated that he believes someone should itemize and prioritize what goes where. Room could be made for the essential items.

Dr. Pope stated that the original plans included storage to keep this type of situation from happening.

Vice Chairman Bryan asked if the sports complex has had a full season of sports.

Chairman Pack stated that they mostly have had a full season. The pandemic happened and interrupted the schedule. Spring ball is being played now. He believes there will be Fall ball also. Even last summer during the pandemic, there were quite a few tournaments at the sports complex. They brought some nice economic impacts to the community. The sports complex hosted quite a few tournaments while other areas could not.

Vice Chairman Bryan stated that if they have not had a full season then what was being stored at the concession stand.

Mrs. Hillegass stated that extra storage may be needed; but sheds are not the same caliber as the rest of the sports complex venue. She explained that the Parks & Rec department was probably trying to be fiscally responsible, but sheds are not the answer.

Mr. Settle stated that it is his understanding that the Planning Commission would like to table this application until materials could be submitted indicating a building or buildings of superior quality are presented to the Planning Commission.

Dr. Pope stated that he would like to table the application until the Planning Commission has an explanation of what is in the current building and why it is not sufficient for the storage of equipment. He would not support anything less architecturally sound than what is currently there such as split-faced blocks and metal roofing. He stated that storage sheds should match the quality of what is currently there.

Mr. Settle stated that the Planning Commission is leaning towards tabling the application until an explanation can be provided of what is currently stored in the existing storage space. The application should be brought back to the Planning Commission with storage buildings of a quality equal to the existing buildings onsite.

Chairman Pack stated that he was looking at denying the application as proposed until storage facilities similar in architecture are planned. He does not doubt that Parks & Rec needs space. As Mr. Gibbs suggested, staff could reorganize and prioritize which may solve the issue. Chairman Pack does not feel that buying sheds are the answer. The storage buildings would have to be architecturally similar to what exists at the sports complex. A lot of money has been spent on the beautiful sports complex. He will not accept anything less than what is already there.

Mr. Settle stated that the Planning Commission was leaning towards denying the application since the sheds are not in keeping with the architectural style and materials currently on site and are in conflict with the Entrance Corridor Overlay Design Guidelines. Mr. Settle explained that he has to write an action letter as to the reasons the application was denied.

Dr. Pope asked who is paying to cut the grass. Does Public Works cut the grass or is it contracted out?

Chairman Pack stated that the Parks & Recreation staff maintains the property as well as Windsor Castle Park. They cut grass at both locations.

Dr. Pope asked if it is the Town's Parks & Rec Department and has nothing to do with the county.

Chairman Pack stated that was correct. Mrs. Amy Novak directs the Parks & Rec Department.

Dr. Pope asked if the storage sheds could be located at the Public Works facility on Cary Street. Equipment could then be transported to the ballfields.

Mr. Settle stated that the property is cumbersome. The Public Works Department occupies half of the property. The other half is currently being discussed to use as a training facility for the fire department. All remaining developable area of the property is not developable due to the RPA, wetlands, or floodplain.

Dr. Pope asked if the Smithfield Volunteer Fire Department was asking to use a portion of that property or was Isle of Wight County asking to use it.

Mr. Settle stated that he was not sure.

Dr. Pope stated that the county is responsible for the fire department. Does the Town want to give up much needed real estate since it is hindered by RPA issues? He asked if that decision would be made by Town Council or the Planning Commission.

Councilman Pack stated that he has been to the Public Works property on numerous occasions. There are three or four buildings out there that are organized and prioritized. Staff has done a tremendous job, and he is very proud of how money is spent there.

Dr. Pope stated that there is a lot of land there. It seems that there is a lot of real estate that Parks & Rec could utilize to store equipment instead of sheds at the ballfields.

Mrs. Hillegass asked if there was storage space at the Windsor Castle barns.

Councilman Pack stated that there was. He explained that the questions should be asked of Amy Novak; the Director of Parks & Recreation.

Vice Chairman Bryan asked why the department was requesting three sheds instead of one large one.

Mr. Settle stated that he did not know. If the Planning Commission has questions for the Parks & Recreation Department, Mr. Settle recommended tabling the application instead of denying it. If it is tabled, the Parks & Recreation Department will come back seeking approval. If it is denied, they would not come back with the same thing.

Mrs. Hillegass stated that the Planning Commission does not want the Parks & Recreation Department to come back with the same application.

Dr. Pope stated that the Planning Commission is not opposed to storage; but the type of storage instead.

Mr. Settle explained that if the Planning Commission tabled the application, then the Director of Parks & Recreation could appear at the next meeting to answer questions and upgrade materials.

Dr. Pope asked if the application would go to Town Council for budget considerations to construct more appropriate storage for the sports complex.

Chairman Pack stated that it would go to Town Council. Parks & Recreation probably has enough money budgeted to buy the sheds; but not enough to build a storage building.

Vice Chairman Bryan asked if Smithfield Recreation Association had anything to do with the storage sheds.

Chairman Pack stated that they did not. Smithfield Recreation Association is only a tenant of the property.

Dr. Pope stated that he would like to know what needs to be stored at the sports complex and why it cannot be stored in the concession stand storage area. The space was designed for storage. It was the whole point of the plans. It is a fairly large building.

Chairman Pack suggested tabling the application and asking Mrs. Novak to answer questions about the application.

Mr. Gibbs stated that if the application is denied then it seems that the Planning Commission does not recognize the need for storage space. However, everyone is saying there is

a need for space. Mrs. Novak should have been in attendance at this meeting; but tabling it will give her a chance to explain the request.

For clarification, Mr. Settle stated that the Planning Commission would like to table the application until a representative of the Parks & Recreation Department can appear and answer questions at the next meeting. The Planning Commission would also like to see better materials on the storage sheds.

Chairman Pack stated that was incorrect. The Planning Commission wants to see storage that is architecturally similar with similar materials to what currently exists at the sports complex.

Mr. Settle summarized the Planning Commission's request. They would like to see a better appearance and configuration consistent with what is currently on site. The Planning Commission would also like an explanation as to why existing storage cannot be utilized.

Mrs. Hillegass made a motion to table the application for storage sheds at the Joseph W. Luter, Jr. Sports Complex. Vice Chairman Bryan seconded the motion. Chairman Pack called for the vote.

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

#### **Approval of the Tuesday, March 9<sup>th</sup>, 2021 Meeting Minutes:**

Chairman Pack recommended tabling the approval of the minutes since the Town Attorney was not present at the meeting.

Mrs. Hillegass made a motion to table approval of the minutes. Dr. Pope seconded the motion. Chairman Pack called for the vote.

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

#### **New Business: Service of Michael Torrey:**

Chairman Pack explained that he had a conversation with Mr. Torrey who has taken on new responsibilities in his career. It requires quite a bit of travel. He has missed several meetings. He would like to continue to serve but will step down if the Planning Commissioners think his position should be filled by someone else. Chairman Pack asked the Commissioners if they would like to replace Mr. Torrey with someone who could attend meetings more often or let him continue to serve. He is about halfway through his second term.

Mrs. Hillegass asked if anyone in the Talent Bank was eager or willing to serve.

Councilman Pack stated that there were several folks interested when Mr. Gibbs was appointed. He explained that Mr. Bevan has expressed interest on numerous occasions. He was in attendance during public comments.

Mrs. Hillegass stated that he would be a good candidate but would like to see more female participation in the Planning Commission. She has been the only female for years. She asked when Mr. Torrey's term ended.

Vice Chairman Bryan asked if Mr. Torrey's job situation with travel would be permanent.

Chairman Pack explained that it would be permanent. He accepted a promotion within the company. He is on the road approximately two weeks per month.

Mr. Settle stated that Mr. Torrey's term expires on January 31<sup>st</sup>, 2023.

Chairman Pack explained that Mr. Torrey would first have to garner his resignation then Mayor Williams would appoint a committee to appoint a new Planning Commissioner. It would take approximately 60 days to happen.

Dr. Pope expressed concern about a new member coming onboard in the middle of the Mallory Scott Farm rezoning request. Mr. Torrey understands the issues that are involved with the application. It would be hard for someone else to come in midstream, and potentially voting on Mallory Pointe at their first meeting.

Mr. Settle stated that the waiver that the applicants of Mallory Pointe signed entitle the Planning Commission to no less than 60 days to review the application. The language states: "the Planning Commission shall have at least 60 days to consider the application." The applicant waived the 100-day period. There is no pressure to decide on the application at the next meeting.

Mr. Gibbs asked if Mr. Torrey could possibly work it out with his employer so he could be present for the May meeting.

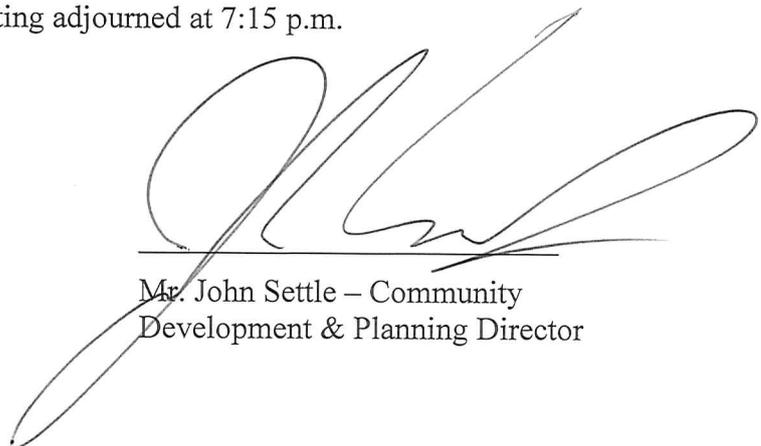
Chairman Pack stated that he would ask Mr. Torrey. It is his understanding that the Planning Commission would like Mr. Torrey to continue until the Mallory Scott Farm application has been finalized. He could resign after that since his work requires so much travel.

The Planning Commissioners agreed due to Mr. Torrey's background knowledge of the project.

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



Mr. Randy Pack - Chairman



Mr. John Settle – Community  
Development & Planning Director