

The Smithfield Planning Commission held its regular meeting on Thursday, April 14th, 2022, at 6:30 p.m. at the Smithfield Center.

Members present:

Charles Bryan – Chairman

Julia Hillegass – Vice Chair

Michael Swecker

Randy Pack

Michael Torrey

Members absent:

Dr. Thomas Pope

Raynard Gibbs

Staff present:

Tammie Clary - Community Development & Planning Director

William H. Riddick, III – Town Attorney

Nadya Jaudzimas – Administrative Assistant

Valerie Butler – Town Councilwoman

Press: Stephen Faleski - The Smithfield Times

Citizens: 14

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

Community Development & Planning Director's Report:

Tammie Clary, Community Development & Planning Director, reported that the partial structure located at 1400 South Church Street (formerly the Tastee Freeze) has been demolished. An invoice for the cost of the demolition had been sent to the owners, and payment has been received.

Upcoming Meetings and Activities:

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

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

Tuesday, May 3rd, 6:30 PM – Town Council Meeting

Tuesday, May 10th, 6:30 PM – Planning Commission Meeting

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. Any required response from the town will be provided in writing.

Lanford Pritchett of 5312 River Landing Trail in Rushmere thanked the Commission for their time. He gave a history of his different residences, reporting that he lived in Colorado for 30 years and after retiring 5 years ago had decided to return to Isle of Wight County. He reported that he is an eighth generation Virginian, born in his grandfather's home, and the family then moved to a home in Burwell's Bay. He related his history of travel through the country, in Canada, and across 6 continents. He reported

that he is an architect and contractor who had experience working on structures around world, including the London 2012 Olympics and the Burj Khalifa in Dubai. Mr. Pritchard continued that while he was in Colorado, there had been much growth and development especially around the city of Denver. He stated that in the suburb of Boulder a wall had been put up around it and the officials there stated that they were not interested in growth. He added that the developers respected this stance, with the ultimate result being that currently the property values in Boulder have risen exorbitantly. He stated that politicians, citizens, and coffers are happy with the “do nothing” approach. Mr. Pritchard stated that he had only been here for about 5 years but had followed the Mallory Scott project process. He stated that he is hoping that the Commission has the support and vision to do the right thing for the Town, the County, and the voting public.

Bill Harris of 329 Grace Street in Smithfield began by stating that he is one of many concerned citizens who have come before the Commission and the Town Council over the last several months with the principle issue drawing them to the meetings being the proposed development project at the intersection of Main Street and Route 10, informally referred to as the Luter Project at 10 Grange. He stated that the group had raised many concerns about the project as they know it, with most concerns focused on the negative impacts that a mixed-use project of this size and density would have on Downtown Historic Smithfield and the Town in general. He reported that the group takes great pride in the small-town character of Smithfield, the history, and the historic atmosphere of the Town. He continued that they raise their concerns out of fear that the proposed development could have lasting and irreversible damage on the Town. Mr. Harris stated that as a group they felt that it was imperative that the Planning Commission and the Town Council maintain complete control of any development in the Town of Smithfield. He stated that the 2009 Comprehensive Plan and the proposed updated version call for a controlled-growth approach in terms of development throughout the Town of Smithfield and emphasizes the need for all development in the Town to be completed in a way that brings no harm to the quality of life, the historic atmosphere, and the established residential areas. He added that these were words from the members job descriptions as Planning Commission and Town Council. Mr. Harris stated that he felt it might be a little bit late as much harm has already been done by recent agreements for new development. He continued that the recent traffic studies concluded traffic increases on South Church Street, Cary Street, and Grace Street have reached unimaginable numbers and brought with them problems like noise and air pollution as well as collapse of infrastructure. Mr. Harris stated that it was the groups belief that the proposed development at 10 Grange was in direct conflict with what was written in the Comprehensive Plan. He reiterated that the public available job descriptions of Town Council and the Planning Commission as well as the Comprehensive Plan emphasize “do no harm.” He continued that the group is before the Commission asking them to be guided by their own Comprehensive Plan and the concerns of the Town’s citizens as it considers how to move forward in its deliberation regarding the proposed development at 10 Grange. He stated that he would like the members to think individually and collectively about the legacy that they are creating through their actions as members of the Planning Commission. He added that the upcoming decisions that they would make would have a lasting impact on development of Smithfield and its quality of life. He related that this was especially pertinent in the decisions regarding the Planned Mixed-Use Development (PMUD) zoning and the updated Comprehensive Plan. Mr. Harris made the statement that if high-density mixed-use zoning is allowed in Smithfield, and specifically in the Historic District, then the small town

atmosphere will be gone forever. He questioned if creating a zoning ordinance that will please developers was really more important than preserving what makes our town special. He suggested that it may be time for the Planning Commission to take a step back and focus on the big picture as opposed to the small issues that dominate their time. Mr. Harris concluded that if they do not get a handle on the development and traffic that plagues the Town, they may lose it forever. He encouraged the members to not hide behind the comment “I’m just doing my job” and instead answer with “I’m doing what’s right.”

Elizabeth Hopkins of 320 Grace Street in Smithfield related information about her aunt’s town outside of Boston. She stated that the setbacks in that town are amazing, the amount built on the properties are low, there is a lot of greenspace in-between homes, and the town is a gem. She reported that her father was in the Navy, gave her a love for history, and during the process of her family moving from Hawaii to Indiana he educated her on historic homes. She stated that when they moved from Florida to Virginia all of the buildings looked like Colonial Williamsburg, even the 7-11’s. She added that they do not see this anymore and that the style more closely resembles those in California. Mrs. Hopkins gave the example of the town of Sedona, Arizona that had a theme of rocky outcroppings in its building and signage throughout. She expressed appreciation for everything the Planning Commission has done so far, and agreed with Mr. Harris that she encouraged them to take a step back, do the research, and learn about the pros and cons of development. She additionally encouraged them to look at the knowledge of the citizens as a resource. She reiterated the importance of taking their time with their consideration as this involved the future of the Town and keep this a desirable place to live.

Mary Harris of 329 Grace Street in Smithfield stated that it was the Commission’s job to consider any additional development requests, projects, or zoning changes. She stated that in relation to this she hoped that the members had taken the time to review the recent traffic studies completed. She stated that she had previously talked about issues on Grace Street, but it turns out that Grace Street is not the worst of it. She reported that the daily average volume on three of the residential downtown streets are as follows: Grace Street with 23 residences has 1,960 cars/day, Cary Street with 30 residences has 2,208 cars/day, and on Church Street with 46 residences has 11,611 cars/day. Mrs. Harris stated that she is at a loss as to why they have not stopped growth that impacts the traffic on the residential streets or acted to limit traffic in downtown Smithfield. She reported that her research shows that the range of acceptable volume of daily traffic on any residential street is between 600-1000 vehicles per day. She stated that there is a traffic volume issue in Town. Mrs. Harris stated that the Town Staff, and possibly others, were familiar with the South Central Regional Council of Governments and their traffic mitigation guide. She stated that there were issues that the Town Council, not the Planning Commission, would need to address including road closures, diverters, and restrictions on turn-arounds that can assist with the traffic. She added that the Virginia Department of Transportation (VDOT) also had traffic calming guides, relating that none of the guides had been considered as they move forward with their plans. She expressed the negative impact of traffic on the health and welfare of the residents, adding that this must be considered before any additional growth is approved. She gave the example of a study completed by the University of British Columbia that had 670,000 individuals that included the statement “emerging evidence links road proximity and air pollution with cognitive impairment and concludes that individuals that live in high-volume traffic areas have a 14% increase in developing Dementia, Multiple Sclerosis (MS), and Alzheimer’s disease.” Mrs. Harris gave information on her personal experience with noise and air pollution reporting that they have spent upwards of \$12,000.00 on noise reducing window glass,

insulation, and restructured air ducts. She added that they are conservatively looking at \$10,000.00 more to protect their investment. She stated that other negative impacts would include reduction of property values, wildlife damage, safety of pedestrians and bicyclists due to the traffic volume. She stated that the Commission needed to act now, and encouraged them to take measures to protect the character and charm of the Town and the quality of life for the residents that built and maintain the Town.

Chris Torrey of 32 Main Street in Smithfield reported that at the last Town Council meeting he had presented information regarding proffers. He stated that there was a misunderstanding in the Community about what proffers are, how they work, and if they are an effective tool. He stated that tonight he wanted to bring to their attention information on a case in Virginia law that went to the Supreme Court of Virginia, Gregory vs. the Board of Supervisors of Chesterfield County 257 Va. 530, that illustrated the power that allows them specifically to enact proffer guidelines. He told members of the Commission that as they consider the next action at the Pierceville property they do have some control and there is no reason that tax money should subsidize the developer's profit.

Bob Hines of 216 Washington Street in Smithfield stated that in relation to the zoning change suggested for Pierceville, everyone could see what was going on. He continued that he could not get answers as to who would agree to the development of tall buildings or access off of Grace and Cary Streets, but there were certain "powers that be" that wanted them. He questioned the Commission if they were just going to go along with it or were they going to do what the citizens would like to see which would be preserving the Historic District. He added that he did not want the Commission to not do anything, but didn't want them to give the builder the "free-hand" to do whatever he wants. Mr. Hines concluded that it was all about money, and he didn't care what anyone says.

Theresa Mulherin of 206 Washington Street in Smithfield stated that she would like to comment on the proposed Comprehensive Plan and PMUD. She stated in relation to the Comprehensive Plan that the last time they were all together someone had mentioned that the coloring in of Pierceville as mixed-use was just a thought, but her understanding from the Town Council was that the intent of the new Comprehensive Plan was to actually follow it. She stated that this leads her to believe that if they continue with keeping Pierceville colored as a PMUD they would be more likely to follow through with it. She asked the Commission to please consider leaving it colored as it is currently as farmland. Mrs. Mulherin continued that in regard to the PMUD she still feels that it does not belong adjacent to or part of the Historic District. She gave the Commission encouragement to look up what happened to the Fontainebleau Hotel development in Miami and how it ruined the Lincoln Street shopping district. She asked the Commission that as they are considering both the PMUD and Comprehensive Plan to think about cause and effect.

Chairman Bryan asked if there were any additional comments anyone from the public would like to make. Seeing and hearing none, he closed the public comments section.

Planning Commission Comments:

Chairman Bryan discussed the loss of former Mayor James B. Chapman and his many contributions to the Community. He stated that Mayor Chapman had served 31 years on the Town Council, with 19 of them as Mayor. He continued that Mayor Chapman was a veteran of the Navy, having been stationed in Japan and Hawaii in World War II. Chairman Bryan stated that Mayor Chapman was a positive and kind gentleman, and he, like many others, would miss him.

The Town Attorney asked to address some of the recent public comments before they moved to the next agenda item. He reported that after the last Town Council meeting he had been able to discuss with Mr. Harris the public's frustration with not getting responses from Town Council, Planning Commission members, and Town Staff when questions are raised in meetings with respect to the proposed development at Pierceville. He explained to members of the public that there is no application at this time, and it would be inappropriate and premature for members of the Council, the Commission, or the Town Staff to comment on a project that has not been submitted as an application. The Town Attorney stated that he wanted to get this information out there as Mr. Harris had related that he did not think that it was fully understood. The Town Attorney reiterated that they could not answer questions regarding something that was not before them. He added that there was knowledge that there was a potential project as there had been public meetings and reports relating that, however there had been no paperwork filed or items for Mrs. Clary to bring to the Commission or the Council. He stated that the public would have ample notice of a public hearing if/when that happens.

Mr. Swecker stated that he wanted to add on to what the Town Attorney had said. He stated that everyone was feeding off of rumors, and that the Planning Commission had not seen anything in black and white. He stated that the members of the public had been focused on the negative impact of a development and asked that they had consider the positives that could come from it.

***Discussion Item* Special Use Permit Applications (Drive-thru & Greenhouse), Entrance Corridor Overlay Review Application, & Planning Commission Waiver– 13500 Benn's Church Blvd. RPA TS Smithfield LLC C/O Beth Dorminey, applicant.**

Mrs. Clary reported that the application had been before them multiple times so she would condense the information. The application is for a Special Use Permit (SUP) for a drive-thru and greenhouse. They would be constructed where there is already existing foundation (currently being used as a fenced outdoor sales area), and no additional impervious cover is proposed. She continued that the previous concerns related to the white polycarbonate panels with single clear polycarbonate pockets, and the single roll-up curtain. The applicants have stated that the use of polycarbonate panels intensifies the sunlight making the greenhouse usable year-round. Mrs. Clary reported that the update to the application was the inclusion of tan exterior insulation finishing systems (EIFS) at the top of both the greenhouse and drive thru. This material will face the Benn's Church Blvd., shielding from view the polycarbonate panels. There will be two (2) green signs one with white lettering for the "Garden Center," and one with black lettering and a picture of a red truck for the drive thru.

She continued that because of the proposed propane awning located at the front of the store, the applicants are requesting a waiver pursuant to Article 3.R.P. for relief from Article 3.R.J.2.a. which states that "large work areas doors shall not open toward or face the highway." The applicants have provided assurance on the site plan that "any damaged, dead, or missing landscaping shall be replaced with new." 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.

Mrs. Clary stated that the strengths are the proposed changes will provide a designated customer pick up area, in lieu of having a designated curbside pickup zone. The greenhouse will provide customers with overhead coverage for the outdoor storage area. She stated that the weaknesses included that the two proposed uses are a greenhouse, and a drive thru, are only permitted with the successful acquisition

of a Special Use Permit. Staff recommend a favorable recommendation to Town Council is conditioned on the submission of a landscaping plan cost estimate, and the submission of a landscaping bond of 120%.

Richard Munch with Onyx Creative in Cleveland, Ohio stated that he was present to see what the comments were about the design and see if he could answer any questions. He added that he had been accompanied by a representative from the firm that designed the greenhouse. He related that he has gone through this in a lot of communities and they are often times competing with Home Depot or Lowe's. He stated that the greenhouse was for plants, and he was unsure of where else people may be able to go in this area for them. He added that personally he thought that the greenhouses looked very good. Mr. Munch stated that the drive-thru was essentially already in place in the form of a drive-thru lane, but this would update the way vehicles were loaded with materials.

Mrs. Clary informed the Commission that on page 13 of the PDF provided there was information on the updated elevations where the EIFS material could be seen.

The gentleman representing the greenhouse builder stated that he wanted to clarify that the polycarbonate material on the sides would be completely clear like glass.

Chairman Bryan asked Mr. Munch to clarify the placement of the gas cylinder canopy.

Mrs. Clary reported that it was the Town Staff's understanding that the propane has been moved to the rear of the building but the awning still placed in the front, which necessitated the Planning Commission waiver for it to remain there.

Mr. Munch added that he was made aware that there would be more extensive landscaping compared to what is there now.

Mr. Pack asked Mrs. Clary to clarify if one of the SUP's was to keep the propane awning in its current position.

Mrs. Clary corrected that it was a Planning Commission waiver item because it is part of the Entrance Corridor Overlay (ECO) with the large work bays facing the highway.

Mr. Pack stated that he thought the question for the Commission was does this improve the appearance of the building from Route 10 and the ECO. He concluded that he did not believe that it improves the entrance corridor. He added that he thought the landscaping would help, but the greenhouse only made it look more like a "big-box" store which he was opposed to.

Chairman Bryan stated that this was one of his issues as well. He added that the applicant had added the EIFS panels, and the drawing showed that they would match the look of the main structure giving it some ability to blend in with the rest of the lot. He acknowledged that the applicant made an effort to accommodate some of the Commission's concerns.

Mr. Pack made the motion to deny the application as presented.

Mr. Swecker made a motion to accept the application as presented.

The Town Attorney stated that there were competing motions, but there were no seconds offered for either one.

Chairman Bryan inquired if there were any seconds to the motion to deny the application.

Mr. Pack stated that if there was not a second, then the motion fails. The Town Attorney concurred with this.

Chairman Bryan inquired if there was a second to the motion to accept the two SUP's and the Planning Commission waiver. Mr. Torrey seconded the motion.

Mr. Pack asked the Chairman if they may have some discussion on the motion before voting. He asked Mr. Swecker if the motion could be amended to ask for the propane awning out front to be removed.

Mr. Swecker stated that he did not have a problem with that amendment. He stated that he felt that the greenhouse would be good for the Town as there was not a large place to shop for plants and it would be an asset. He agreed that the landscaping needed to be fixed and updated, but pointed out that the applicant had agreed to do that. He added that the project did not seem to be a large one, and it would have a positive impact.

The Town Attorney asked Mr. Torrey if he agreed to amend his second of the motion as Mr. Swecker had agreed to amend the original motion. Mr. Torrey agreed.

The Town Attorney reviewed with the Chairman that the motion was to approve as presented except that the propane awning is to be removed.

Vice Chair Hillegass reminded that this also included the landscape bond.

The Town Attorney stated that this had been included in the Town Staff's recommendation and verified with Mr. Swecker that his motion had included those recommendations.

Chairman Bryan reviewed that the motion was for approval of the two SUP's but without the waiver to keep the propane awning.

Mrs. Clary asked for clarification if the denial of the waiver was with the recommendation for complete removal or relocation to the rear of the property.

The Town Attorney asked to back up so they may clarify the information discussed. He asked Mr. Pack if his amendment request was for removal or relocation.

Mr. Pack stated that when they moved the propane to the back of the property he assumed it had already had an awning come with it. He stated this was his original intention, was to get it out of the front view.

Chairman Bryan reviewed that the motion was to favorably recommend the two SUPs to Town Council, and the Planning Commission waiver to keep the awning in the front of the building was denied, and that there was a second by Mr. Torrey to this motion.

Chairman Bryan called for the vote. On call for the vote, five members were present. Mr. Swecker voted aye, Mr. Torrey voted aye, Mr. Pack voted nay, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion was favorably recommended to Town Council.

***Public Hearing* Special Use Permit Application (Short-term rental) – 233 S Mason St – Denise Holdorf, applicant.**

Mrs. Clary reported that the applicant is seeking approval to rent 233 South Mason Street, which is an existing single-family residential dwelling, as a short-term and long-term rental property. According to the Smithfield Zoning Ordinance (SZO) Article 2.Z.1, short-term rentals as principal uses are permissible by Special Use Permit (SUP) only. No changes to the property are proposed in order to accommodate the short-term rental.

Mrs. Clary stated that the positives of application included that it provides additional accommodations in the Heart of the Historic District. She stated that the negatives included that this is not a by-right use and does require a SUP. She reported that approval should be conditioned on the applicant following the conditions outlined in Article 2.Z.1.a through Article 2.Z.1.i., except for Article

2. Z.1. b.. These conditions do require a signed and notarized short-term rental affidavit ensuring compliance.

Denise Holdorf reported that she had connected with her neighbors and they were supportive of the application. She added that parking will be in the driveway to allow for clear access of emergency vehicles, if necessary, to the adjacent road of Sykes Court. She reported that she would be ensuring ongoing maintenance of the residence.

Mr. Pack asked if the house would be primarily for rental or if it was a residence as well.

Mrs. Holdorf reported that the whole home would be used in the rental. She added it would have a maximum occupancy of 4 people with 1 small pet allowed for now.

Chairman Bryan opened the public hearing for citizens to speak for or against the application. Hearing and seeing none, the public hearing was closed.

Mr. Pack asked Mrs. Clary if the public hearing had been appropriately advertised. She confirmed that it had. He asked Mrs. Clary if she had received any negative comments in regard to the application. Mrs. Clary stated that she had not received negative feedback.

Mr. Pack made the motion to favorably recommend the application to Town Council as presented with the recommendations as given by Staff. Vice Chair Hillegass seconded the motion. Chairman Bryan called for the vote. On call for the vote, five members were present. Mr. Swecker voted aye, Mr. Torrey voted aye, Mr. Pack voted aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion was favorably recommended to Town Council.

Site/Subdivision/Utility Plan/ Pre-liminary Plat Amendment – Church Square, Phase 2 – Mike Lang C/O Graham Corson, applicant.

Mrs. Clary reported that the applicant is seeking a site/subdivision/utility plan, preliminary plat, and final plat approval to subdivide the remaining 9.06 acres of the 27.54 acre property into sixty-two (62) parcels dedicated to single-family attached residential uses, all of which are to be age-restricted. This development will be privately-regulated, with all commonly-held assets maintained by an owners' association. Amenities include private travel ways, a clubhouse, a swimming pool, stormwater retention, landscaping, and common open space. The proposed development would be accessed via two (2) entrances; there is currently one existing entrance is located off of South Church Street and a new proposed entrance will be located off of John Rolfe Drive.

Mrs. Clary stated that the applicants' proposed project meets all applicable standards of the Town's zoning and subdivision ordinances, as well as its technical design standards. Town staff recommends approval under the following conditions: 1. The applicant provides a construction bond in the amount of \$2,357,717.00 (which is 120% of the estimated construction costs). 2. The applicant provides a landscaping bond in the amount of \$81,053.00 (which is 120% of estimated landscaping costs). 3. The Town must be furnished with no less than five (5) signed copies of the subdivision agreement that was approved by the Town Council on Tuesday, April 5th, 2022, as well as a \$31 recordation fee (made out to Isle of Wight County Courthouse). 4. The deed of drainage and utility easement that is to accompany this final plat at recordation, must be submitted to the Town Attorney for review, must be revised (if necessary). The Town must be furnished with no less than five (5) signed copies of this deed. 5. The Town must be furnished with five (5) "wet" copies of the final plat for recordation, as well as a check for the recordation fees for the final plat (made out to Isle of Wight

County Courthouse, amount to-be determined).

Mike Lang, Director of Development with Cornerstone Homes and the Crescent Group, recapped that the application covered the completion of the second phase of 62 lots, having acquired the last 12 lots in the first phase and they are under construction. He reported that the original developer from about 15 years ago had decided not to proceed with phase two, and that is where Cornerstone Homes came in. He stated that the site plan had already been approved, but his group made improvements without changing the number or types of units. He added that the units included a mix of quadplexes and duplexes. Mr. Lang expanded that the changes made included decreasing impervious areas with asphalt such as alleyways and easier driveway access to the residences. He added that the grading had been changed making the lots flat with no steps, which is important in a 55+ community. He related that the previous developer had not been familiar with 55+ communities but had gained the age restriction as it wouldn't require the school proffer. Mr. Lang reported that his company had invested a large amount in the community that included updates to the clubhouse, expanding the patio area, and added new landscaping.

Mr. Pack inquired to who own the street and utilities maintenance.

Mr. Lang stated that water would be maintained by the Town and Sewer/Stormwater being privately maintained by the Homeowner's Association (HOA).

Mr. Pack asked for confirmation that the Best Management Practices (BMP's) would be managed through the HOA, adding that they were built 15 years ago and questioning if they were adequate.

Mr. Lang stated that was another purpose of completing the revised site plan, to be able to redo the calculations and look at the impervious areas. He added that there will be some maintenance completed on the BMP's, but they can handle the capacity.

Mr. Pack added that they would need to go through stormwater review with the County, and would need to make any changes recommended.

Chairman Bryan pointed out that there had been a road, St. James, included on the original site plan but was not included in the application.

Mr. Lang confirmed that it had been taken out of the updated site plan as it was deemed unnecessary which allowed for the addition of more greenspace. He added that the goal of their communities was to have more greenspace as it assists with stormwater management and it makes for a more attractive community.

Chairman Bryan asked for assistance in seeing how residents who lived in the rear quadplexes would be able to access their homes without that road.

Mr. Lang stated that those residences were able to be accessed by St. Paul's Avenue and Richmond Avenue as illustrated on the site plan.

Mrs. Clary further explained that if someone came in on Richmond Avenue they would turn in and have access to 4 units which would eliminate the need for 2 on each side. She stated that this would be the same for Oxford Avenue at the bottom of the site.

Mr. Lang added that it is three rows of quadplexes with the bottom row having access from Oxford Avenue, the middle row accessing for St. Paul's Avenue, and the top accessing from Richmond Avenue.

Mr. Torrey confirmed with Mr. Lang that there would be 12 quadplexes and 7 duplexes, which

would complete the property development.

Mr. Lang reported that the way the driveways were designed at the quadplexes would add additional parking as well. He stated that the original design with alleyways leading to access to residence garages was very tight, and this made it much easier to maneuver.

Chairman Bryan asked how cars would align when parked on the driveways.

Mr. Lang stated that residents could park inside the two-car garage, there are spaces right outside of the garages, and then there is a “hammerhead” area at the end of the access that has additional parking. He explained that the gray-shaded areas in the drawing were the driveways.

Vice Chair Hillegass made a motion to approve the application as submitted with the Town Staff’s recommendations. Mr. Pack seconded the motion. Chairman Bryan called for the vote. On call for the vote, five members were present. Mr. Swecker voted aye, Mr. Torrey voted aye, Mr. Pack voted aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion passed.

***Discussion Item* Town of Smithfield Comprehensive Plan – Town of Smithfield, applicant.**

Chairman Bryan started by stating that the Comprehensive Plan was separate from the proposed PMUD. He stated that he had gone back through the Future Land Use Maps included in the 2009 and 1999 Comprehensive Plans. He related that each 10 years that the maps had been updated they had changed. He continued that the property at Rt. 258 and Rt. 10 had been categorized as Low-density Residential in the 1999 Future Land Use and Zoning maps, then in 2009 this same property was categorized as Parks and Recreation. Chairman Bryan stated that there was nothing out of the ordinary in changing the zoning designations of these, or any, properties in looking not at the present but at the impact on the Town in the future.

Chairman Bryan continued that he had reviewed the Zoning Ordinance Constitution, and several items had stood out to him. He added that the document had been written in 1998 read the following: “1. Promote the health, safety, morals, and general welfare of the citizens of the Town of Smithfield.” and “Create and maintain conditions under which the citizens and their environment can exist in a productive and enjoyable harmony while fulfilling the social, economic, and other requirements of present and future generations.” Chairman Bryan asked that attendees understand that he is not an advocate for the applicant. He continued that when the concept of the development’s look was presented by Mr. Luter that one of the motivations listed was to provide housing seemingly directed to the next generation of young professionals at Smithfield Foods. He added that the addition of the new Hospital would also bring an additional group of young professionals. He stated that the idea was to provide the young professionals that work in this community with leisure activities, a place to reside, and a variety of other facilities for them to access. He read from the Zoning Ordinance Constitution again “4. Recognize the needs of housing, industry, and business in the Town’s future growth.” Chairman Bryan stated that these are the things that would need to be considered with any application that came before the Planning Commission. He read “7. To protect against the destruction of or encroachment of incompatible uses and buildings upon the Town’s historic areas and tourism corridors.” He stated that he felt that this could be accomplished through designs that included elements from the Historic District that would make them compatible. Chairman Bryan reiterated that he was not trying to help the applicant or landowner with what they wanted to accomplish, but that he was looking 10 to 20 years down the road. He continued with “8. To encourage economic development and activities that provide desirable

employment and a broad tax base.” He stated that he thought it would bring new jobs and additional taxes. He continued reading “13. To encourage innovative and desirable approaches to designed development.”

Chairman Bryan reported that he would like to read items that were added in the 2009 Comprehensive Plan. He began with reading from Chapter 7: Historic Areas, section titled Downtown Revitalization Efforts “Formal historic preservation efforts in Smithfield began in the early 1970’s when the Town commissioned an architectural survey identifying significant historic properties in the area. This survey led to the development of the Smithfield National Register Historic District in 1973. During the early part of the decade, an alarming number of businesses began to leave Downtown Smithfield for outlying highway locations, and Main Street began to suffer during a deteriorating economic environment.” He stated that the Town needed to think about the economic vitality of the community, and it was his opinion that there needed to be diversity in the businesses and facilities offered. Chairman Bryan stated he hears about businesses closing if the property development becomes a reality. He stated that businesses operated on principle of providing a unique product to the public and he felt that he had not seen anything to indicate that there was a competitor to any business on Main Street in the proposal. He continued from the same section in the 2009 Comprehensive Plan “Downtown property owners became cautious about reinvestment, building maintenance was often neglected and public areas and infrastructure began to show signs of age and disrepair. In spite of these challenging trends, Downtown Smithfield retained a number of important characteristics that enabled it to survive this difficult period including: a historically significant building stock; few actual vacancies; a strong office/professional service presence; and a growing tourism trade.” and “Since the 1998 Comprehensive Plan was adopted, several other important public efforts, beyond the update to the design guidelines, have been developed by and for the Town which have targeted the historic area and have aided the historic preservation efforts in Smithfield. The most important of which culminated in the Main Street Beautification Project. In 1999, the Town completed this decade-long, \$2-million public improvement project in downtown Smithfield. Several efforts involving Downtown revitalization had been initiated over the preceding decades, but none ever came to fruition. Finally, in 1988, Mr. Joseph W. Luter, III, president of Smithfield Foods, Inc. offered to make a challenge grant if an organization could be established and formal plans adopted for a downtown project. *Historic Downtown Smithfield, Inc.* was created a short time later in January 1989, and that formation served as a catalyst in securing a financial commitment by a large percentage of Main Street businesses and property owners.” Chairman Bryan stated that people were aware of how much Mr. Luter had contributed to the Town, and he had seen no evidence in what he is proposing that he would harm the Town. He agreed with Mr. Swecker’s earlier statement that there should not be an outright denial for whatever reason, but a chance should be given.

Mr. Pack stated that the proposed final draft of the Comprehensive Plan was a compilation of work over the last 6-8 months by members of the Planning Commission and direction given to a paid, professional consultant to implement based on the Commission’s vision and the vision of the Town Council during a exercise completed in thinking of the future of the Town 2 years ago. He stated that in reading through the proposed Plan, he felt there were some very positive pieces, and that to create a document that was agreed upon by everyone would be impossible. He stated that he was happy with what they had accomplished, and if it was also the will of the other Commission members he was in favor of sending it Town Council for consideration. Mr. Pack asked that they keep in mind that this is a

document that can change, but it was a good visioning exercise for the future of the Town.

Mrs. Clary clarified that this was a Discussion Item, and if it was the will of the Commission, it would come back as a public hearing item with a recommendation prior to going to the Town Council.

The Town Attorney stated that this was the latest version of the document after many edits and modifications based on feedback from a variety of sources. He agreed that it may change again, and likely would as it would need to go through Town Council and they may suggest updates. He reiterated that if the Commission members were comfortable with the document then it would be advertised for next month's meeting as a public hearing.

Mr. Torrey stated that he was in agreement with the plan to move to public hearing. He stated that the changes they had discussed had been made, and they were at the point for the public hearing and moving it to Town Council.

Vice Chair Hillegass and Mr. Swecker stated that they were in agreement as well.

The Town Attorney confirmed that it would be placed on the agenda for next month and advertised as a public hearing.

***Discussion Item* SZO Article 3.J2 Text Amendment – Town of Smithfield, applicant.**

Mrs. Clary stated that included for consideration was a copy of the original proposed PMUD with the Light Industrial/Highway Retail Commercial (HRC) ordinances, and the redlined version which included Dr. Pope's comments. She reviewed that Item 13 and Items 19-24, which would be the drive-thru facility and waiver items, that would be relocated to the Special Use Permit (SUP) Section C. She also recapped that there had been discussion on the minimum district size of 10 versus 20 acres, and that the Commission had yet to reach a conclusion of the maximum building height which does have a waiver in the SUP section. She stated that this was a discussion item to finalize the will of the Planning Commission.

The Town Attorney asked the Commission to recall to when they first began discussion of the proposed PMUD in its original version prepared by Mrs. Clary. He stated that there had been an almost unanimous consensus by the Commission members that the waivers that had been set forth as by-right items should be relocated to the Special Use Permit section. He explained that the waivers had been regarding parking, yard requirements, floor-area ratio, landscaping, district size, and maximum building height. He reported that the Commission members had agreed that the relocation made sense because if an applicant as a Special Use Permit then that would indicate that what they are asking for deviates from the minimum standards, meaning that the applicant would then have to demonstrated to the Town Council and Planning Commission how it would make sense.

The Town Attorney recapped that Dr. Pope had made an attempt to edit the PMUD with the changes the Commission had discussed. He continued that in his review of the minutes he and Dr. Pope had been discussing the same thing, but in different ways. He reviewed that Dr. Pope had stated that he was willing to look at any property and any proposal for flexibility, but Dr. Pope did not think that the way the original PMUD was written was the right way to go about it. The Town Attorney asked the Commission members to recall that the consultant hired more than a year ago had stated that the original PMUD was in fact the way to incorporate a mixed use zoning district. He expanded that this was a more current way to look at zoning by setting minimum standards which then allows an applicant to present to the Commission what they would like to do, how it would look, and guarantee what the finished

product would be which would then allow the Commission to hold the applicant to the plan. The Town Attorney stated that he and Mrs. Clary collectively recommended that all the waivers be moved from the by-right to the Special Use Permit section, and then leave the rest of the document as it was prepared. He stated that the ordinance needed to set minimum standards, which is what the original proposed document did. He continued that if the proposed PMUD is compared to the other zoning ordinances they are compatible. He stated that he and Mrs. Clary had spoken with the consultants regarding the issues and that they concur.

The Town Attorney added that Dr. Pope had recommended a 20 acre minimum district size and the recommendation was for a minimum of 5 acres. He stated that this was up for discussion as well.

Mrs. Clary added that since they were adding the maximum building height as a Special Use Permit item the Commission could decrease the number to a height that they felt more comfortable with, allowing applicants to then seek a Special Use Permit for a waiver if they chose to.

The Town Attorney stated that it would be 35 feet.

Mr. Pack stated that as it is presented it shows 60 feet.

The Town Attorney recalled back to the first meeting where the consensus had been that a 60 feet maximum height did not make sense, and by choosing a more reasonable height it allows applicants to go through the waiver application process.

Chairman Bryan confirmed that the maximum building height by-right was 35 feet.

The Town Attorney stated that the suggestion was not to increase the maximum building height but by moving it the Special Use Permit an application to go higher could be submitted and the applicant would then need to justify the need.

Mr. Torrey inquired if it had been included in the proposed PMUD or had they just discussed the inclusion of percentages for minimum commercial and residential.

The Town Attorney recommended against this, and gave the example of Isle of Wight County attempting it with a golf course near Benn's Church. He stated that the area had the requirement of certain percentages for commercial and residential which over the years as the dynamics of the economy have changed it has become an unbuildable development. He further explained that the commercial percentage requirements were so great that it could not be developed. He concluded it could be tried, but in practice it did not work in this community.

Mr. Pack added that a commercial component could be required.

Mrs. Clary stated that this was correct, and it was what had initially been discussed was not a percentage but just a mandatory commercial aspect to a project.

Mr. Torrey asked to confirm that the Commission was not going to stipulate the size of the commercial area as compared to the rest of the property, that it would just outline needing a commercial space.

The Town Attorney informed the Commission members that Isle of Wight County had now changed their ordinance to mixed-use which includes the requirement of a commercial component. He related that there were tracts of land in the County that looked good for development, and they would require a commercial component to these with that area likely to be located in the front.

Mr. Pack inquired if there was a proposed text amendment in the packet. He stated that the two included currently were the original PMUD and then the redlined edit.

The Town Attorney reiterated that he and Mrs. Clary were recommending that they adopt the

original proposed PMUD with certain by-right uses moved. He asked Mrs. Clary to review them.

Mrs. Clary went through the original proposed PMUD that Town Staff had drafted and pointed out the proposed changes: including a mandatory commercial aspect, taking item 13 and 19-24 and moving them to section C: Special Use Permits, in Section E. minimum district size would remain 5 acres, and under the bulk regulations in section F. the maximum building height would be 35 feet. She added that another comment she had received from Dr. Pope was to update section I., item 2 to read the environmental impact study “shall” be required by the Planning Commission as opposed to the previous terminology of “may.”

Mr. Pack stated that as it written now one of the permitted uses in the PMUD would be multifamily dwellings, which is essentially apartments. He continued that the Commission could either have the understanding that if they are zoning an area under the PMUD that they would be allowing apartments by-right or it could be moved to the Special Use Permit that would allow them to place a PMUD in an area the would not by-right have apartments. Mr. Pack added that he liked Special Use Permits as they offer control over what may happen and placement of structures. He stated that he would not mind seeing the multifamily dwellings moved to the Special Use Permit section, and added that this would still allow for single family homes, duplexes, and townhouses.

The Town Attorney stated that this would not be incompatible with a mixed-use development application. He continued that it would then be incumbent on the developer to show why the felt a plan worked and what it would look like.

Mr. Torrey stated that the idea behind this was to give the Commission ultimate say on what is done with a development.

The Town Attorney added that they would not be giving up any standards.

Mr. Pack asked to have more discussion on the minimum district size. He recapped that Town Staff had recommended 5 acres, and in previous discussions by the Commission they were going between 5 – 20 acres. He stated that he would argue that 5 acres is not enough, recalling previous examples given to illustrate how large 5 acres was. He continued that he felt 10 acres was good, but if Town Staff felt that 20 acres was too large he would like to discuss the reasoning.

Mrs. Clary stated that they had reached out to the consultants who completed the draft of the Comprehensive Plan and they had stated that a 20 acre minimum district size would exclude many lots in the area.

The Town Attorney reminded the Commission members that they did have a waiver of district size. He gave the hypothetical situation of setting the minimum district size at 10 acres, then an applicant demonstrates an appropriate plan for an 8 acre parcel that they present, the Commission approves of the plan they may then grant the waiver. He added that if they do not like it based on oversaturation, etc. then they have the ability to deny the waiver.

Mr. Pack recommended that they change the minimum district size to 10 acres.

Mr. Torrey stated that he had been surprised to see 20 acres in the redline version as he thought they had discussed and Chairman Bryan had adamantly asked for less than that.

Chairman Bryan stated that he would be fine with 10 acres.

Vice Chair Hillegass and Mr. Swecker stated that they were good with 10 acres.

Chairman Bryan asked Mr. Pack to review his previous statement about moving multifamily dwellings to a Special Use Permit and how it would be addressed.

Mr. Pack reiterated his recommendation to move multifamily dwellings to the Special Use Permit section, but by-right in the PMUD a single family home could be placed next to a condo or townhouses as outlined in item 4. “A mix of residential dwelling types as set forth above.” He reported that often in zoning there is not a mix of residential types but the PMUD would permit by-right single family homes next to townhomes etc.

The Town Attorney reiterated to Chairman Bryan the PMUD’s ability to give the Commission the ability to say no to plans they do not agree with. He stated that it is often lost on most people that zoning is entirely discretionary. He reported that the Town Council has turned development plans down, giving the example of their denial of development on Pierceville 10 years ago.

Vice Chair Hillegass asked Mrs. Clary if the PMUD would come back before the Planning Commission next month as a public hearing.

The Town Attorney stated that it would not. He added that a public hearing had already been held, and a recommendation could be made at this time.

Mr. Torrey stated that they could make the changes and review at the next meeting.

The Town Attorney stated that they could make the changes and decide at this meeting.

Mr. Torrey stated that he was in favor of the changes that were discussed at this meeting, but Dr. Pope had put much work into the PMUD and he wanted his involvement in the recommendation.

Mr. Swecker agreed that Dr. Pope did spend much time on the PMUD and he was in favor of holding off until next month’s meeting.

Mrs. Clary asked to review the suggestions made to ensure that the edits were correct. She reviewed that there would be a mandatory commercial aspect, item 2. Multifamily residential dwellings would now be a Special Use Permit, item 13. Drive thru facilities would be a Special Use Permit, items 19 – 24 would be under Special Use Permit, minimum district size would be increased to 10 acres, and inclusion of the word “shall” in item 2. I in section I. Additional Regulations.

Chairman Bryan asked the Commission members if they were in agreement on the changes proposed then should they just recommend it.

Mr. Pack reported that he had spoken with Dr. Pope yesterday and they appeared to be on the same page. He continued that what had been discussed at the meeting incorporated Dr. Pope’s concerns that they had spoken about. Mr. Pack stated that he would be ok with waiting one more month if that was the consensus.

Mr. Torrey proposed waiting one more month as there were two members absent from the meeting.

The Town Attorney stated that if they are in agreement on the changes, those edits will be made, and the updated PMUD will be presented next month as an action item.

There was collective agreement by the present members of the Commission.

“Comment Item” Virginia Walkability Action Institute Grant Application – Town of Smithfield, applicant.

Mrs. Clary reported that Town of Smithfield had sent an application for a grant for funding from the Virginia Walkability Action Institute to make the Town more walkable. She stated that the information provided was a draft presentation that would be pitched to the Institute later in May 2022. She reported that there would be 5 other teams competing for an approximately \$36,000.00 grant.

Mrs. Clary reported that the pitch included placement of 3 park benches in different locations, 4 bike public work stands in different locations, 4 pet stations with aluminum receptacles throughout the Town, and 3 outdoor bottle filling stations with drinking and pet fountains in different locations. She added that they were still in talks with the Institute about a Cary Street sidewalk extension from the street to the rear parking lot of the YMCA, as they do not like to fund concrete additions. She reported that the total amount that they were asking for would be \$28,909.05. She stated that the Town Staff was looking for the Planning Commission's approval of the presentation and any questions or comments they might have. She reported that it would be presented to Town Council as well.

The Town Attorney stated that the sidewalk extension from Cary Street had been on a wish list for a long time.

Vice Chair Hillegass reported that she had been involved with some of the initial discussion about this and the Town Staff had run with it. She stated that she hoped it could make some positive things happen in Town.

Mrs. Clary stated that it was the Town Staff's plan during the pitch to be able to say that they had been given approval by the different Town entities and they were ready to move forward should they be awarded the funding.

The Commission expressed approval and collectively stated that it was fantastic work.

Approval of March 8th, 2022 Meeting Minutes:

The Town Attorney recommended the minutes be approved with minor corrections and revisions.

Vice Chair Hillegass made the motion to approve the minutes. Mr. Pack seconded the motion.

Chairman Bryan called for a collective vote, all members present were in favor, with no one opposed. The motion passed.


Approval of February 8th, 2022 Meeting Minutes:

The Town Attorney recommended the minutes be approved with minor corrections and revisions.

Vice Chair Hillegass made the motion to approve the minutes. Mr. Torrey seconded the motion.

Chairman Bryan called for a collective vote, all members present were in favor, with no one opposed. The motion passed.

The meeting adjourned at 8:25 p.m.



Charles Bryan - Chairman
Planning Director



Tammie Clary - Community Development &
Planning Director