

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

**Members present:**

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Thomas Pope

Michael Torrey

Raynard Gibbs

**Staff present:**

Tammie Clary - Community Development & Planning Director

William H. Riddick, III – Town Attorney

Jack Reed – Director of Public Works & Utilities

**Press:** -0-

**Citizens:** 15

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

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

Mrs. Clary reported that Summit Design & Engineering Services, PLLC, the Town's 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. We have surpassed our citizen participation target. Our consultants are currently working on a draft vision statement that has been posted on the comprehensive plan update website for feedback and are also working on Goals, Objectives and Strategies, and hope to have a preliminary draft for feedback soon. Town staff recently received a formal written complaint on the former Tastee Freeze located at 1400 South Church Street. A letter was sent via regular and certified mail on June 9th, 2021, in accordance with Section 22-2 "Removal or repair of dangerous buildings, spot blight abatement" of the Town Code. The owners have thirty (30) days from the date of the letter to respond with an abatement plan.

**Upcoming Meetings and Activities:**

Tuesday, July 20th, 6:30 PM – Board of Historic & Architectural Review Meeting

Monday, July 26th, 3:00 PM – Town Council Committee Meetings

Tuesday, July 27th, 3:00 PM – Town Council Committee Meetings

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

Tuesday, August 10th, 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. The Town Attorney will let each speaker know when they have one minute left. Any required response from the town will be provided in writing following the meeting.

There were no public comments.

**Planning Commission Comments:**

Mrs. Hillegass asked Town staff for an update on completion of the Comprehensive Plan. She also asked if it would be possible to have interaction with the consultants as far as an update from them or a Planning Commission work session. She explained that the Planning Commission had not been involved in the process at all except through the website.

The Community Development & Planning Director, Tammie Clary, asked if the Planning Commissioners would like the consultants to prepare a presentation.

Mrs. Hillegass stated that she would like that. She explained that she would specifically like to know the schedule and the timeline for completion.

The Town Attorney stated the consultants have been assembling public comments.

Mrs. Clary explained that they have been assembling public comments for goals, objectives, and strategies which should be posted soon.

The Town Attorney explained that for the last update to the Comprehensive Plan the consultants gathered all of the information and then made a presentation to the Planning Commission for comments. There were work sessions. The consultants extended the time for public comments for the latest review.

Mrs. Clary stated that was correct.

The Town Attorney explained that the Planning Commission would be getting everything Mrs. Hillegass is looking for.

Dr. Pope asked Mrs. Clary about the Taste Freeze abatement. He assumed it meant the owner would tear it down. He asked if that was correct.

Mrs. Clary explained that the short plan included rehabilitation of the building over a 12 – 18 month period. A more detailed abatement plan was requested.

The Town Attorney explained that the previous owners wanted to leave part of the structure so that they would be grandfathered with respect to certain setbacks. Someone could still develop the property if the structure was torn down, but it would be much more expensive and would have to go through many hoops. He stated that it was not the goal of the zoning ordinance to preclude the use of property for any reason. There would be waivers that would permit the owners to put it to some good use. The owners tried to work with the footprint they had but the project failed.

Mrs. Hillegass stated that the property has always had a sewage issue.

Chairman Pack stated that he would like to see a plan to rehabilitate the building within the next 12 to 18 months. The building has been in disrepair for many years.

The Town Attorney stated that the owners will need to make their application for the Planning Commissioners to approve or disapprove.

Chairman Pack asked Mrs. Clary for an update at the August meeting on the property and the owner's plans.

Mrs. Clary explained that whatever the owners submit to the Town will go to the Town Council Committee meetings at the end of July. Town Council will decide whether or not to accept the submitted abatement plan.

**Entrance Corridor Overlay (ECO) Design Review Application – 1402 S. Church Street, Riverpoint Farm Reptiles, LLC as Eclipse Pets, c/o John and Nancy Wooster, applicants:**

Mrs. Clary reported that the applicants are seeking approval to repaint the exterior of the building “Medallion” (True Value 8C17) and the two entrance doors “Blue Hyacinths” (True Value 6E12). The exterior of the build will no longer feature a red stripe; however, the black roof will remain. Town staff recommended approval as submitted.

Mr. Wooster resides at 20832 Rescue Road, Rescue, Virginia. Mrs. Clary’s staff report covered their request. He was available for questions.

Mrs. Hillegass asked if the business would be a full-service pet store.

Mr. Wooster stated that was the intention aside from grooming or anything of that nature. There will be pet food and pet supplies covering a wide range of small animals, reptiles, or birds. There will be no aquatics for the moment but may be provided in the future.

Vice Chairman Bryan asked if anything would be done with the landscaping and parking.

Mr. Wooster stated that the grass would be cut. He will also clean up the brush that has grown up around the building. The parking will be on the side of the building.

Vice Chairman Bryan stated that it will be an improvement to what is currently there. He made a motion to approve the application as submitted. Mr. Swecker seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, seven members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

**Public Hearing: Special Sign Exception and Entrance Corridor Overlay Design Review Applications – 13490 Benn’s Church Blvd., Hampton Roads Classical, c/o P.A. Gist, applicant:**

Mrs. Clary reported that the applicant wishes to install a forty-five inch (45”) by ninety-six inch (96”) double sided detached sign at 13490 Benn’s Church Blvd. (TPIN:32-10-001). The applicants have requested a Special Sign Exception (SSE), pursuant to Smithfield Zoning Ordinance (SZO) Section 10.M, as the sign conflicts with the following SZO Sections: 10.K.4.a: This sign would be the second detached sign located on the property. 10.K.4.b: A group of two or more businesses per building shall combine permitted detached sign area to provide a single detached sign advertising the businesses. The applicant’s sign will be approximately sixty inches (60”) tall from the ground and will feature a cream background with dark blue letters, along with the school’s logo which is white, dark blue, and red. The sign will be placed approximately ten feet (10’) from the edge of Benn’s Church Blvd. and will feature white five inch (5”) by five-inch (5”) by seven foot (7’) posts. The current Hope Presbyterian Church detached sign is five feet (5’) by twelve feet (12’), and fifty (50) square feet. Although it is unknown when the sign was originally installed, on March 24<sup>th</sup>, 2016, Hills Signs applied for and received a sign permit to “reface the existing detached sign,” making it a legal non-conforming sign in accordance with Article 10.I. According to Article 10.I.3., “Nonconforming signs may not be enlarged, extended, moved, modified, reconstructed, or structurally altered except in accordance with the Article.” Town staff recommended approval under the following condition:

(a) This approval applies solely to the sign shown in the submitted plans, and that any replacement sign, if larger or substantially different from this one, must be reviewed and decided by the Planning Commission (and the Town Council, if applicable) through a new SSE application.

Mr. Gary Porter resides at 924 Tabb Lakes Drive in Yorktown, Virginia. He is on the Board of Directors for Hampton Roads Classical. The headmaster is Andy Gist and is at a conference in Kentucky and asked Mr. Porter to represent him. They just completed their first year as a classical school. They are looking at increased enrollment for next year. The sign will make them more visible to visitors and residents of Smithfield with an educational alternative available to them.

Dr. Pope stated that there has been a lot of activity at the church and the premises. He asked if there were any future plans for other signs in the future for anything else that is going on.

Mr. Porter explained that he cannot speak for the church. As far as the school, he stated there were no further plans for any additional signs.

Vice Chairman Bryan asked what portion of the building is occupied by Hampton Roads Classical.

Mr. Porter stated that they are located on the 2<sup>nd</sup> floor in the rear of the building in front of the warehouse area. There are five classrooms and an office space. He explained that the staff parks in the front with permission of the church. Parents drop off their children for the day and do not park there.

Vice Chairman Bryan asked if there were other spaces within the building that could potentially be used for any other business.

Mr. Porter explained that there are additional rooms that Hampton Roads Classical is discussing occupying if enrollment increases. The warehouse itself could be reconfigured into office space he supposed. He did not think the church was entertaining that idea at all.

Mrs. Hillegass explained that at one time the church discussed using the warehouse space for sports. There has been interest in using the warehouse space for other uses.

Mr. Gibbs stated that the church is moving forward with that. They are moving the gymnasium from Field of Dreams into the warehouse area. There will be equipment that will need to be relocated.

Chairman Pack stated that there is unused space in the building that could potentially be used for other purposes.

Vice Chairman Bryan explained that any other business will want a sign too. He asked how many signs would be permitted in front of the building.

The Town Attorney explained that any new signs would be a question for the Planning Commission, and there may come a time when the signs would have to be consolidated.

Chairman Pack opened the public hearing. He asked if anyone would like to speak for or against the application. Hearing none, he closed the public hearing.

Dr. Pope agreed with Vice Chairman Bryan's concern about future signs. However, he did not have a problem approving the sign at this time, but future signs would need to have a consolidated sign for all businesses located on the property. A comprehensive sign would be more in alignment with the ordinance. He suspected that Hampton Roads Classical would like to get their advertising out as soon as possible before the school year starts. There would not be time to plan a consolidated sign.

Mrs. Clary explained that Hope Presbyterian Church is not interested in consolidating their sign at this moment.

Mrs. Hillegass made a motion to approve the application as submitted with the condition that any future tenants requesting a sign work jointly with the other tenants to develop a joint monument sign for the property. She clarified that the motion included the staff condition also. Dr. Pope seconded the motion.

Vice Chairman Bryan explained that the ordinance is trying to prevent sign clutter along the corridor.

With no further discussion, Chairman Pack called for the vote.

On call for the vote, seven members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

**Public Hearing: Special Sign Exception and Entrance Corridor Overlay Design Review Applications – 1809 S. Church Street, Infinity Pediatric and Adolescent Medicine, c/o Sandra Baucom, applicant:**

Mrs. Clary reported that the applicant currently occupies two units at 1809 South Church Street and would like to install two separate flat wall signs centered above each unit. The name of her medical practice would be divided between “Infinity” above suite 300 and “Pediatric & Adolescent Medicine” above suite 302. The “Infinity” sign will also feature an infinity symbol with a red heart. The first sign will be twenty-four (24”) inches by 137 inches and the second sign will be twenty-two and a half (22.5”) inches by 136 inches. The applicant has requested a Special Sign Exception (SSE), pursuant to Smithfield Zoning Ordinance (SZO) Section 10.M, as the sign conflicts with SZO Section 10.E.2 which allows “one (1) sign of each permitted type, in accordance with applicable regulations, for each street frontage, for each permitted use on the premises. For the purpose of this regulation, sign types are flat, detached, roof, and projecting signs.” Town staff recommended approval under the following conditions:

(a) This approval applies solely to the signs shown in the submitted plans, and that any replacement sign, if larger or substantially different from this one, must be reviewed and decided by the Planning Commission (and the Town Council, if applicable) through a new SSE application.

Ms. Baucom, the applicant, resides at 109 Sleepy Ridge Court, Suffolk, Virginia. She explained that the business operates two separate suites. When the previous occupants pulled down their signs, it defaced the frontage. She stated that if the two signs are approved then it would be balanced, equal, pretty, and visible from the road. The landlord would not have to repair the damage from the old signs.

Vice Chairman Bryan stated that he believed two signs would make the building more attractive and commended her efforts.

Mrs. Hillegass and Mr. Gibbs stated that the signs look really nice.

Chairman Pack opened the public hearing to anyone who would like to speak for or against the application. Hearing and seeing none, he closed the public hearing.

Vice Chairman Bryan made a motion to approve the application as submitted including the staff recommended condition. Mrs. Hillegass seconded the motion. Chairman Pack called for the vote.

On call for the vote, seven members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

**Public Hearing: 2 SUPs, Site Plan Amendment, Entrance Corridor Overlay Design Review (After-the-Fact) & ECO Waiver Applications – 803 S. Church Street, Ted & Polly Boothe, c/o Tim Ryan, Nick Hess and Derek, applicants:**

Mrs. Clary reported that at its Tuesday, May 12th, 2020 meeting, the Planning Commission conditionally-approved the site plan amendment and ECO design review applications for 803 S. Church Street (TPIN 21A-01-484). Specifically, these applications entailed the following improvements to the property, which would accommodate the operation of a tasting room and restaurant (classified under the Smithfield Zoning Ordinance as a “fast food restaurant without drive-through facilities”):

- (a) Closing one (1) of the entrances on S Church St with a series of raised flower beds.
- (b) Expanding the paved driveway/parking area by a total of three (3) spaces located south of the building.
- (c) Restoring and expanding the dilapidated gravel driveway and parking area and dedicating four (4) parking spaces along the northwest side of the building.
- (d) Relocating the existing storage shed to a position at the back of the property.
- (e) Constructing a fenced waste disposal area behind the relocated shed.
- (f) Constructing an approximately 410 square foot patio to the rear of the primary building, which will be fenced.
- (g) The pavement of the parking lot with asphalt by June of 2022, in accordance with your approved phasing plan.
- (h) Connecting to the public water system by June of 2022, in accordance with your approved phasing plan.

These approvals were given with the following conditions, all of which must be resolved prior to the issuance of a zoning permit:

- (1) You must erect signage (to be reviewed and approved by our department) explicitly prohibiting your future patrons from parking on the adjacent property (805 S Church St).
- (2) Pursuant to SZO Section 9.G, a landscaping bond must be submitted to the Town in the form of a check, equal to eighty-one dollars (\$81). Be advised that the Town will deposit this check and the value will remain in our liability account for eighteen (18) months, or until the landscaping has been successfully installed. Once you have successfully installed the landscaping, we will refund the same amount back to the applicant.
- (3) The recordation of the ingress/egress, parking, and sanitary sewer utility easements illustrated in your approved general development plan. Their attorney had furnished the Town staff with a draft version of the easements’ accompanying deeds, which we have circulated to the

Engineering & Public Works Department and the Virginia Department of Transportation (VDOT) for their review. Please standby for comments if any result from those agencies' review.

(4) The resolution of any comments generated on the site plan by either VDOT and/or the Isle of Wight County Stormwater Division.

The applicants are now applying for a series of applications to accommodate various exterior improvements and additions for the operation of a tasting room and restaurant at the property in question- such a use is best classified under the SZO as a "fast food restaurant without drive-through facilities".

The applicants propose the following site plan amendments:

1. The reorientation of the eight-foot (8') by eight-foot (8') refuse site to a position abutting the rear gravel parking area. This refuse site will be enclosed with a white vinyl fencing material.

2. The reorientation of the eight-foot (8') by eight-foot (8') storage shed to a position closer to the northeast boundary line which will be placed next to the edge of the proposed stamped concrete sitting area. The storage shed will be painted to match the existing building.

3. The existing seventeen-foot (17') by sixteen-foot (16') concrete pad will be enlarged to a twenty-four-foot (24') by twenty-four-foot (24') stick-built addition on a concrete slab and will be enclosed. The addition will have a metal roof and all exterior colors will match the existing building.

4. The proposed addition will have a roll up garage door that faces South Church Street, along with an ADA compliant bathroom with interior and exterior access.

5. There will be a gravel sitting area immediately adjacent to the proposed addition, which will feature six feet (6') high by twenty-four foot (24') white vinyl screening fence. This fence will run parallel to South Church Street and will connect to the proposed black metal fencing. The gravel sitting area will connect to the stamped concrete sitting area via a gravel path that will run along the east side boundary line of the property.

6. In between the raised flower bed abutting South Church Street and the white vinyl screening fence will be a flower and herb garden.

7. In between the raised flower bed abutting South Church Street and the proposed addition will be a loading area and employee parking.

8. There will no longer be two improved parking spaces on the east (right) side of the building.

Additionally, the applicants are seeking after-the-fact approval for the following:

1. The expansion of the gravel parking area located on the west side of the property.

2. The expansion of the outdoor patio into a stamped concrete sitting area that will be fenced in by a three and a half foot (3.5') black metal fencing.

3. The installation of a twenty-four foot (24') eight-inch (8") by thirteen foot (13') covered wooden deck located at the rear of the primary building. The deck will wrap around the building on the west (left) side of the building and continue, abutting along two parking spaces. The proposed deck will feature a wood-framed shed roof over its entirety.

4. The remaining west (left) side of the building will feature five (5) bushes.

In order to accommodate these proposed changes and additions, the applicants have also applied for two (2) Special Use Permits, Entrance Corridor Overlay (ECO) Design Review, After-the-Fact ECO Design Review, and an ECO Waiver.

1st SUP: To accommodate the encroachment of the primary building into the required (pursuant to Smithfield Zoning Ordinance (SZO) Section 3.I.E.2) forty foot (40') front yard setback and twenty foot (20') side/rear yard setbacks, as well as the encroachment of an accessory building (storage shed) into the required fifty foot (50') setback from the lot line shared with 801A S Church St and the required five foot (5') setback from the lot line shared with 805 S Church St (pursuant to SZO Sections 2.P.6 & 2.P.12), an SUP for a "waiver of yard requirements" is needed, pursuant to SZO Section 3.I.C.28. Specifically, the applicants are requesting zero-lot-line development to the boundary line shared with 805 S Church St, a reduction in the required front yard setback to 26.6', and a reduction in the required accessory building/structure setback from the lot line shared with 801A S Church St from fifty feet (50') to ten feet (10').

2nd SUP: To waive the "prohibition of parking in front yards" provision of SZO Section 3.I.C.28, and to reduce the minimum number of required off-street parking spaces (pursuant to SZO Section 8.E.18) from nineteen (19) to five (5) spaces, and a waiver from the provision of SZO Section 8.B.13 "no loading space shall be located within a front yard," an additional SUP for a "waiver of parking and loading requirements" is needed, pursuant to SZO Section 3.I.C.30.

To help facilitate additional parking spaces, the applicants recorded a twenty-foot (20') parking easement located on the expanded gravel parking area (see Enclosure 1). Additionally, the applicants stated they have a verbal agreement with the owner of 805 South Church Street (Smithfield Animal Hospital), which allows for owner/ employee parking on the adjacent lot after 6pm.

ECO Design Review (and after-the-fact review): This property is located within the entrance corridor overlay, and all exterior improvements and/ or additions must be approved by the Planning Commission.

ECO Waiver: The applicants are seeking relief pursuant to SZO 3.R.P. for relief from SZO E.R.J.2.a. which states "Large work area doors or open bays shall not open toward or face the highway." Because of the configuration of the building, there are no other conducive locations on site for such a necessary utilitarian feature.

This application has resulted in requests for comments from several agencies outside of the Smithfield Community Development & Planning Department:

Isle of Wight County Stormwater Division - Enclosure 2

Virginia Department of Transportation (VDOT) - Enclosure 3

Virginia Department of Health - Enclosure 4

Additionally, we received the following comments from the Smithfield Public Works & Utilities Department:

*The Public Works & Utilities Department has suggested due to the proposed exterior improvements and proposed addition, it would behoove the applicants to connect to the Town's water system, in conjunction with the proposed improvements, as opposed to connecting by June 1st, 2022, as stated in the April 10th, 2020, approved rezoning package. A representative from the*

*Public Works department will be required to inspect and approve the connection to the Town's water infrastructure. This is suggested as a condition of approval for the special use permit(s).*

The applicants have stated they that they plan on paving the parking lot with asphalt by June of 2022, in accordance with their approved phasing plan. Town staff recommended approval under the condition that the following items be resolved prior to the issuance of a zoning permit:

- (1) As suggested by Public Works, approval should be conditioned on the successful connection to the Town's water system.

The applicant, Nick Hess, resides at 223 South Church Street, Smithfield, Virginia. Tim Ryan resides at 11220 Shelter Cove, Smithfield, Virginia. Derek Joyner resides at 15765 Breezy Hill Lane, Smithfield, Virginia. Mr. Hess explained that they are not putting the shed or the trash refuse in between 803 & 801 S. Church Street. They will not exist there. They are sticking with three trash cans which are picked up twice a week. There will be no need for a dumpster. The shed will not be needed as everything will be stored inside.

Chairman Pack explained that he and Mr. Torrey visited the property yesterday since the application is lengthy and hard to understand. The previously approved rollup garage door facing South Church Street will now be a barn style double door. He asked Mrs. Clary to make the change in the application. Chairman Pack asked if the 24' x 13' covered wooden deck on the rear of the primary building with a shed roof had already been installed.

Mr. Hess stated the deck was installed but the shed roof has not been installed.

Chairman Pack explained that Isle of Wight County Stormwater, VDOT, and the Virginia Department of Health did not have any objections regarding the application.

Vice Chairman Bryan asked about the timeline to connect to the Town water.

Mr. Hess stated that it was in the original approval at the April 2020 meeting to provide two years to connect so that they could earn some revenue. The connections are quite expensive.

Chairman Pack explained that, in the original approval, the applicants were given until June 1<sup>st</sup>, 2022 to pave and connect to Town water. The Public Works department is suggesting that the applicants tie into the Town water now. He asked if it was an issue or would they prefer to wait until June.

Mr. Hess explained that they would prefer to wait considering the bike path construction. He would rather do everything at once.

Vice Chairman Bryan asked about the stamped concrete patio and had it already been completed.

Mr. Hess explained that it is an extension of the wooden patio that was approved in the beginning.

Mr. Joyner explained that there was a concrete patio approved last year. It extends out but within the bounds of the existing property lines.

Vice Chairman Bryan asked if that had been discussed with the Town.

Mr. Hess stated that it was discussed with John Settle (former Community Development & Planning Director).

Mrs. Clary stated that she knew that Mr. Settle was working on the application to bring to the Planning Commission for approval prior to his departure.

Chairman Pack explained that the stamped concrete sitting area is being requested for approval. He asked if it was originally approved back in April 2020.

Mr. Joyner stated that the patio had been expanded in conversations with John Settle. It was previously approved with a smaller footprint.

Mrs. Clary referred to the larger site plan in the packet. It shows the original approval from April 2020.

Vice Chairman Bryan asked about the addition they are adding with a restroom.

Mr. Hess explained that the addition includes an ADA compliant restroom. Dating back to December 1<sup>st</sup>, 2020, the Health Department started requiring all walk-ins to be covered. They were given a waiver until their application is approved so the walk-in can be covered. It is a new Health Department regulation as of December 1<sup>st</sup>, 2020.

Vice Chairman Bryan asked about the locations since it is not shown in the drawings.

Mr. Hess explained that it is in the front corner of the drawings.

Mr. Joyner explained that the existing 16' x 17' pad is where the walk-in is located. It will be expanded to 24' x 24' which would enclose the whole area including the walk-in and the proposed ADA compliant bathroom and provide the storage space they need so the storage shed can be eliminated.

Vice Chairman Bryan explained that there are significant exceptions included in the application.

Mr. Gibbs stated that it was incumbent on John Settle to bring it to the Planning Commission when he became aware of it.

The Town Attorney stated that he had been to the property to better understand the application prior to advertising the public hearing. The structures are not classified as the zero-lot line but the decking and the fence are. Most fences are on the lot line.

Mrs. Clary stated that the fence is at the zero-lot line. The proposed addition to the 24' x 24' area will be 3'1" from one edge of the lot line instead of the 20' side yard setback.

The Town Attorney explained that the property has never met the setbacks including prior occupants. Nothing about the structure meets any of the regulations. The historic district has exceptions all the time. When the Town takes a modern zoning ordinance and applies it to non-modern structures then the Town ends up with conflicts all the time.

Mrs. Hillegass stated that it is a unique property.

The Town Attorney stated that the Planning Commission is charged with good planning. Just saying no is not always a good idea. There are rules and the Town can try to accomplish what an applicant wants to do within the framework of the rules to the extent possible.

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

Polly Boothe resides at 304 Ridgeland Drive in Smithfield, Virginia. She stated that she and her husband own the property. She requested a copy of everything that was said tonight. She also requested a copy of the revised plat without the shed and the refuse area.

Chairman Pack asked Mrs. Clary to provide the information to the property owner.

The Town Attorney explained that the plat shows the shed and refuse area. The applicant would probably not have another plat done.

Chairman Pack suggested that Mrs. Clary “X” out the shed and refuse area and provide the plat to the property owner.

Mrs. Boothe stated that she would like for her husband to review the application before everything is settled. He was unable to be here tonight due to his health.

Dr. Pope asked if the motion would be a recommendation to Town Council.

Mrs. Clary stated that the two SUPs would be a recommendation to Town Council.

Chairman Pack explained to Mrs. Boothe that there would be an opportunity for her and her husband to speak at the Town Council meeting regarding the application.

Vice Chairman Bryan told Mrs. Boothe that the Town Council meeting would be the first Tuesday in August.

Chairman Pack explained that a recording of the meeting could be provided to the property owners or a copy of the typed minutes.

With no further speakers, Chairman Pack closed the public hearing.

Dr. Pope stated that he spoke with the new owner of Smithfield Animal Hospital located next door to the Red Pointe Taphouse to find out about the parking issues. At the time of approval in 2020, Smithfield Animal Hospital did not want anyone parking in their lot at any time. The new owner is Dr. Forgeng who purchased the property from Dr. May four months ago. Dr. Pope talked to Dr. Forgeng to discuss her parking wishes for her business as the new owner. She would like to provide parking for the new establishment, but she is concerned that customers of the Red Pointe Taphouse will park there during her hours of operation as a vet clinic. She requested that no one park in her lot prior to 6:30 p.m. instead of 6:00 p.m. Dr. Pope added that he did not want to see any overnight parking at Smithfield Animal Hospital or at least be removed by 7:00 a.m. if someone left their vehicle there overnight. Dr. Forgeng would also like a 6 month time limit to review the arrangement to make sure it is working out for her business. She is not approving the arrangement permanently depending on how things work out. During the first approval when Dr. May owned the business, no parking was allowed at the Smithfield Animal Hospital parking lot for the Red Pointe Taphouse at all.

Chairman Pack stated that additional parking is not part of the application.

Dr. Pope ask the Town Attorney what recourse Dr. Forgeng would have if the parking arrangement does not work out.

The Town Attorney stated that Dr. Forgeng can revoke parking privileges any time she wants to. It is a verbal agreement and is not enforceable by the Town. She can rescind her agreement with the owners of the Red Pointe Taphouse at any time that she chooses. The Planning Commission does not need to consider that aspect. It is incumbent upon Red Pointe Taphouse and Smithfield Animal Hospital to figure the details out themselves. It is in the best interest of the Red Pointe Taphouse owners to make sure there are no issues with Smithfield Animal Hospital.

Dr. Pope explained that Dr. Forgeng was just making sure of her rights regarding the application and her verbal agreement with Red Pointe Taphouse. It is her first venture of owning a business and wanted to make sure of her rights.

Chairman Pack stated that the application is not requesting additional parking. He explained that the agreement is between Red Pointe Taphouse and Smithfield Animal Hospital as opposed to the Town of Smithfield being an intermediary.

Vice Chairman Bryan asked if the applicant had received any complaints from Smithfield Animal Hospital.

Mr. Joyner explained that they have a verbal agreement with Dr. Forgeng to maintain the property by keeping it clean. If vehicles are left there overnight, they will help get them towed. The parking agreement is for after 6:30 p.m.

Mr. Hess explained that Dr. Forgeng came to them the day they opened and said she wanted to help them with parking. Originally, the agreement was for 6:00 p.m. but was changed to 6:30 p.m. which was fine. The new signs will reflect the time.

Dr. Pope just wanted to make sure that everyone was clear on the arrangement. If there are issues, he wanted them cleared up.

Mrs. Hillegass stated that the Planning Commission should stay out of their private arrangement for parking. Dr. Forgeng has all of the authority to enforce whatever she wants to enforce.

Vice Chairman Bryan asked about the Red Pointe Taphouse business hours.

Mr. Hess stated that they are open from 4:00 p.m. until 10:00 p.m. They are closed on Tuesdays and Wednesdays.

Vice Chairman Bryan asked if they felt they would have adequate parking until 6:30 p.m.

Mr. Hess stated that the heavy rush is from 6:00 p.m. until 8:30 p.m. The current parking is able to support it.

Mr. Torrey asked about the Public Works & Utilities comment of making the applicant connect to water and sewer immediately instead of the June 1<sup>st</sup>, 2022.

Mrs. Clary explained that, with the improvements that the applicant is proposing, it would be easier for the applicants to do it now as opposed to later.

Jack Reed, Director of Public Works & Utilities, stated that with the location of where the water line will run it would be easier to do it now while they are doing other upgrades so that their upgrades will not be damaged by doing it late. No one felt it would be appropriate to make it contingent on a deal that they had already worked out with the Planning Commission and Town Council. It is a recommendation to the applicants. In 12 months, they would be required to connect. It will damage their property to do the construction for connection. The proposed water meter runs through all of their employee parking. It is the applicant's prerogative and is only a suggestion from Public Works & Utilities.

Mr. Torrey was confused by the language. It seemed to be a condition of the application.

The Town Attorney explained that it is what the staff recommendation says.

Mr. Reed explained that Town staff did not want to interfere with the agreement already made with the applicant through the Planning Commission and Town Council. The preference for Public Works & Utilities would be to do the connection now as opposed to later. However, they are not looking to require anything.

Chairman Pack stated that it would probably be a good idea for the connections to be made prior to the improvements. However, he agreed that an approval was already given for the utilities to be done by June 1<sup>st</sup>, 2022.

Dr. Pope did not give an opinion but explained it was the applicant's money they would be spending for connection fees.

Chairman Pack stated that the application can be confusing but after seeing the property the improvements are really nice. It is another restaurant for the Town. He explained that he has been there twice and did not have a parking issue.

Vice Chairman Bryan stated that he appreciated their efforts to maximize the use of the entire property.

Mrs. Hillegass stated that she had not dined there yet but can see that it is a huge improvement to the property. She made a motion to recommend approval of the application to Town Council as submitted including the recommendation to connect to the Town's water system by June 1<sup>st</sup>, 2022. Mr. Gibbs seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, seven members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

Chairman Pack explained to the property owner, Polly Boothe, that the application was recommended for approval to the Town Council. She and her husband will have an opportunity to speak to Town Council on August 3<sup>rd</sup>, 2021 at the Smithfield Center at 6:30 p.m.

**Approval of the Tuesday, June 8<sup>th</sup>, 2021 Summary Meeting Minutes.**

The Town Attorney explained that the minutes are lengthy and involve many statements by the public speakers where the citizens say that the developer said something, and it is stated as it is a fact.

Mrs. Hillegass stated that they include a lot of inaccuracies.

Mr. Riddick explained that he was on vacation last week so he takes full responsibilities for this. He could not digest it all at one time. He recommended tabling approval of the minutes so he could have more time to review them. He will circulate them again before the next meeting. Citizens made definitive statements about what the developer said. Mr. Riddick explained that he was not taking up for the developer one way or another but there ought to be fairness and accuracy in what people say. If Joe Smith says that the developer says this then the minutes could say that Joe Smith attributed his comment to the developer instead of making it a definitive statement. It is not fair, and it is not accurate.

Mrs. Hillegass agreed.

Mr. Riddick stated that he had a problem with the way the minutes were written. It is not for the purpose of sanitizing anything. It is for the purpose of being accurate so that people attribute things they said and not attribute things they did not say. He recommended tabling the minutes until the next meeting.

Mrs. Hillegass made a motion to table minutes of June 8<sup>th</sup>, 2021. Vice Chairman Bryan seconded the motion. Chairman Pack called for the vote.

On call for the vote, seven members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

Dr. Pope commented that he has been thinking a lot about the Pierceville property developing and moving forward. He would like to know what would happen with the traffic that would be routed beside the YMCA off of Cary Street. He does not know what will come before the Planning Commissioners regarding the Pierceville property. Dr. Pope had mentioned to Mr. Settle months ago about if there would be a way to get traffic off of Mill Swamp Road onto Route 10 without all traffic going through town and coming around Cofer Auto. He has been thinking about what could be done but Mr. Settle said it would not be possible since it is a state issue. Dr. Pope suggested entrances and exit ramps to get up to the bridge off of Route 10 beside where Mill Swamp enters into the Town. It would seem there could be an easy off ramp heading northbound on Route 10 to get up and turn left onto Mill Swamp Road. There could be an easy southbound lane to drop traffic back onto Route 10 similar to the ramps at Cypress Creek but only on one side of the road. It would help to defer some of the traffic that is looking to get through town. Mr. Settle said it would be a VDOT issue and the Town of Smithfield really would not have anything to do with it. He explained that he did not know what the new development may propose but at least his recommendation would be an easy, quick solution to get traffic out of downtown that does not need to be there. He felt that the Planning Commission should consider a way to divert traffic before the Pierceville proposal comes along.

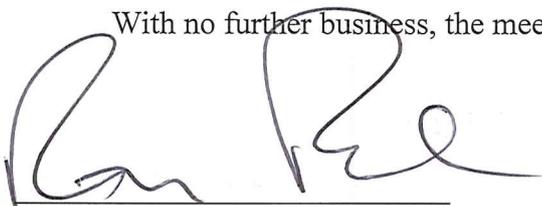
Chairman Pack stated that perhaps Town staff could look into the possibilities with VDOT. The Town Engineer, Wayne Griffin, could probably give us an idea of how to proceed with it. It would be nice to know the options prior to an application for the Pierceville property development.

Mrs. Clary stated that Town staff would look at potential entrances and exits off of Route 10 and confer with VDOT to see what the options could be.

Vice Chairman Bryan asked if Dr. Pope was referring to an intersection.

Dr. Pope explained that it would just be a ramp going up and a ramp coming down on one side. The Pagan River is on one side which would preclude any type of cloverleaf. As the county continues to expand, there will be more traffic. He has been thinking about how to lessen the traffic on the road at the YMCA. People already had concerns about it since it is narrow, and people travel fast through there. Anything the Town can do to alleviate congestion by the YMCA, in his opinion, would be appreciated. While thinking about how to move traffic, he felt his suggestion would be a simple solution in his opinion.

With no further business, the meeting adjourned at 7:37 p.m.



Randy Pack - Chairman



Tammie Clary – Community  
Development & Planning Director