

The Smithfield Planning Commission held its regular meeting on Tuesday, July 12th, 2016. The meeting was called to order at 6:30 p.m. Members present were Mr. Bill Davidson, Chairman; Mr. Charles Bryan, Vice Chairman; Ms. Julia Hillegass, Mr. Mike Swecker, Dr. Thomas Pope, and Mr. Michael Torrey. Mr. Randy Pack was absent. The staff members present were Mr. William H. Riddick III, Town Attorney and Mr. William G. Saunders IV, Planning and Zoning Administrator. There was one (1) citizen present. The media was not represented.

Chairman Davidson – I would like to welcome everyone to the Town of Smithfield's Planning Commission meeting of July 12th, 2016. If everyone will please stand, we will say the Pledge of Allegiance.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Davidson – The first item on the agenda tonight is the Planning and Zoning Administrator's Activity Report.

Planning and Zoning Administrator – Thank you, Mr. Chairman. I just have a couple of items tonight. Planning is still underway for the Joe W. Luter Sports Complex. We have gone beyond the thirty-five (35%) percent plan mark. We will be having another meeting with the management team on Friday afternoon of this week. We are working our way towards getting that plan completed. We have also added a couple members from the county from the Planning and Engineering staff to help facilitate the process as it works its way through the county process. Also, I would like to note that we are going to initiate the Comprehensive Plan update again. You will start to see some documents for review and input starting at next month's meeting. I would also like to mention; although I believe I have sent you all some information via email and there was an article in the Smithfield Times recently about it, that the General Assembly changed some legislation as it relates to conditional zoning and proffers. We do not do a lot of rezoning in the Town of Smithfield. A lot of those funds and items that come through as proffers, when they do pass through to the county for schools and emergency services; however, regardless we are still impacted by that because our ordinance contains an option for conditional rezonings. We will be reviewing with the Town Attorney, our ordinance sections that relate to conditional rezonings and proffers to determine which direction we should go. Some municipalities in Hampton Roads kind

of have a zero tolerance for any conditional rezonings until this works itself out, the General Assembly either gives clarification, or some case works its way through the court system and sets a precedent. Isle of Wight County rescinded their proffer study and their proffer policy. They are kind of taking a laissez faire path as it relates to it. I put a flow chart at each one of your seats from a law firm that was affiliated with writing the law. The Town Attorney can shed more light on that. It just goes to show you how tedious the potential pitfalls are in the process. I will just turn it over to the Town Attorney and let him fill in some gaps.

Town Attorney – As Mr. Saunders has said, there is going to be a lot of uncertainty about this whole process. The county had a proffer study done which we tended to rely on because they provided the impact through their study. There has always been some belief that it was flawed but it was what they had. The development community has pushed back on it so different communities have decided to deal with it in different ways. Some of them are saying that they are just not going to do anything. It is not a very good position to take because it would likely quell development and I think most places are looking to welcome that. We are going to look at it. We do not have a proffer study so we do not have to worry about that. We do not have any pending rezonings right now. I am not so sure I am as scared of it as everybody seems to be. I met with a gentleman who is in the home building industry and was involved with the drafting of the legislation. He sat down and explained it to me. It seemed to make a little sense. I will probably have more opinions about it later. For right now, we do not need to do anything. I will take a look at the ordinances and let you know what, if anything, I would recommend that we do in response to these changes.

Chairman Davidson – Thank you, Mr. Riddick. Next we have Upcoming Meetings and Activities. On July 19th at 6:30 p.m., we will have the Board of Historic and Architectural Review meeting. At 7:30 p.m. on July 19th, the Board of Zoning Appeals has been cancelled. The Town Council Committee meetings will be held on July 25th and 26th at 4:00 p.m. The next Town Council meeting will be held on August 2nd at 7:30 p.m. The next Planning Commission meeting is on August 9th, 2016. The next item on the agenda is Public Comments. The public seems to have left so we will move to Planning Commission Comments. Does anyone have any comments? Hearing none,

we will move to the Public Hearing: Zoning Ordinance Amendment Review – Chesapeake Bay Preservation Area Overlay District Ordinance – Town of Smithfield, applicant. Could we have a staff report please?

Planning and Zoning Administrator – Thank you, Mr. Chairman. As was mentioned last month, due to changes in state environmental laws, Isle of Wight County ordinances, and other amendments that we would like to make locally, we have done some revisions to the Chesapeake Bay Preservation Overlay District Ordinance. The main amendments relate to changes regarding stormwater law at the state level specifically transferring responsibilities to the county as well as the transfer from state agencies such as the Department of Conservation and Recreation and the Department of Environmental Quality. We also have amendments in here that relate to septic tank owners having the option to have their systems inspected rather than pumped out every five years. It is in line with a similar amendment made by the county. There were several other minor amendments that were made. The principal Environmental Planner for the Department of Environmental Quality has reviewed this and found it to be acceptable. It was also reviewed by you all last month. We have properly advertised for a public hearing tonight.

Chairman Davidson – Thank you. I am not quite sure where to go with this since we have no public.

Town Attorney – You open the public hearing.

Chairman Davidson – I now declare the public hearing open. Is there anyone who would like to speak? Hearing none, I now declare the public hearing closed.

Planning and Zoning Administrator – Very well Mr. Chairman. Would you have me go through the ordinance changes that I went through last month?

Town Attorney – There are no changes since last month.

Chairman Davidson – I do not think it is necessary to go through them again.

Planning and Zoning Administrator – Does anyone have any questions since last month?

Chairman Davidson - Hearing none, we need to make a recommendation to Town Council.

Ms. Hillegass – I would like to make a motion to approve the changes as submitted.

Mr. Swecker – Second.

Chairman Davidson – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

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

Chairman Davidson – Our next item is the Preliminary and Final Site Plan Review – Clontz Park Public Boat Ramp Facility – Jamie Weist, Kimley Horn, applicants. I understand that they are not here so staff will give us a report.

Planning and Zoning Administrator – Yes sir, Mr. Chairman. The Town of Smithfield is the applicant for a grant with the Virginia Marine Resources Commission to build a public boat ramp facility. We have been through the normal plan review phase. All of the town comments have been satisfactorily addressed; however, there are still some outstanding stormwater management comments from Isle of Wight County. This project was before you all at the March 8th meeting for a Special Use Permit to waive the parking requirements which was granted, subsequently, by Town Council. Currently, town staff recommends preliminary and final site plan review contingent upon the outstanding stormwater management comments being resolved adequately.

Chairman Davidson – Does anyone have any questions of staff?

Vice Chairman Bryan – The stormwater management issue came up with the Smithfield Center parking project. Does this have something to do with how these things are constructed that causes questions from the county or is there some standard assembly that the construction industry has that they could apply?

Planning and Zoning Administrator – It would be refreshing if there was something standard about stormwater management. It is really not. The last two cases of the parking lot expansion and the boat ramp project were both projects that we wanted to help expedite. The town has thirty (30) days to review a set of plans and provide comments to the applicant. By state law, stormwater management departments

have sixty (60) days to review and provide comments. In an effort to not hold up the projects, in hopes that the stormwater comments would be addressed in less than thirty days, staff went ahead and brought the plan to you all after all town comments were addressed satisfactorily knowing that stormwater management has another thirty (30) days that they could be reviewing it. Hopefully, those can be resolved and we can go straight into permitting rather than waiting around for another Planning Commission meeting the next month following the stormwater management comments being addressed. In both cases, we have discussed this with Isle of Wight County Stormwater division. They are comfortable with us doing this. They have a very heavy work load down there. They understand what we are trying to do and they do not have a problem with it but that is what has happened in these two (2) cases. It is a difference of the review period, by ordinance, that each review agency has. They do not have the same amount of time to produce comments.

Vice Chairman Bryan – And each site would have unique construction of the stormwater piping and such underground. Thank you.

Chairman Davidson – Are there any other questions? Hearing none, I will entertain a motion.

Dr. Pope – I will make a motion that we approve the preliminary and final site plans of the project contingent upon the applicant resolving the stormwater comments with the county.

Chairman Davidson – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

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

Chairman Davidson – Our next item is Approval of the June 14th, 2016 Meeting Minutes.

Town Attorney – Mr. Chairman and members of the Planning Commission, I have made a few corrections and revisions and would recommend they be approved as revised and corrected.

Ms. Hillegass – So moved.

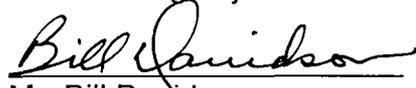
Vice Chairman Bryan – Second.

Chairman Davidson – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

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

Chairman Davidson – Is there any further business? Hearing none, we are adjourned.

The meeting adjourned at 6:44 p.m.



Mr. Bill Davidson
Chairman



William G. Saunders, IV
Planning and Zoning Administrator