

The Smithfield Planning Commission held its regular meeting on Tuesday, August 8th, 2017. The meeting was called to order at 6:30 p.m. Members present were Mr. Randy Pack, Chairman; Mr. Charles Bryan, Vice Chairman; Mr. Bill Davidson, Ms. Julia Hillegass, Mr. Mike Swecker, Dr. Thomas Pope, and Mr. Michael Torrey. The staff members present were Mr. William G. Saunders IV, Planning and Zoning Administrator and Mr. William H. Riddick, III, Town Attorney. There were fifty-six (56) citizens present. The media was not represented.

Chairman Pack – Good evening ladies and gentlemen. Welcome to the Smithfield Planning Commission meeting of August 8th, 2017. We will start our meeting with the Pledge. Please stand.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Pack – We have a full agenda this evening. We are going to go ahead and get started. The first item on the agenda is the Planning and Zoning Administrator's Activity Report.

Planning and Zoning Administrator – Thank you, Mr. Chairman. I just want to call attention to two (2) ongoing projects. The Smithfield Foods/Smithfield Center parking lot expansion is pretty much all done except for the paperwork. We are still tying up loose ends on that. The lamp posts came in at the eleventh hour; but they have all been installed now. It is wrapping up and people are using the facility already. The Joseph W. Luter Jr. Sports Complex is really coming along. You may have seen some of the final amenities such as fences, goal posts, and irrigation that have gone on over there. It is coming to completion. On the turn lane, we are expecting ninety (90%) percent plans to be resubmitted any day now. It is coming together quite nicely. Thank you.

Chairman Pack - Our next item is Upcoming Meetings and Activities. On August 15th at 6:30 p.m., we will have the Board of Historic and Architectural Review meeting. The Board of Zoning Appeals meeting will follow at 7:30 p.m. On August 28th and 29th at 4:00 p.m., we will have our Town Council Committee meetings here at the Smithfield Center. On September 4th, town offices will be closed in observance of Labor Day. The next Town Council meeting will be held on September 5th, 2017 at 7:30 p.m. Planning Commission will meet again on September 12th at 6:30 p.m. The next item on the agenda is Public Comments. The public is invited to speak to the Planning Commission

on any matter except scheduled public hearings. We do have three (3) public hearings tonight; two (2) for Cypress Creek and one for a flower shop on Main Street. If you are here to speak on any of those, please wait for that public hearing to be open. We ask that comments be limited to five (5) minutes per person. Any required response from the town will be provided in writing following the meeting. Do we have anyone signed up for public comments?

Planning and Zoning Administrator – Mr. Chairman, I have a good number of people signed up for public comments. I suspect some of them have signed up to speak on Cypress Creek. I will go ahead and read the names; but if they would rather hold their comments until the public hearings then they can.

Chairman Pack – We have nineteen (19) names here. Is there anyone signed up for public comments that meant to speak during public comments? Hearing none, we will move to Planning Commission Comments. Are there any comments from the Commissioners? Hearing none, we will move to Public Hearing – Conditional Zoning Amendment – Cypress Creek Subdivision – Fairway Drive – Timothy S. Culpepper, Cypress Investment Holdings, LLC, applicants. These two (2) public hearings, #5 and #6 on the agenda, are both so closely related that under the advice of counsel we are going to combine these into one (1) public hearing. Does any Planning Commission member have an issue with that? Hearing none, they are both on the same topics. We will bring them both into one (1) public hearing. The first is a conditional zoning amendment and the second is Public Hearing – Special Use Permit – Cluster Provision in Suburban Residential (S-R) Zoning District – Phase VI, Cypress Creek Subdivision – Timothy S. Culpepper, Cypress Creek Investment Holdings, LLC, applicants. Could we have a staff report on both of these please?

Planning and Zoning Administrator – Yes sir, Mr. Chairman. The applicant is Timothy S. Culpepper of Cypress Investment Holdings, LLC. The first action is for a conditional zoning amendment. Technically, the land will not be rezoned. The original proffers from 1988 have never been revised. There has been a change of vision in the neighborhood as well as the applicant preferring to redesign the potential Phase VI of the subdivision. Currently, that subdivision is zoned Suburban Residential (S-R) conditional. The amendments to the original proffers that are proposed would do several

things. Originally, twenty-four (24) townhomes were proposed in Phase VII-B. Those are not envisioned anymore. They have been struck from the proffers. The second change to the proffers is to increase the total number of housing units from four hundred and fifty (450) to five hundred and eighteen (518) in the proposed Phase VI. The additional sixty-eight (68) lots being requested within Phase VI shall be for sale as single family age-restricted homes. As I understand it, age-restriction is defined by at least one (1) person on the deed being over fifty-five (55) years of age. A total of one hundred and fifty-two (152) lots would be built in Phase VI rather than the eighty-five (85) that could currently be built as the conditions allow today. Ninety-one (91) of the proposed one hundred and fifty-two (152) lots would be age-restricted. Another change is that the Environmental Review Board was never called such. It was always called the Architectural Review Board so there are two (2) places where that was changed in name alone. Item #5 proposed forty (40) to fifty (50) boat slips and have been struck. These would have been adjacent to the twenty-four (24) townhomes in Phase VII B&C. They have not been envisioned for decades. Also, the ten (10) year buildout of the project was struck. Considering this has been going on for three (3) decades now, they decided to take that out. The last item is the design guidelines for Cypress Creek Phase VI have been submitted with this application. The guidelines shall be enforced by the existing Homeowner's Association throughout the development of Phase VI. So, the main thing that these proffer changes do is pave the way for the development to change the design of Phase VI. There are a few housekeeping things that were changed; but, predominately, the major changes are to increase the total number of lots and proffer the ninety-one (91) age-restricted lots and to put the guidelines for the design of Phase VI on the record. Obviously, it has smaller, minimum square footage floor plans for the homes because they are on smaller lots. The other action before you tonight is a Special Use Permit application. As I said, this is not actually a change in zoning because the property will stay Suburban Residential. There are two (2) different ways you can develop Suburban Residential. The first is with the standard provision which is very similar to what you see in Cypress Creek today. They allow ten (10%) percent green space. They meet the standards for lot sizes and lot setbacks that you see in Cypress Creek today. There is also what is referred to as a 'cluster' provision. The

cluster provision allows tighter density by clustering the homes. In other words, you can have smaller lots and smaller setbacks; but, in return, you give up twenty (20%) percent for green space in that portion of the development rather than the ten (10%) percent that would normally be required. Basically, what they have done is use the twenty (20%) percent green space to incentivize the density bonus. To use the cluster provision, it requires a Special Use Permit. That is the second item. You can see, on the screen, the conceptual plan for the proposed Phase VI. The ninety-one (91) age-restricted lots are to the left of the traffic circle there. There is also going to be a new clubhouse and pool that has age-restricted clientele in mind. Supposedly, the pool that exists today at the original clubhouse is going to be geared more towards families and children. These lots in the outer part of the subdivision would not be age-restricted lots. It would just be in the other area. Basically, that is where we are. I will tell you, and as you all are aware, there were some changes by the General Assembly that relate to proffers. The proffers before you were proffered voluntarily in 1988. The revisions to these proffers were proffered voluntarily to the town staff this year. I will read a couple of sections from the code from the Commonwealth on changes to conditional rezoning and proffers. It states: 'No locality shall request or accept any unreasonable proffer as described in sub-section 'C' in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use nor; should any locality deny any rezoning application or proffer condition amendment for a new residential development or new residential use where such denial is based in whole or in part on an applicant's failure or refusal to submit an unreasonable proffer or proffer condition amendment.' So, basically, these proffers came to the town staff voluntarily. Town staff did not recommend any of these proffers to the applicant. Town staff feels that none of these proffers are unreasonable. However, the action the Planning Commission should take on a rezoning following the hearing states 'shall prepare and by motion adopt its recommendations which may include changes in the original proposal resulting from the hearing and shall report such recommendations together with an explanatory matter in the condition statement by motion or resolution indicating the public purposes to the Town Council.' So, you will be making a recommendation to Town Council on this item. While it is within your power to include changes in the

original proposal resulting from the hearing, I would caution you against proposing any unreasonable proffers to the applicant. Does anyone have any questions?

Chairman Pack – Are there any questions for Mr. Saunders? Hearing none, at this time, I would like to give the applicant an opportunity to come up and present the application.

Mr. Tim Culpepper – I am a representative of Cypress Investment Holdings at 150 W. Main Street, Suite 1100, in Norfolk, Virginia. Thank you for having me. I appreciate everyone's time in reviewing this application. I wanted to go through, basically, three (3) things with you this evening. I wanted to talk about the history of our involvement at Cypress Creek and the history of the community. I wanted to also talk about our proposal and discuss with you all the process that we followed in developing this proposal that is before you this evening. First and foremost, Cypress Creek is an iconic community not only in the Town of Smithfield but in the entire region. As Mr. Saunders presented earlier, it was originally zoned almost thirty (30) years ago. It was originally projected to be a ten (10) year project. Even after almost thirty (30) years, the project that was originally projected to be only ten (10) years was fifty-seven (57%) percent complete when we acquired the asset about eighteen (18) months ago. At the time of our acquisition, there was no active new construction in the community. The marketing effort had somewhat stalled. Since our acquisition, there have been a little over thirty (30) homes that have closed within the community with an average price of \$500,000.00. That is more sales in a community since our acquisition than the previous three (3) years combined. In short, there has been some exciting new progress at Cypress Creek. This momentum in renewed construction activity is a positive for the community. During the thirty (30) years since the original zoning of Cypress Creek, the market has changed. There are a couple of notable things. First and foremost, the average age of the population has increased dramatically. There has been a lot of discussion about this. There is a lot of data to cover this. The first baby boomers turned sixty-five (65) in 2010. The last of the baby boomers turn sixty-five (65) in 2030. During those twenty (20) years, the percentage of population that will be over sixty-five (65) will almost double. The surge in aging population is fueling a dramatic change in housing requirements across the country including here in Smithfield. We have seen demand for

age appropriate housing surge. We have also heard from existing residents in Cypress Creek that there is existing built-in demand for this type of housing within the community. In fact, we have heard from some residents, who love Cypress Creek, that they want to stay in Cypress Creek. They want to age-in-place as it is called. Also, notable over the past thirty (30) years is the changing landscape for large amenitized communities; newer large scale communities such as Founder's Pointe and Riverfront. They include different types of housing such as detached single family, attached single family, condos, etc. They also feature multiple price points. In addition, the communities feature very well thought out amenities. They have splash pools, leisure pools, walking trails, and open space; all things that attract a variety of different buyers. They attract families, empty nesters, retirees, and all facets of the population. All these factors are a recipe for success for communities in today's market of 2017. In fact, the top two (2) selling communities in Hampton Roads are Spence Crossing in Virginia Beach and Culpepper Landing in Chesapeake. They both offer multiple price points in multiple types of housing. I am proud to say that we are the developer of Culpepper Landing. Prior to last year, Culpepper Landing led the community of Hampton Roads in sales for the previous four (4) years. It is a recipe that has a proven track record. When Cypress Creek was rezoned, it was a pioneering vision thirty (30) years ago. It included a championship golf course, a community pool, and a location within the charming Town of Smithfield. As I mentioned, this market has changed causing Cypress Creek to struggle a bit to find its place. So, our proposal is specific to the seventy-five (75) acres which is right here on the map. It is also known as Phase VI. You can see the inset above it which is also on the screen. Our proposal is an effort to better position Cypress Creek and to enhance long term values for the community. The inclusion of age-restricted housing is a direct result of today's demographic trends and the projected demographic trends for the next few decades. In addition to diversifying the products offered within the community, the inclusion of age-restricted housing facilitates the need to expand our amenities at Cypress Creek. By providing some of the additional units that we have contemplated, we are also looking at enhancing the existing amenities at Cypress Creek. To be clear, we are not proposing any attached housing. We are not proposing any income restricted housing. We are not proposing any apartments. In fact,

we have eliminated the concept of attached housing with our modifications. What is being proposed is strictly single family detached homes. You will note that our plan includes approximately nineteen (19) acres of open space just in Phase VI. In addition, our plan for the seventy-five (75) acres equates to approximately two (2) dwelling units per acre which is less than half of what is required under the cluster ordinance of four and a half (4 ½) dwelling units per acre. Currently, Cypress Creek does not have any passive open space that is under control of the HOA and designated for use by the entire community. It is one of the reasons why we have opted, as you can see on the screen, the big passive open space right in the middle of the community. This open space would be open to the entire community. In addition, we have a network of walking paths that connect back out to Cypress Creek Parkway. They meander all the way through Phase VI and provide pedestrian access to Cypress Creek itself. That is something that does not currently exist within the community. In addition to these planned improvements in Phase VI, we have also committed to do a renovation of the existing pool at Cypress Creek. I mentioned that Cypress Creek was a pioneering vision when it was first rezoned thirty (30) years ago. Some of those amenities need to be updated. They need to be modernized. They need to be brought to the current market to increase the competitiveness of the community. Improvements to the existing pool would include splash areas, mushrooms, aquatic benches; all while still maintaining a competitive pool with swim lanes for a swim team. Including the renovations to the existing pool along with the pool facility that we have proposed in Phase VI and the fitness facility, in total, our investment in amenity enhancements within Cypress Creek will exceed a half million dollars. To ensure the architectural integrity of the proposed units in Phase VI, we have also proffered architectural guidelines also referred to as design guidelines. These guidelines were drafted to provide clarity of our intent with new construction in Phase VI. In our opinion, these guidelines are more detailed and provide more guidance. Since they are proffered, they would provide more enforceability into the future than the existing guidelines in place at Cypress Creek. So, I will talk a little bit about the process that we followed. At our first annual meeting of the HOA in April 2016, we mentioned before the group that evening that we were going to be looking at some modifications to the plans in an effort to diversify the type of housing in Cypress Creek. I

have used the analogy many times of selling trucks. If you are selling trucks, you do not want to just sell white trucks. You want to sell red trucks, blue trucks, king cab trucks, small trucks, and four wheel drives. The more diversification you have in your product; the bigger net you can cast in terms of buyers which is helpful. We made a commitment at that meeting, over a year ago, that prior to even submitting an application for any modifications we would present our plans to the HOA in an effort to solicit community feedback and address concerns. Beginning in February 2017, we distributed our plans including the architectural guidelines to the HOA Board for comment. We took feedback that we received from the Board and made revisions; both to our plan and the architectural guidelines. On March 20th, 2017, all of that information that was included in your package was also posted on the Cypress Creek website. On March 29th, we held a community meeting with well over one hundred (100) residents in attendance. Our proposed modification was the only item on the agenda. The notice for this meeting was posted on the community website. In addition, through the efforts of our HOA Board, notices were hand placed in individual mailboxes throughout the community. That evening, we received feedback on our proposal during the meeting and, again; we made revisions. Following the meeting, there was an annual meeting of the HOA on April 24th. Our proposal was discussed again. We were given additional feedback and additional changes were made. It was after these series of HOA meetings that we then submitted our application to the town in May. We have worked hard to proactively communicate our plans and solicit feedback from the community. That effort does not stop this evening. We have a long term plan for Cypress Creek which includes engagement with the HOA, engagement with our Board, and engagement with our residents. The following is a synopsis of the concerns we heard as a result of these meetings. I would also like to say that it has occurred to us, over this past week, that there may be some additional concerns that are out there. If we need to continue this for thirty (30) days to address those concerns, we are certainly willing to do that. Cypress Creek has been around for three (3) decades. We do not think rushing through this proposal process is in the best interest of the community. We are certainly willing to take our time. Back to the concerns we have heard; traffic, specifically an increase in traffic. We commissioned a traffic survey that is also included in your packet. It has

been reviewed by the town. The traffic study found that the ingress and egress provided at Cypress Creek, along with the existing road network, was adequate to accommodate the proposed units and the additional units. Quoting the traffic memorandum specifically 'the proposed land use change will have no impact to the roadway during traditional commuting times and will minimally increase traffic volumes during the off peak hour. The existing lane will accommodate the proposed development and no additional improvements are required.' Traffic was one of the concerns that we have heard. The other concern we have heard is that the smaller units we have proposed will have an adverse impact on values within the Cypress Creek community. I think there is a very valid argument that states the other which is that it will not have an adverse impact. In fact, age-restricted homes are intrinsically smaller. They are on smaller lots to serve that demographic; but that demographic is generally not purchasing their first house. They generally can afford a lot of house and they generally pack those smaller houses with a lot of goodies. What does that mean? It means that the average per square foot, in our professional opinion and based on our market experience for age-restricted housing, is in fact higher on a per square foot basis than traditional market housing. The other comment or concern that we have heard is who are the builders? Can you provide us with any renderings of the product you are proposing? We do not have any agreements with any builders for any lots in Phase VI of the community. We feel it is premature to finalize any agreements with builders considering that we do not have approved plans from the town or the county. We have no way to determine what the final cost for Phase VI would be. When we go to sit down with builders, the first question they will ask is how much are these lots? We have not finalized the pricing yet; because we have not finalized the costs. In lieu of renderings, we have proffered these architectural design guidelines that provide the detail required to ensure that the units within Phase VI are compatible with the balance of the community of Cypress Creek. Lastly, our concern with providing renderings; especially at this stage, is that it greatly impairs our ability to provide customization of any plans. A lot of people within the community are really looking for us to increase the custom builder profile within the community. For us to go out and get renderings of different types of houses that would go on ninety (90) lots, if we want to customize those plans, we would then be forced to come back to the

Planning Commission or staff to ask for revisions to those plans. It greatly restricts an ability to customize plans. With our acquisition of Cypress Creek, we have already set a standard of requiring builders that are building within the community to do things architecturally that go above and beyond the minimums that are currently in place. We are asking them to do more. With this modification, that effort continues. I mentioned, this past week, that we have heard some additional concerns. I have also mentioned that we are not in a rush to move through this. If there are additional concerns that we can address, we are more than willing to sit down with the community and try to engage and negotiate and alleviate some of those concerns. We are here in an effort to be good corporate partners. We have a significant investment in Cypress Creek and within the Town of Smithfield. We do not take this as a short term investment. It is a long term venture. In closing, I would just like to say that we will continue to solicit feedback to make our guidelines better, to make the proposed development a complementary addition not only to the community of Cypress Creek; but, also, to the Town of Smithfield. With that, I will stand by and be available to answer any questions that the Commission may have. Thank you for your time.

Chairman Pack – Thank you, Mr. Culpepper.

Planning and Zoning Administrator – Mr. Chairman, I would like to put on the record that the applicant did not have any concerns with combining the two (2) public hearings on these two (2) items.

Chairman Pack – Thank you. Next, we will move to the public hearing. We have quite a few signups this evening. We welcome all comments. In an effort to save time, it is not to deny comments; we do restrict your comments to five (5) minutes. If you begin to exceed your five (5) minutes, our Town Attorney will let us know when you get to the one minute mark. He is not being rude. He is just letting you know so that so we can have some semblance of order. I also ask that we remain respectful of each other's opinions. It is okay to have a different opinion from others. There is nothing wrong with that at all. It is what our society is based on. However, I ask that you are respectful of each other and the developer and each other's time. We have been through this before with folks that have not been quite so respectful. It gets a little heated and there is no reason to get heated. With that, I would like to go ahead and open the public hearing.

Planning and Zoning Administrator – The first sign up is Robert Doran.

Chairman Pack – Please state your name and address for the record please.

Mr. Doran – I live at 108 The Machrie in Cypress Creek. My biggest concern was with traffic going down Cypress Creek Parkway. I realize we have a traffic analysis. At first it is confusing because it does nothing but reference Phase IV. It does not reference Phase VI except for one time on the map. Everything else references Phase IV. I would like to see that corrected to make sure we are all talking the same apples and oranges here. My concern is the understanding that it has gone from eight hundred (800) to nine hundred (900) daily trips. It is hard to compare unless you know what the daily routes are right now on Cypress Creek Parkway. If we are looking at Cypress Parkway Phase VI, at nine hundred and six additional (906) daily trips, I do not know if that is over the one hundred (100) that are currently right there on Cypress Creek Parkway. Are we talking the eight (8) multiplier for the traffic down Cypress Creek Parkway or a ten (10) multiplier, a two (2) multiplier; I do not know. My one concern is the traffic demand. If we go into Phase VII, I know we are talking about Phase VI, but if we are not going to have another route in and out of the development then it will put additional burden on Cypress Creek Parkway. That is my only concern right now. Thank you.

Chairman Pack – Mr. Saunders, will you clear that up with Mr. Doran please?

Planning and Zoning Administrator – Yes. The next speaker is Amanda Wayman.

Mrs. Wayman – I live at 101 Dunhill in Cypress Creek. I have a couple of concerns. They have all been voiced to Mr. Culpepper. I will start off by saying that I, too, have a lot of concerns about the traffic on Cypress Creek Parkway. I know that the guide that was used for the study significantly underrepresents the number of trips that someone fifty-five (55) and over takes. There is a lot of data out there that supports that it underrepresents fifty-five (55) and older trips. We raised our concern; but we really have not heard anything other than that it is not true. We would ask that you look at that and see the significant impact. We already have a dangerous situation on Cypress Creek Parkway with speeding. We have a lot of traffic with golfers. This is going to really add an additional concern for people's safety going up and down that road especially if we add more children to our neighborhood. Mr. Culpepper is a businessman who is

trying to make money. I get that. I respect that. I would expect nothing less from him than that; but as residents, we are trying to maintain the integrity of our neighborhood. Our neighborhood's integrity is not maintained by compacting houses that are literally going to be twelve (12') feet apart. One of the most important things about the neighborhood that drew us to the neighborhood two (2) years ago was the size of the lots. Now, we are talking about clustering houses that are literally twelve (12') feet away. Today, at my kitchen, I walked out twelve (12') feet. You can reach out of your window and touch your neighbor's hand. That is how close it is. I understand that it is not easy for him; but we would like to have renderings. We would like to have final detailed plans about the architectural expectations of these houses so that we can see that this is not going to be a standard house that you see where all the backs look the same with a little bump out for the dryer. We do not want that in our neighborhood. It is not the kind of integrity that we want.

Planning and Zoning Administrator – The next speaker is Mr. Dan Lytton.

Mr. Lytton – I live at 127 St. Andrews. I did not come here planning to say anything today. I do want to thank Mr. Culpepper for his effort and his explanation. I would like to mirror Mr. Pack's comments that we need to get through this without a lot of turmoil. We are all in this together. I think if we look at the history of Cypress Creek, in the past three (3) to four (4) years, we have had different houses being built that were different than the ones that were here to begin with. Some folks think that Cypress Creek is all brick, all two stories, and all 3,400 square feet. Well, that has never been in our architectural guidelines. Different houses have been built. I can tell you, in the last four (4) years, there has been the same complaint about the houses that were going in that were different. It does seem to me that we have lived through that. Some folks did not like a lot of the houses that were being built by the builders that came in after the original ones left. But, guess what, people are living there and they are good neighbors. They participate in the neighborhood. I do not know that the size of the house or those types of things really make that much difference. It is the kind of people that live there. To me, if someone who wants to buy a house that has twelve (12') feet between them and their neighbor and they want to pay \$400,000.00 for it then that is their business. I believe that was the starting price that was quoted. I am not concerned about what

someone else buys. I have I long since seen Cypress Creek become stagnant. I have been here for nine (9) years. I have lived with grass that was tall right next to me until Mr. Culpepper came in and built a house there. To be honest, would I have rather seen a little bit different house there? Yes; but I have good neighbors now. I do not have tall grass. Those guys take better care of their yard than I do. I do believe the traffic is a problem or could be. I would like that to be looked into a little bit more. I think that we all have our own vision for own home. We have our vision for how our home fits into the rest of the neighborhood; but we all need to understand that not everybody shares that same vision from person to person. I thank you all for your time.

Planning and Zoning Administrator – The next speaker is Mr. Todd Szydlik.

Mr. Szydlik – I live at 102 Prestwick. We had a meeting last night. A lot of people asked me to speak. I spoke to Mr. Culpepper at the end of the meeting. One of the things that is causing a problem, I think, is cluster housing and the things we feel we are giving up and also our lack of representation. There is an Architectural Review Board. There is only one homeowner on it. There are a total of three (3) people on it. The other two (2) are appointed by the development company. Basically, they can do what they want. Mr. Culpepper has been great to work with. Last night, during the conversation, a couple of gentlemen even got up and said they wanted to live in a smaller home. They love Cypress Creek. We all do; however, there is absolutely nothing they have given us to look at. We do not have any renderings. There is a pool area. They say it is a pool for older people. How big is the pool? Is it going to be a lap pool? They are not sure. We have a lot of things that people are questioning, I think, on top of getting rid of twenty-four (24) townhomes that were supposed to have docks and piers. I believe, and Mr. Culpepper correct me if I am wrong; but you said there may be a pier down further with access to the water.

Mr. Culpepper – The plan includes a pathway and a gazebo.

Mr. Szydlik – But as far as any place to stop your boat.....

Mr. Culpepper – It would not include that. The individual lots are entitled to that.

Mr. Szydlik – Well, that was one of the questions too. We have access to the water; but I believe it was originally built as a waterfront and golf community. All the things that Mr. Culpepper said earlier were covered last night. A lot of the questions and

a lot of what we were talking about is we are seeing a plan with possibly a minimum of eight thousand (8,000) square foot lots. You have forty-two thousand (42,000) square feet in an acre. We understand there is give and take; but you could end up with homes right on top of each other. We do not have any builders. As Mr. Culpepper said, he cannot get builders until he has something. You cannot tell them how much a lot is because this has not been approved yet. I think a lot of the homeowners are worried about having an Architectural Review Board that we have no say in. And second, this is what we have; no renderings, no pool, there is a fitness center but there is nothing about it. We understand about the open space. We all understand that the old Cypress Creek from thirty (30) years ago is no longer valid. There are changes that have to be made. I think a lot of people here tonight are willing to do that. I think we are also lacking information. I would ask that this be shelved. I heard something tonight where Mr. Culpepper said they are willing to work with us on this. If you are not going to show us renderings or you cannot do anything like that then you need to make the guidelines of the Architectural Review Board so stringent that you cannot do whatever you want because we are not represented. Jim Parks is our representative but it is one (1) to two (2). I think that is a lot of the concerns that people have. We all believe that there are changes that need to be made in our development; but we really have no say in them and we need much more information. A lot of people agree with me. If you do, please raise your hand. We would like to see this shelved and go back to the drawing board for more. Thank you.

Planning and Zoning Administrator – Our next signup is Mrs. Shelley Spears.

Mrs. Spears – I live at 415 Cypress Creek Parkway. First of all, I would like to thank all of you for the opportunity to speak. I appreciate the opportunity very much. My sister told me that some of my concerns have already been addressed either by the developer or already asked by some of my neighbors. One thing that has come up that I do not think we talked about last night is parking. I am looking at the development and I am not sure about the street width and everything. We are talking about rezoning to have more density than what was planned originally and the lots are pretty narrow. When we are driving in we want to keep the integrity and the look and feel generally similar to the neighborhood. I am wondering, with potentially front loading garages,

where will people park. Are there going to be parking pads in front of the garages?

When you drive in, will there be a lot of cars in front of the house or will they be parking on the street? How wide are the streets? It can really affect curb appeal. I do not know about that and am really curious about that. The other piece is that these lots are narrow and deep. The setbacks are narrow. I think something that would make a big difference, if it could be accommodated, is to look at the setbacks and possibly allow for the driveways and garages in the back. For example, alleys could access the back so that parking could be in the back if the streets are not really going to be able to accommodate the parking. We all know that when you drive through a neighborhood with lots of cars parked in front stacked on top with narrow lots or parking pads in front of the driveway they are full of cars. I know this is supposed to be a fifty-five (55) and over community but not all of it. I am almost fifty-five (55) and I have four (4) cars in my driveway. I just think it is something that I would really be interested to hear more about. I think it is going to affect the look and feel. Setbacks and potentially looking to work with the builder on any way that we might be able to get the garages in the back of the house or otherwise access parking in the back of the house because they are deep lots. It is something I would really like to hear more about. Again, the renderings would help a lot too. We are talking about rezoning for higher density. If I understand it correctly, it is what we are talking about. There comes with that a lot of emphasis on design and curb appeal when you are really going to stack them up together. I understand about Mr. Culpepper's point about not being able to not get builders because it is so early in the process; but it really is going to matter what they look like. I have other points but I think they have already been made. Thank you very much for your time.

Planning and Zoning Administrator – Our next speaker is Mr. John Christman.

Mr. Christman – Good evening, Mr. Chairman. Thank you for the opportunity to address the Commission. I live at 1025 Cypress Creek Parkway. Nothing I say will be a surprise to Mr. Culpepper. We have had this conversation numerous times and several times over the last twenty-four (24) hours. Again, I am going to show my naiveté perhaps on some of the proffer issues; but I will walk through them anyway. What I am asking the Board is that you postpone a decision or a vote on the two (2) requests until we have an opportunity to have a more meaningful dialogue and hammer out some of

the issues that I think are very important. Again, I am naïve when it comes to the proffers; but I saw where the townhouses were struck and the boat slips were struck. Then, it talks about the golf course. It was the original proffer. Right now, to the best of my knowledge, Cypress Holdings does not own the golf course. I do not see how they can proffer that as a future guarantee of an offset for the impervious surface area for the lots. I am curious about that one. The proffers also say that they have removed the boat slips. The boat speed will be enforced by the HOA. Again, I do not understand how that could possibly happen. I am not sure that we would have the right even if there was a sign out there. It is just curious. In terms of the Environmental Review Board, it was part of the original proffers, I believe. It was changed as part of the proffers to the Architectural Review Board. I could get away with that if there was not such a glaring error in the proffer #10 which is what the guidelines are. The guidelines mention the developers Architectural Review Board. I could not find anywhere in the guidelines where they talked about a Review Board. They do talk about their Architectural Review Committee. Mr. Culpepper and I go round and round. He went to different training than I did on contracts. If something were to be protested in terms of performance and execution of this particular piece, I think the first thing for adjudication would be to ask what the contract says. I think that words have meaning and language drives behavior. I would like the opportunity to go back and correct these things to the design guidelines as Mr. Saunders has so gently recommended we insert. That is my interpretation of what he said. We should go back to the design guidelines which covers much more than architecture which is really what this document intent is. I think if we go back and look at that we can clean it up a little bit. We also talked a little earlier about item #10 in the proffers. It says that the guidelines would be enforced by the existing Homeowner's Association throughout the development of Phase VI. I did not write that. It was offered by the developer. When I asked the question, I was told that Phase VI is not going to belong to the HOA until the developers say it does. I am just at a loss to explain how the existing HOA is going to manage Phase VI when they do not have the opportunity. There are numerous other pieces that we need to cover and hammer out. This is enough to show that there is still work to be done. I would ask you to postpone this. Thank you.

Planning and Zoning Administrator – Our next signup is Mr. Jimmy Waters.

Mr. Waters – I live at 407 Royal Dornoch. I have been a property owner in Smithfield for approximately nineteen (19) years. I have watched every house with the exception of one (1) in Cypress Creek be built. I am disappointed with some of the architectural guidelines. I have contacted different architectural schools across the nation. Many of these houses, we see being built, do not comply with the themes in our existing architectural guidelines which are historic, Georgian, Colonial, Traditional, or transitional architecture. Some of these houses fall out of many of these guidelines. So, now as we move forward, we must make a first impression whether a good impression or a bad impression. When you are a young person, you are taught to always do things right. We have had some stumbles and falls and are not always doing things right. At our Homeowner's Association meeting back in the spring, we received some information. In that information, effect on existing values is a misconception that reducing the required lot size and reducing the required square footage is a downgrade of a community. This is not true according to the article. If you look up the word 'misconception' it says it is a view or opinion that is incorrect because it is based on faulty thinking or understanding. I take it as understanding that I have not seen the values of my home increase. I have seen them decrease. I am under the understanding that these cottage homes will increase my property values. There are no townhomes or cluster homes in Gatling Pointe or at Founder's Pointe. These communities are prospering and growing. I believe, in my opinion, that we do not need them in Cypress Creek. What we need is a productive, active, energized, selling promotional system. So, what was the first impression? Mr. Culpepper and I have had much discussion about this; but what is the first impression? The first impression is that under our existing architectural guidelines it says that driveways must be within a width of the property of eighteen (18') feet. The homes being built today do not comply with this eighteen (18') foot driveway. It goes on to say that all garages will not be allowed to face the golf course or Cypress Creek Parkway. If you have been on Cypress Creek Parkway recently, you will find that the very first model home built under the new owners has a garage door facing Cypress Creek Parkway. What kind of impression is that to the homeowners who live within the existing guidelines? There have been a number of my

neighbors who have had very sorrowful experiences with the previous owner because he would not allow them to have their garage door facing Cypress Creek Parkway. They had to have architectural expense to redesign their home so it would not face the road. It is a sad note. Townhomes, cottage homes, etc., will people buy them? Probably so. Will I live to see it? Probably not. Now, you are telling us that we need a new truck Mr. Culpepper. That is not necessarily true. What we need is a reliable truck. We need to fit the existing architectural guidelines into those buildings and not fit your existing guidelines into your system. You need to make your buildings in compliance with the existing architectural guidelines that are in this book. Each homeowner received one of them when they purchased their home. I ask that you delay the activities here until we get more information and more compliance for the existing architectural guidelines and not create new ones.

Planning and Zoning Administrator – Our next speaker is Mrs. Nancy Soles.

Mrs. Soles – Good evening. I live at 100 Lochview. Part of my house faces the parkway so I am concerned about the traffic. I am more concerned about the parking for the cluster homes which Mrs. Spears addressed. I just want to say that I feel like Cypress Creek is going in a different direction than what was originally intended. I understand that growth is necessary; but I concur with everything that my neighbor just said. I would like to say that I do not think the sixty-eight (68) extra homes are in the best interest of the neighborhood.

Planning and Zoning Administrator – Those are all of the signups.

Chairman Pack – We have a bit of confusion with the signup sheets. We had a couple of folks signed up for the Main Street public hearing with Cypress Creek addresses. I will have Mr. Saunders call the names. If you meant to sign up for Main Street, no worries, we will be happy to talk to you about that at the next public hearing; but if you are interested in speaking on this one, we will go ahead and give you that opportunity.

Planning and Zoning Administrator – Our next speaker is Mrs. Kelly Tice.

Mrs. Tice – I live at 1411 Cypress Creek Parkway. First off, I am very grateful that Mr. Culpepper said that he is willing to work with the residents and table this for now. I really feel, personally, that we need more time to discuss this. Like most people,

my house is my biggest investment. Having a little bit more time to discuss the concerns of the neighborhood with Mr. Culpepper and our neighbors would be really great. We would be really grateful for it. Thank you.

Planning and Zoning Administrator – Our next signup is Mr. Kelley Pietz.

Mr. Pietz - I live at 109 Nairn in Cypress Creek. I just have a couple of concerns that I wanted to address. As we discuss the value of the homes and whether smaller homes on smaller lots at a lower price point affects the value of your home, I feel they definitely do. I purchased one of the Parade of Homes built by James Crocker about three (3) years ago. The value of that home has gone down since I moved in when the market has gone up. The houses that are being built within the neighborhood now are smaller and they do not have the architectural design that initially was intended for the neighborhood. They still look very nice. I am not saying they are not nice houses. My other concern with a lower price point is, and I hope people do not take this the wrong way, that there is more to owning a home than the price of the house. If you have a lower price point where people feel they can afford that house and they get into Cypress Creek where there is an HOA and where the water bill for watering your lawn to keep it green is expensive. There are a lot of other expenses that maybe they were not ready for. Now, because they could afford a house for about \$450,000.00 they cannot afford maintaining it and living there. Over time, what happens when they cannot afford it and they cannot sell it? It will go into foreclosure. There have been some foreclosures in Cypress Creek; not with these new houses. So, that is a concern of mine. The twenty (20%) green space is a give and take for clustered homes. I understand that. It is a great thing to have green space. What is that going to do to our HOA fees though? The green space has to be maintained. It will be maintained by the landscaping contractor that the HOA pays for. Although I love green space, it needs to be considered and it needs to be addressed. Is that going to be absorbed by those ninety-one (91) homes only or by the entire neighborhood? When you talk about increasing amenities that already exist in the existing phases, it is an excellent idea and needs to be done. I feel there should be green space in all of the phases. There are empty lots that could be made into green space. There are no playgrounds in this neighborhood except for the one by the pool. It is pretty much unacceptable for as large of a neighborhood as it is.

You are trying to increase your plan and your vision with age-restricted homes which I do not think is a bad thing. I do not think age-restriction means they have to be smaller lots and closer together though. As you go to do that, I think you need to show the community how you are going to make the entire community better; not only with saying that you are going to increase or change the existing pool but to have a plan, a timeline, a drawing, and show what you are going to do. I came from northern Virginia where all of the neighborhoods are right on top of each other. Parking is terrible. You can only fit two (2) cars in your driveway. Typically, your garage is full of crap so you cannot fit your car in the garage. People park on the streets and then your kids cannot ride their bikes on the streets because it is dangerous. We love Cypress Creek because my kids can go out and play and I do not have to worry them. It is a huge change from where I came from. I do not want to see that change. Although the marina is not feasible, which I understand, I have questions since I moved in as to why we do not have access to the creek. Overlooking from a gazebo, in my opinion, is just not enough. There should be some docks. There should be some piers. There should be a canoe or kayak launch. There should be some recreational space along that water because we have that water. It is a shame we do not have that because it is just going to waste right now. Again, there is a lot of opportunity and lots where those things could be done. I think that some give on that would show the community that you are doing things for the best interest of the community and not adding additional lots which just increase your profit. I think if you could look at all of those things and try to restructure it. You could try to give a little bit more to the community. I understand you cannot have renderings; but I think the architectural designs could be more specific such as a percentage of the frontage that needs to be brick or stone. Something like that would be useful. The more and more houses that are getting built; there is less and less stone and brick and more and more Hardie Board. I think that is important to think about. Thanks.

Planning and Zoning Administrator – That was the last signup.

Chairman Pack – Ladies and gentlemen that was all of the signups for this evening. If you arrived late or thought of something you need to say, speak now or forever hold your peace. Please come to the podium one at a time.

Mrs. Terry Mulherin – I live at 206 Washington Street. I do not live in Cypress Creek but I support them. I just want you to know that. My street has fourteen (14) houses and twenty-eight (28) cars and that is assuming no teenagers are around. We are on top of each other. The other thing I will speak of because I have heard multiple phases of housing places come through is that they all say they are not going to increase traffic. They all do not seem to have water runoff. I will take you back to Hurricane Matthew when Culpepper Landing where my friends lost their brand new house. Where is the water runoff on these plans? I do not understand what it means to approve a conceptual plan. Does that mean it never has to come back to the Planning Commission? I do not know what effect this will have on sewer, electric, etc. I applaud you all for coming out and speaking. Traffic studies, by the way, I guess the count assumes that everybody over fifty-five does not work. I am fifty-five (55) and I work. I take two (2) trips a day and also have doctors' appointments and trips to the grocery store. I do not understand how that traffic count does not show any difference. I guess nobody has a teenager that is going to drive in that development. The ballpark.....not going to increase the traffic. Cypress Creek....not going to increase traffic. We also heard that Pierceville would not increase the traffic. I think you might have to ask some more questions. Thank you.

Mr. Michael Tacke – I live at 410 Muirfield. I apologize for my late arrival. My concerns kind of deals with the future of this neighborhood and the future of this development. Initially, we are having explained to us that we are looking for a certain price point based off of a relatively high price per square footage based off the target audience for this product which is understandable. What I do not see or what has not been convincing is how we know for a fact that in future if we are going to be able to get that price per square footage or are these homes going to go for a comparable prices to comparable sized homes in other neighborhoods. Additionally, we are marketing these neighborhoods as age-restricted. All of our different trips per day and our different infrastructure plans and everything are based off of that age-restricted home having one (1) or two (2) people based on retirees. What prevents me from buying one in my mother's name and my family lives with her and she is in the mother-in-law suite. Now we have three (3) or four (4) working adults living in this home completely altering all of

these engineering plans. Finally, if we do go with the age-restricted route, I have a background in public safety. I can tell you as people get older they have more need for public safety. They have more need for fire suppression. They have more need for the rescue squad. As it sits now, has it been taken into consideration how a high density elderly population in this new neighborhood is going to affect the emergency response in the system we have in place in the town and Isle of Wight County as a whole? Thank you.

Chairman Pack – Is there anyone else who would like an opportunity to speak? Please come forward.

Mrs. Stephe Broadwater – I live at 1027 Cypress Creek Parkway. I just want to say that my husband and I are in favor of these plans. There may still be some more work to be done; but Mr. Culpepper and his company have done a nice job communicating with us and involving the HOA. They have done more than most development companies would do to involve the neighborhood. Sadly, I think some people were not aware of that until too late. They did not take advantage of some of the other opportunities to learn about what was going on. I think that is why there is this last minute push for questions and asking for delays. If Mr. Culpepper is okay with a delay, and that will help the process, it may be the most productive way to go. The work and the foundation they have laid out has been a good one if you participated in that process. Quite frankly, all of our home values are based on what the real estate market is doing. If you listen to what Mr. Culpepper said and what I have seen in the neighborhood, the neighborhood has gone from almost dead looking in terms of growth and new people moving in. We fund the activities and the amenities of the neighborhood through the homes, the owners, and the fees that are paid. More homeowners give us more money to keep up our amenities and keep the neighborhood at a level that we are all pleased with. Thank you.

Mrs. Roxanne Christou – I live at 108 Locherbie. I think if you feel the essence of the room and yes; maybe we were not as informed or took initiative early on. I think you can feel that we all have too many issues and too many questions. There is not enough information right now. We would like to see, obviously, what we are getting into. I think growth is good and is to be expected. The outlook of what we have is intriguing; but we

do not know what we are getting into. We just need more facts. I think you can just tell from the feel of the room that the majority are against this. Possibly, growth is good; but we just need more information and more facts. I feel that we should just put this aside and table it for the moment and then proceed. I think we are all aware that change is good. There is a need for that; but I think we just really need a more secure feeling before going forward. Thank you.

Mr. Walter Grubbs – I live at 101 Muirfield. I do apology for arriving late. The James River Bridge was backed up on my way home. I have a little story. I took a year and a half to select Cypress Creek as where I wanted to live. I checked all through Isle of Wight. My wife and I drove around on Saturdays and Sundays. When we saw Cypress Creek, we fell in love with it. We saw many communities across Isle of Wight that have houses on top of each other. We did not want that. We wanted more space between houses. This is why we bought here. Personally, the idea of these age-restricted homes is something I kind of like. I bought my lot back in 2004. Like I said to many last night, it seems to be getting bigger and bigger every year. So, there might become a time.....now, you have to understand.....I have developed friendships. I am seeing people move in. We are developing these relationships. If at some point in time I wanted to downsize, I do not want to move out of the neighborhood and try to start all over at a much older age. This could be very well received and accepted; but after listening last night, it does not seem like there is enough information. Believe me, I like what I see; but I want to make sure it is done in the right way and the Cypress Creek way so that it does not impact our valuations. It does not impact our traffic flow. All of that needs to be discussed and put to bed. I would urge us to go back to the drawing board and make sure it is done right; the Cypress Creek way. Thank you.

Chairman Pack – Is there anyone else to speak tonight? Hearing none, I now declare the public hearing closed. We will now move to consideration by the Planning Commission.

Dr. Pope – I have a couple of things. On the proffers, I agree with Mr. Christman on item #4C which is that boat speeds will be strictly controlled by the HOA. Is that not a Virginia Marine Resource issue? Does it need to be stricken from the proffers because we are not in control of boat speeds on the creek or any waterway?

Town Attorney – That would be true.

Dr. Pope – The second issue on the proffers, and I think Mr. Christman is worried about, is item #10. I will ask Mr. Culpepper to correct me if I have any facts that are incorrect. The Architectural Review Committee is made up of three (3) members and they are the ones who decide which buildings get built on that property based on the architectural guidelines. So, they will decide which house gets built and which guidelines and architectural features are there; but once that house is built, then the HOA guidelines will then take over for any changes, amendments, color options, new roofing, or whatever needs to be done. I believe, if I am not putting words in Mr. Christman's mouth, he is worried about how that is worded and is that transition appropriate. The way the proffer he is interpreting is worded is that the Architectural Review Board will remain in enforcement until the whole phase is turned over. I think he is worried about that wording. I do not know if that is a legal issue for our Town Attorney. He is worried about who is going to have that control. Right now, in Phase VI, the three (3) individuals that are there will control everything until it is turned over completely. I think he is worried about if it is legally worded that way correctly in item #10. I do not know if that proffer needs to be clarified or if it is just inherent that it is what will happen during the development.

Planning and Zoning Administrator – Mr. Chairman, I believe the first page of the design standards book alludes to the Architectural Review Committee as well. It does mention 'until the buildout.'

Dr. Pope – Is that until one hundred (100%) percent of the buildout?

Planning and Zoning Administrator – It is on page 2, I believe.

Mr. Culpepper – I have just a couple of points on the Architectural Review Committee. Back in February of 2015, the previous ownership put together what is called the third amendment to the declaration for the HOA. In that declaration, it contemplates there being these two (2) Architectural Boards. One is called the developer's ARB and the other is called the lot owners ARB. This was all set up prior to our acquisition and remains in place. The developer's ARB, as outlined in that amendment, does consist of three (3) people. Those three (3) people are appointed by the developer. One of those three (3) people is required to be a lot owner within

Cypress Creek. That is the way the Cypress Creek Architectural Review Board was established prior to our becoming involved. The third amendment also clearly contemplates that the developer's ARB will make all the decisions on new construction. When the house is in the permitting process, the developer's ARB makes the decision on the application of the architectural guidelines. Once the house is completed, if they want to add a fence, change their colors, or do whatever to the home or lot after that then that decision is made by the lot owner's ARB. So, that is kind of the bifurcation of the two (2) ARB Boards. The other thing I would point out is we set up the Architectural Review Committee within these architectural guidelines to specifically mirror what we inherited which is a three (3) member Architectural Review Board; one of which must be a lot owner. The Architectural Review Board makes the decisions on all new construction until one hundred (100%) percent of the lots are sold. What we have proposed is directly in keeping with what was put in place prior to our acquisition and what continues to be in place throughout the development of Cypress Creek. I just wanted to clarify those couple of points. The other thing I want to note is on the two (2) other proffers referring to the boat speeds. I agree, wholeheartedly. It is not a responsibility of the HOA. That proffer was set up thirty (30) years ago. We were not inclined to remove proffers that may or may not give the HOA a mechanism of enforcement. If, at some point, there was some issue that the HOA could become involved in; we did not want to take an arrow out of their quiver. We are certainly happy to strike that if it is not in keeping with current regulations. On the golf course proffer, I think one of the things that everybody within this room can agree on is the ongoing success of the golf course at Cypress Creek. It is a vital component of that community. We felt like eliminating that proffered condition may introduce some loophole that someone could exploit to facilitate the future development of the golf course. We have been very clear with everything we have said to this HOA since we have owned it that it is not our intent. We think the golf course is a critical component. We want to see it stay. We made a conscience decision to not mess with that proffer at all. The proffered conditions run with the land. They do not necessarily run with the ownership. We wanted to make sure that proffered condition remained as some safety net against the future development of the golf course. In other words, there is a proffer that says there

has to be a golf course in place which is why we opted to leave that particular proffer in place. Thank you.

Dr. Pope – The second concern I had while reviewing this is the sideline setback of six (6') feet. That is awfully close together. I do not know what that really means. I know it might be a legal thing for clustered developments to get to six (6') foot sidelines setback. I do not know where we are with that. It is very close together when you think of a house being twelve (12') foot away from your neighbor. According to the architectural guidelines, there cannot be any front loading garages. That is strictly proffered in his architectural guidelines. You cannot have a front loading garage so they cannot be there; but you have to have some sort of space in order to get a car around a ninety degree turn. When you put a six (6') guideline in here then the developer has the right to put a six (6') foot guideline in there. I do not know what room we have for six (6') feet setbacks or changing that or asked to have that changed or not; but that is awfully tight. I am also a resident of Cypress Creek. I live at 303 Royal Dornoch in Cypress Creek. I think some of the homeowners here, despite what the developer wishes to do; I do not think there has been good communication about allowing us to have a say in the development process from March. I just happened to find out about this because I happened to go to a meeting in April about a concern I had and found out about this. I did not know there were working sessions. I live there. If they put something in my mail box, I never received it; that is not to say that my wife or kids did not get it. I do not think there has been very good communication to help the homeowners work through this from the get go. When this Special Use Permit letter showed up in everybody's mailbox that is when the barrage of messages went out as to what is going on and what is happening. It is when the inflow of information started. I think some of the homeowners are very concerned as to if they have the information to make this decision. I think the HOA members probably knew this. I think their close friends probably knew this; but I am not a very active participant in all the activities that go on within the community. I am out of the loop. I did not even hear about this until I just happened to stumble upon it. I think that is where some of the concerns are and how are we working through this. Part of this is the cluster development and the six (6') foot setbacks. There is a different set of architectural guidelines for Phase VI versus Phases I – VII in that. I think what we are

looking for is if we can get with the developer and merge these phases together so we are all under a consistent architectural guideline no matter which phase we are in instead of this is what is happening in Phases I – VII and this is what is happening in Phase VI. How do these merge? They are very congruent but I have not sat down word for word because I did not have time to pull up the old guidelines and look at these guidelines and see how they differ. I do not know if there is a lot of difference; but there are some differences there. It is one of the big concerns. Why are we under a different architectural guideline for this phase versus the other phase and how can we pull this together to get more cohesiveness within the development. The other thing I have is because you are doing a cluster development you are under a twenty (20%) percent recommendation for green space requirements. What I would like to know is where are those acres coming from? I am trying to add up green space off of this map which you cannot read; but trying to figure out how you get up to the number of required acres and where is that acreage being pulled from ?

Mr. Culpepper – I have a couple of points. I will start with the side yard setbacks specifically. The six (6') foot side yard setback that is referenced on this plan is the minimum side yard setback that is established by the cluster ordinance in Suburban Residential zoning. That is not a standard, as I understand; it is a minimum. It is not a figure that we have developed. Dr. Pope did not say it specifically but there was an inference to the driveways. He is exactly correct. We have criteria in our proposed design guidelines that these garages must be side or rear loading. His inference is absolutely correct. You cannot side load a home with a six (6') foot side yard. You cannot put a driveway in there. You cannot get a car through there. You cannot turn it into a driveway; but I will remind you that the side yard is a minimum. On one side, to perfect the condition that we have that these garages must be side loaded, we are going to have to have at least and eighteen (18') foot kind of side yard setback to accommodate a driveway that can come up the side of the home and into the garage. The alternative to that would be what we call courtyard loaded which is a side load product. It is side loaded and there are many homes that exist in Cypress Creek today that have courtyard loaded garages. They are actually side loaded but there is an "L" that comes out and loaded to the front. We are very receptive to fine tuning the side

yard setbacks within the design guidelines we have proposed to state that one side must be a certain square footage to accommodate this side load condition. In terms of the acreage, I would like to defer to Melissa Venable with Land Planning Solutions. Land Planning Solutions put together the actual site plan for us. They also did the takeoffs on the acreage for the open space. If you do not mind, Dr. Cook, I will ask Ms. Venable to come up.

Dr. Pope – Sure.

Ms. Melissa Venable – It is a fairly simple calculation. Suburban Residential zoning allows for twelve thousand (12,000) square foot lots. Today, currently in the neighborhood, twelve thousand (12,000) square foot lots are the minimum square footage. The cluster ordinance under S-R zoning, which we need the special exception for, allows for eight thousand (8,000) square foot lots. The majority of the lots we are looking at here are actually more than eight thousand (8,000) square foot; especially where you see that some of these lots extend out into an RPA or out to the water. Also, you will see some larger lots through this area here on the map which is just due to the configuration. But because of the reduction in lot size to eight thousand (8,000) square feet, you have a remainder of four thousand (4,000) square feet of what the standard is. You can see these open spaced areas as well as some of the RPA areas on the map. When we put this acreage together, it is nineteen (19) acres in total.

Dr. Pope – But it is not including the RPA.

Ms. Venable – No, sir. Also, just to point out, this unusual configuration that you see on the map there is an existing easement that has to fall within a right of way that provides the water and sewer service today. This really determined the layout. It actually determined why we still incorporate some of these lots as being standard lots that are not age-restricted. We had to create a distinguishing area and have the age-restricted community to one side. Again, this configuration with the roundabout and the cul-de-sac here is due to an easement that is in place today that brings water into the community. Does that answer your question for the open space?

Dr. Pope – I just wanted to make sure it did not include the RPA. So, the concerns that I still have are if you have an eight thousand (8,000) square foot lot with a six (6') foot setback and you have to have a fifteen (15') driveway to get into your house

because the lot sizes are sixty (60') wide on a minimum width.....15 minus 60 is 45 minus your 6' setback on the other side is 39'. You are going to have houses that will be anywhere from 35' to 45' wide. You have to make up 1,500 to 2,000 square feet which is going to give you a range of 42' to 50' long houses. You will have these long shot gun looking houses on these small lots. That is what I think we want as residents; more information of what are these houses going to look like on these smaller lots. Even though these architectural guidelines are in place, what are they really going to look like? I understand that the lot sizes are different; but there is not enough detail for the residents to understand the lot widths and how this really calculates out. What type of home are you going to be able to put on this? Are you going to be able to put an 80' wide home on this or are you going to be able to put a 25' home on this lot. It will be dictated by the architectural guidelines of how many square feet. So, when you are talking about smaller lots and these minimum setbacks and trying to figure this out, it is mind boggling. That is what people want to understand. That is what they are having trouble with. I think we need to have a better understanding of what needs to go on these lots in the buildable square foot area and at least demarcate that so we understand at least the size of the homes that will go on these lots to understand how does that translate to what the current stock is already existing. That would make sense to us to understand that and to see it. I think that would settle better with us. I am speaking for myself and not so much for the other residents. I do not think we are in disagreement with what you propose. It is just trying to understand how this relates to what we have got. That is what we are trying to get a concept of. We do not care if it is age-restricted. We do not necessarily care if there are manor homes on the water and how this is. When you are talking a cluster development, smaller lots, condensed down, and more green space, I think all that is perfect. I think everybody in the community would love that; but it is trying to figure out how this really translates into a buildable lot area for us to understand it. I think that is where our hang up is. Whether we have had adequate time or not since March until this date to understand that, personally as a homeowner, I do not feel like we have had enough time to do that. I do not think we have gotten into real discussions until the last four (4) or five (5) days about what is really happening. Therefore, that is my opinion on what I have pulled together with this.

The last item I will say is on the traffic study. Does the town require them to do a traffic study or are they doing this based on their own good will? Is there anything that the town or the Planning Commission or the Town Council needs to say? Does this require any special things or is it just a moot point?

Planning and Zoning Administrator – Town staff did not require a full blown traffic impact study. Part of that is because of the established nature of the neighborhood. Part of it is because of the age-restricted homes and part of it is because of some of the concerns about how we handle applicants as it relates to the new proffer laws with the General Assembly. They determined themselves that traffic may be one of the issues that people brought to their attention as they went through the process. They took it upon themselves to put together the traffic memo. It is a memo. It does not meet our standard of a full traffic impact study; but the town also did not require them to submit a full traffic impact study. We would have had to tell them what the impacts would be and how they needed to handle it and that is not really our place with the new proffer laws as we saw it.

Dr. Pope – So, therefore, it is not going to be necessary.

Planning and Zoning Administrator – It is not necessary.

Dr. Pope – In conclusion of my comments on this topic, I would like to see us table this decision for at least another period of time with the developer as necessary for communication with the residents from what we have heard tonight and see if they would be willing to postpone this. That would be my own personal opinion. You all have your own opinions as to whether you agree or disagree. My personal opinion is that I would like to see this delayed until we can get better communication with the developer, get better insight, get some give and take of what is going to happen, and look at the building lot size or the building envelope to see how these houses will translate into square footage and at least the width of the house. It may not be the actual style of the house but at least the width and depth and how they translate in with garages and trying to figure out what is really going to happen with them.

Chairman Pack – Is that a motion Dr. Pope?

Dr. Pope – You all have not discussed it yet; but yes. You all have not given your opinion yet.

Mr. Davidson – I would agree with Dr. Pope. There are more questions than we have answers. I do not see how we can act on the information that we have because there are too many things that just have not been defined. So, what I am saying is that if Dr. Pope wants to make a motion I would certainly second it.

Dr. Pope – I would like to make a motion to postpone consideration of this Special Use Permit and conditional rezoning amendment until we have more information and input from the developer and the citizens in the town for this development.

Town Attorney – It needs to be to a date certain. It needs to either be until the next regular meeting or if the developer thinks he needs more time; it could be past that. Generally, it is until your next regular meeting.

Dr. Pope – I will add to the motion that there is a deadline until the next Planning Commission meeting.

Chairman Pack – We have a motion to table this until the next regularly scheduled Planning Commission meeting.

Mr. Davidson – Second.

Planning and Zoning Administrator – Could I clarify one thing for the record please? That is one motion on both actions; the zoning amendment as well as the Special Use Permit.

Town Attorney – That is what Dr. Pope's motion was; to postpone until the September meeting of the Planning Commission meeting for both items.

Dr. Pope – I would also like to add that I do not mind postponing this further if the developer feels like he needs more time to pull this together for himself or more time to come up with a plan for himself. He does not have to do it in thirty (30) days. If he wishes to do it at a later date, I do not mind postponing it further if he needs that time.

Town Attorney – Dr. Pope has made his sentiments known; but the motion is to postpone further consideration until the next meeting of the Planning Commission in September of 2017.

Chairman Pack – A motion has been made and properly seconded. Roll call vote.

Vice Chairman Bryan – Mr. Chairman, if I may, I have a few questions.

Chairman Pack – Sure. We have a motion and a second; but we can discuss it further.

Vice Chairman Bryan – On the proffer, I understand that this is an old one; but #4 has to do with the water runoff. The HOA is supposed to be responsible for that. Doesn't the Chesapeake Bay protection override this? Is that something that came about later?

Town Attorney – Actually, I know a little bit about this. Mr. Rosser initiated rezoning on this property prior to the adoption of the Chesapeake Bay Act. It afforded him the ability to build his golf course in places where you could not build it today. The answer is yes; but there is nothing wrong with this proffer here. State law, in particular the Chesapeake Bay Preservation Act, overrides the proffers. I would not recommend that we do anything with that proffer.

Vice Chairman Bryan – The other questions I have is for Mr. Culpepper or Ms. Venable. When you designed this, are those spaces designed with the six (6') foot setbacks in mind?

Mr. Culpepper – On the six (6') foot side yard setback, the lines that you see there are actual lot lines. The six (6') foot side yard setback is a minimum meaning we cannot go any closer than six (6') foot; but we can be fifteen (15') or twenty (20') feet if we needed to be. It is a minimum; but the lines you see there are the actual lot lines. Much like the side yard setback, the sixty (60') foot width requirements for interior lots is also just a minimum. We can go wider. In some cases, those lots are wider than sixty (60') feet; but the six (6') foot side yard setbacks is not even shown other than a reference to the six (6') foot side yard setback in the narrative/site data table on the right hand side. Other than that particular reference, that six (6') side yard setback is not drawn on that plan. Was that your question?

Vice Chairman Bryan – Pretty much; but I would suspect that would be difficult to determine where the six (6') would be when you do not have the design of the home. I think Dr. Pope alluded to that.

Mr. Culpepper – Yes, so, the next step in our process would be to magnify some of these plans as we initiate discussions with builders so that we could do test fits of products on the lots. That is going to determine the ultimate width of each individual lot

subject to these minimums. It will also determine the product that we can place on each individual lot.

Vice Chairman Bryan – I have one last question. It was mentioned that the HOA rules require the garages to be to the side and not facing the road. That is not just limited to Cypress Creek Parkway but the whole development. Does that apply to all of Cypress Creek?

Mr. Culpepper – There are a couple of provisions for garages within the existing architectural guidelines. There is a specific reference that the garages should not face Cypress Creek Parkway. There is a provision that the garages should not face the golf course. There are also provisions that garages cannot be single car garages. There is also a provision that if, because of the width of the lot and the width of the house, you cannot accomplish these goals then the Architectural Review Board does have some flexibility to approve plans where there are hardships for that. There was a reference, I believe by Mr. Waters, for the model. The Architectural Review Board looked at the model and that lot is an extenuating circumstance because there is a relatively large utility easement that is located on the left facing the lot. That utility easement would prohibit the placement of a garage on the other side of the home entirely. You cannot put a driveway over a utility easement. When we reviewed that house plan, we were very limited by the actual conditions on the ground. The condition of that lot was one we inherited and not one that we developed. The ARB does maintain some flexibility in the placement of garages. We try to balance the existing guidelines with the lots and the desires of new homeowners that are investing in those homes. There is somewhat of a balance Vice Chairman Bryan. I guess that is what I am trying to say. I would offer that of the minimums that are in place today in Cypress Creek there are any number of instances where we have asked builders that are constructing homes within Cypress Creek today, under our ownership, that they do things that are above and beyond those minimums. I have mentioned a number of times in the concept of a \$500,000.00 home some of things we are asking for are insignificant from a cost prospective. I am not saying that they do not cost more money because they do; but it is my professional opinion that the architectural enhancement that they make to the house far outweighs the cost to make that improvement. We think there is added value for doing things like

windows and decorative hardware on garage doors and things like the window trim treatments. We have made some requirements for metal seam roofs porches where it is appropriate. We have really tried to enhance the architectural components of the community. That is not something that stops with the existing lots; that continues. That is one of the things that we strive to do in all of our communities.

Vice Chairman Bryan – Okay, thank you; but there was one other thing I thought about. One of the homeowners mentioned something interesting I thought. He bought a new house about three (3) years ago I believe he said. He said that the value has fallen as the market has improved. Is this one of those homes in Phase VII? Are you familiar with what phase it is?

Mr. Culpepper – It is not in Phase VI or VII because those are not developed.

Vice Chairman Bryan – If I could Mr. Chairman, I would like to ask if the gentleman knows why his property value fell.

Mr. Kelley Pietz – I live at 109 Nairn. We purchased it before you guys took over. We purchased one of the Parade of Homes houses that James Crocker built. That one and the Stephen Alexander right next door, in my opinion, were the only two (2) houses that should have been allowed as a Parade of Homes home. The other ones were very much starter homes; very much less than what you are building now. Several of those homes took over a year to sell. They kept dropping the prices lower and lower and lower to sell them. They were in the low \$400's and I think one went into the \$300's. Those homes, square footage wise, are somewhat comparable but the finishes are not. When they start to look at comps, they look at that. They will give you pluses and minuses to comps to make up; but they do not always make up. When they do that, across the board, it makes a difference. My concern when the price point of a house is less it does make a difference in the comps and how they do that when you go to get the assessment or the value of your home.

Vice Chairman Bryan – Thank you.

Dr. Pope – I would like to follow up with two (2) comments on that. The one thing that would be of interest when you are talking about.....you were also leading to my comment about the building envelope....but what would be nice to know is the actual sizes of all the lots and to have a takeoff on the lot diagram and to have not just this

conceptual plan but whatever you all have done to be able to say this lot is fifty (50') wide or eighty (80') feet wide. That would help with the six (6') foot setbacks. The second thing is that he made a comment that the garages can be an exception; but who has control of that is the Architectural Review Committee which is the two (2) builders and the appointed homeowner. I guess what would be nice in the guidelines that are proposed, that they are proffering, would be to say if there is an exception to the rule that there would be a mechanism within the HOA to review that and have some sort of comment and then come back to say is this appropriate other than just the Architectural Review Committee saying that it is an exception and we are going to make the exception here. I think some of the residents would like to have some of that ability because what is going to be an extenuating circumstance? I understand the power lines are an extenuating circumstance but there may be other issues we might really need to look at other than our lot is just not big enough so we are going to let it be front loading. That is something they need to think about now; not after the fact. There needs to be, at least if this is tabled, an amendment that there is a clause to review this issue and have some sort of input by the homeowners before it is approved to the builder.

Chairman Pack – We have a motion on the floor that has been properly seconded. Is there any further discussion? Hearing none, roll call vote.

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

Chairman Pack – This will be tabled until our next scheduled Planning Commission meeting which is on September 12th at 6:30 p.m. We have another public hearing. Our next item is a Public Hearing – Special Use Permit – Commercial Use in a Residential Structure – 338 Main Street – Joseph McCain, Fleur de Fou, applicant. Could we have a staff report please?

Planning and Zoning Administrator – Yes, Mr. Chairman. We have a Special Use Permit application from Mr. Joseph McCain. He is the new owner of 338 Main Street. Currently, it is in the downtown district. It is a mixed use district. The applicant is proposing to take a structure that is currently completely residential in use and convert

the ground floor of that residential structure to a non-residential use as the principal use of the building while leaving the upstairs for residential use. Further, there is a second element of this Special Use Permit that is sought. It is for business, storage, or display to be conducted outside of an enclosed building in order to display live plants, axillaries and topiaries in the front yard. The applicant's lot is less than ten thousand (10,000) square feet which means they do not require any off street parking. However, they do have enough parking off street to accommodate the employees. Further, you see in your packet, the site plan shows they do have a good bit of a driveway there that will accommodate the parking for the employees even though it will not accommodate the parking for customers. They are not required to have that since the lot is less than ten thousand (10,000) square feet. Town staff has deemed the application to be complete and the proposal seems to be within the parameters required by the zoning ordinance. As this is a Special Use Permit application, reasonable conditions may be recommended by the Planning Commission as deemed necessary to protect the public interest and welfare.

Chairman Pack – Thank you. Would the applicant like an opportunity to speak?

Mr. Joseph McCain – Good evening. I am the co-owner of Fleur de Fou. Right now, we are in the Carrollton/Rescue area. Our plan is to move to Smithfield at 338 Main Street. My co-owner, Jason Camper, is also here. Our business plan is pretty simple. We just want to bring business to downtown Smithfield. Mr. Saunders has already explained what we want to do on the outside. There would just be a couple of things outside. It would not be overcrowded or anything like that. It would mainly just be good curb appeal as we want to keep with the historic downtown area. We have already had a really good response with what we have done. We started last year. We are working out of a home. We have done numerous deliveries all around Smithfield, Carrollton, and most of Hampton Roads. We are pretty sure this will be a good business for downtown Smithfield to bring business in. I appreciate the opportunity to speak. If anyone has any questions, we will be happy to answer them.

Chairman Pack – At this time, I will open the public hearing. Do we have any signups, Mr. Saunders?

Planning and Zoning Administrator – Yes, we do. The first signup is Mr. Rick Bodson.

Mr. Bodson – Good evening Mr. Chairman and members of the Board. I am here representing Smithfield 2020. As you know, our charter is to look for opportunities for economic and cultural initiatives that enhance the historic district. This is a Special Use Permit application that, we believe, addresses those quite credibly. I would request, on behalf of the Smithfield 2020 team, that you give positive consideration to this application on the basis of both economic and cultural vitality. The use of residences for both residential and business is well established in the three hundred (300) block of Main Street. We see it as a slightly different twist from the other shops that have opened recently in the Main Street area in that this will draw local traffic into that block. It has been an issue expressed on multiple occasions about us just being a tourist attraction. We believe we will get lots of local business coming from it. From a cultural perspective, although the plans are going to be based on their financial success, the property itself will be improved over time from the very first day of occupation. They plan to enhance the front yard. They have expressed in their application the intent to remove the awning which would restore the façade to its Victorian style. Smithfield 2020 will look forward to a façade improvement matching grant application; I am sure, in the future. We think it is consistent with other businesses that are sited the way this one is. We believe it will contribute to economic and cultural vitality. Again, Smithfield 2020 respectfully requests that you give this positive consideration. Thank you.

Planning and Zoning Administrator – That is all of the signups.

Chairman Pack – Is there anyone else who would like to speak for the public hearing?

Ms. Judy Begland – Good evening. I am a business owner in the Town of Smithfield. I own Wharf Hill Antiques and Mary Elizabeth. I am here in support of this application. I know Jason and Joseph and their work. They do exceptional work. Not only are they great florists, they are good business people. I am so pleased to have their interest in downtown. The more the merrier. I am very excited about their application. I would like your positive consideration. Thank you very much.

Chairman Pack – Is there anyone else who would like to speak either for or against? Seeing none, I will declare the public hearing closed. Are there any questions from the Commissioners?

Mr. Davidson – Mr. Chairman, I volunteer at the Art Center at 319 Main Street. The three hundred (300) block of Main Street definitely needs some attention. I think this would be a real asset to that particular area. Thank you.

Mr. Swecker – If you go on the website and look at their work, you will find out that these two (2) guys turn out some beautiful work. It will be a good asset to downtown. Once more and more people find out about it, it is going to draw a lot of people from around town to it.

Vice Chairman Bryan – Mr. Chairman, if I may, I have a question. I believe I know the answer; but just as a matter of record, the portion of this application about using the yard as a display. Our sign ordinance says we should not expect sale or pricing signs placed in the yard on the plants and such. We should not expect that. Is that correct?

Planning and Zoning Administrator – Could you expand on the question a little bit please?

Vice Chairman Bryan – Additional signage, in the yard, as far as displaying flowers, pricing and such.

Planning and Zoning Administrator – Directional signs or pricing signs on products like that would not be against the ordinance. Your action, if you give them the Special Use Permit criteria, allows them to put the storage and display out front. It does not give them any more permanent signage approval than what is already outlined in the sign ordinance. As far as permanent signage for the business name or anything like that, this does not increase that. If they have plants out there and describe them and display a price then that would not be prohibited.

Vice Chairman Bryan – Okay. Thank you.

Chairman Pack – Is there any other discussion? Hearing none, I will be happy to entertain a motion.

Ms. Hillegass – I would like to make a motion that we approve this application as presented.

Mr. Davidson – Second.

Town Attorney – This is a recommendation to the Town Council for the record.

Chairman Pack – A motion has been made and properly seconded. Roll call vote.

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

Chairman Pack – The next item on our agenda is a Subdivision Plat and Waiver Review – 200/202 Washington Street (Parcels 21A-03-C012, C013, & C014 – Ken Coleman, applicant). Could we have a staff report please?

Planning and Zoning Administrator – Yes sir, Mr. Chairman. Mr. Kenneth Coleman is the applicant. This is a subdivision plan review and waiver. This is at the intersection of Washington and First Streets. Mr. Coleman has owned a vacant lot on that corner for some time. He has also built and renovated other homes in the Riverview area in the past. In 2013, the site plan that you see which is stamped approved was just that. It was approved for Mr. Coleman to build a home as shown there. It was fifteen (15') wide with five (5') side yard setback on the interior and a ten (10') side yard setback on the road side with a twenty-three (23') front yard setback. He could build this house just like that on there tomorrow if he came in and pulled his permit and paid his fees; but he wants to make the lot larger and thereby be able to make the home larger to make it more of a feasible build and to make the home more of an amenity to improve the neighborhood. He sought out the purchase of 202 Washington Street which is the next two (2) parcels over. Actually, the house is bisected by two (2) parcels. It sits on top of a lot line. He wants to renovate the home at 202 Washington but also to add some width to the corner lot to make it a better lot to put a larger house on there. What you see in the Property Line Adjustment and Vacation plat is his effort to do just that. He would vacate the lot line that currently the house at 202 Washington Street sits on top of. So, he would take away that non-conformity. He would add 9.35' of the 202 property to 200 Washington Street making it a 39.35' wide lot rather than 30' wide lot. It would also make the lot that 202 is on 50' wide rather than two (2) 30' wide lots with a home

on top of it. Now, there are a number of factors related to this. One is that these old thirty (30') foot lots, I believe, were platted out in the 1920's when Riverview was platted. Since then, in 1998, we had the Downtown Neighborhood Residential ordinance passed. That, to some degree, grandfathered the setbacks on these old lots of record. As these lots sit today, they have five (5') side yard setbacks on the interior lines and ten (10') foot on the roadway side. Mr. Coleman would like to improve that situation. He has maintained a ten (10') side yard setback next to the 202 home when he brought this lot over 9.35'. 202 Washington Street will be conforming in every way. It will not have the lot line. It will be vacated. It will maintain the new ten (10') side yard setback requirement of the new ordinance. It only falls short of the six thousand (6,000) square foot lot minimum by fifty-two (52) square feet. It meets the fifty (50') lot width minimum. The lot for 202 Washington Street comes into conformity in just about every way now except that it misses the six thousand (6,000) square foot mark by fifty-two (52) square feet. The corner lot does not even though he could build on it today at thirty (30') feet wide and he is adding 9.35' to it. The new ordinance requires a new lot of record to be seventy-five (75') feet wide on a corner. Obviously, the thirty-nine (39') feet does not meet that. The waiver that he seeks for the corner lot is to fall short of the six thousand (6,000) minimum by thirteen hundred, seventy-nine (1,379) square feet. It also falls short of the seventy-five (75') foot minimum by 35.65'. However, both of these lots are vast improvements over the situation that is on the ground today even though the corner lot is conforming today. Town Staff, due to the small size of the original lots in the Riverview section, the constraints of existing development, and the proposal meeting the ordinance regulations in all of the ways that the specific waivers that are being sought by the applicant, recommends approval of this waiver and approval of his proposed property line adjustment and vacation plat dated June 26th, 2017.

Chairman Pack – Thank you. This is not a public hearing so we do not have an opportunity for the applicant to speak; but he is here. We can certainly ask any questions if we choose to. We can ask him to come up and speak if we like. We are open for discussion amongst the Commissioners. We are looking at a marked improvement. It is interesting. When we do stuff as a government and put regulations and zoning ordinances in place, we do our very best to consider all possibilities out

there. Sometimes, we miss some. A fifteen (15') home is narrow at best. I think this is an opportunity to improve what we have. I am in favor of what is going on here.

Town Attorney – Chairman Pack, over the years you have had quite a lot of applications to the Board of Zoning Appeals for yard exceptions. The reason is that we have taken a modern zoning ordinance and applied it to a town that never contemplated zoning. The entire downtown area is that way and Riverview is the same. We are trying to impose modern rules and regulations on a community that never contemplated anything of the sort. So, you end up with situations like this. You have it within your power to make a bad situation a better situation which is what staff is recommending that you do.

Chairman Pack – Is there any discussion?

Dr. Pope – Maybe it is inappropriate; but can we make the situation even better.....I know he is making 202 Washington Street be in conformity; but is it not unreasonable to give him more distance or less conformity on that or just give him what he has asked for?

Planning and Zoning Administrator – He has to meet the parking requirement for two (2) off street parking spaces. So, he really needs that ten (10') feet to be able to put a driveway in anyway. The parking space needs to be nine (9') feet wide.

Dr. Pope – That is beside the existing house.

Planning and Zoning Administrator – Yes, beside the existing house. In the new house, he can put the parking in the rear as you can see which is similar to what his approved plan shows. With the existing house, they put the whole ten (10') feet there which was enough to get a driveway next to the existing house on the new proposed lot.

Dr. Pope – So, we cannot drop it back to five (5') feet just because of the parking issue.

Planning and Zoning Administrator – No; but I will tell you that this is the first step in a process that Mr. Coleman is going through. His next proposal is for the Board of Zoning Appeals whereby he would ask to maintain the five (5') on the interior side of the corner house so that he can make it an eighteen (18') foot wide house yet still get approximately sixteen (16') feet from the road rather than the ten (10') from the road that exists today. He is hopeful to get a BZA Special Yard Exception which would not

change the side yard setback from the old one if they approve it; but he would be able to get a three (3') foot wider home there and give over six (6') feet more to the roadway.

Chairman Pack – Is there any other discussion? Hearing none, I would be happy to entertain a motion.

Mr. Torrey – Mr. Chairman, I would like to make a motion that we approve this subdivision plat and waiver as presented.

Mr. Swecker – Second.

Chairman Pack – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

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

Chairman Pack – Moving along with our agenda, item #9 is the Entrance Corridor Design Review – 13490 Bennis Church Boulevard – Robert Neel, Hope Presbyterian Church, applicant. Could we have a staff report please?

Planning and Zoning Administrator – This is the old site of Hearn Furniture. Hope Presbyterian Church has inhabited the site for some time now. They have made a number of improvements to the exterior of the site. They have made numerous improvements to the interior of the structure. Now, they put their attention to the façade on the frontage. The applicants propose the removal of the existing mansard roof and replacement with a standing seam metal shed roof, insulation of parapet walls and a gable feature in the center, painting of the existing brick to match the parapets, installation of a cross feature on the rake of gable, installation of signage above the front door, and installation of a wooden front double door if feasible. Your enclosed renderings, elevations, and specifications outline a lot more information about these items. The façade is proposed to be a Hardie Board product with a textured finish so that it gives the look of stucco. The 'Hope' word for the signage and the cross are expected to be a metallic gray in color. The standing seam roof is blue. It is similar to the blue that is in their signage. I will say that the blue does seem bright compared to the rest of the proposal. I will also mention, for your information, that these applications

in the corridor are allowed one (1) accent color other than the more natural tones that are expected on the balance of the building. The guidelines recommend that two (2) appropriate locations for the accent color are awnings or signage. It could be argued, I think, that the location of this roof could give a similar affect to having that type of color on an awning. It was brought to my attention and it is for your consideration. I wanted to make that part of the guidelines aware to you all. The design and materials proposed are in keeping with the Entrance Corridor Overlay district requirements. The strengths noted in the application were that the proposed changes will improve the façade of an existing building that pre-dated the Entrance Corridor Overlay district bringing it more into conformity with the district. No weaknesses were identified at this time.

Chairman Pack – Would the applicant like to speak?

Mr. Robert Neel – I would like to thank you for this opportunity. As Mr. Saunders outlined, we have been in the Hearn Furniture building for almost a year. We also have our Pastor here tonight, Mr. George Boomer. My wife, Lesley, is also here. She is the co-project leader for this façade update. In addition to what has been offered, we tried to make the new façade blend in with our neighbors. We are next to Tractor Supply and the shopping plaza. We are really excited about this. For us, also, it is an opportunity to move forward as a church to get rid of that shake mansard roofing. There are usually pieces of it found in the parking lot from time to time. We do believe that with this change we will finally get the opportunity to fix probably about eighty (80%) percent of the roof leaks that we endure with our property. We are excited about it. We are very optimistic about growth since it will now look like a church rather than a retail outlet. We have had some people ask us if we are renting the place. We hope this will also achieve those goals as well. I will be happy to answer any questions that you may have.

Mr. Swecker – Item #6 says that you would like to have a wooden door if feasible.

Mr. Neel – Yes, sir. We have an update as of Sunday. One of the opportunities that we looked at was to have a mahogany door on the front. If you have been past that building, it just looks like a standard door that you would go into for any store. It is just a glass and steel framed door. We have, just this Sunday evening in fact, had a donor

that came forth and got behind the dollars necessary to upgrade to a better door to give it a more personal look.

Mrs. Neel - When I gave Mr. Saunders the cutouts that had the colors on them, he reproduced them with his copy machine. It is not really close to the real colors.

Chairman Pack – We would love to see the real colors.

Mrs. Neel – That blue is kind of glaring so I will pass the samples around. They are the real colors that we will be using. The darker shade of taupe will be the bottom brick. The blue would be the standing seam metal roof. The lighter shade will be the top vertical panels. I hope you can tell the difference in those colors.

Chairman Pack – Thank you for sharing those. We had some questions about those. It is much prettier than the copy picture.

Vice Chairman Bryan - Just to be clear, this is a continuation of the colors in the building colors of the Tractor Supply.

Mrs. Neel – No, it is not.

Planning and Zoning Administrator – Some of those colors are in the detached sign.

Chairman Pack – I have a question for Mr. Saunders. When doing major changes like this, can we ask them to come into compliance with the landscaping in the front of the building? I know we worked very hard on that Entrance Corridor to make sure the landscaping stays in compliance. Can we require that? I do not know where we are with that.

Town Attorney – I do not know off the top of my head.

Planning and Zoning Administrator – It is a good question, Mr. Chairman.

Town Attorney – They are not changing the physical footprint.

Planning and Zoning Administrator – There is no site plan application which is usually what would trigger that.

Town Attorney – This is just exterior enhancements, renovations, and improvements. I do not think it triggers a requirement to upgrade their landscaping.

Chairman Pack – This is a big upgrade as it stands.

Dr. Pope – What is your time frame for getting started?

Mr. Neel – It is a good question; but is subject to approval here this evening. We would then get our zoning permit completed. We would then go to our structural engineer. He has given us an estimate of about a two (2) week period to finish the structural design drawings. We will go to Isle of Wight County which we anticipate, based on when we remodeled, a two (2) week process to get our building permit. We have selected Rod Collins as our contractor. Hopefully, a month later we should be underway by October. I will have to say that I have given estimates like that before and sometimes we have met them and other times we have delays.

Mr. Swecker – I would like to see the double door included. Right now, it says ‘if feasible.’ Do we need to eliminate the ‘if feasible’ when we approve this or can we redo that.

Town Attorney – They are asking to be able to do that. I think Mr. Neel just told you that they were going to.

Mr. Neel – Yes, sir. As recently as Sunday night, we have someone who has come forward with the dollars that we need to put that door on.

Mr. Swecker – Alright. I just wanted to make sure of that.

Planning and Zoning Administrator – The applicant wanted approval for all of it; but they just did not want to be leading the Commission along if they ended up not having the money to do that.

Mr. Swecker – I just wanted to make sure they got it.

Chairman Pack – Is there any other discussion? Hearing none, I will entertain a motion.

Ms. Hillegass – Mr. Chairman, I would move to approve as presented.

Mr. Davidson – Second.

Chairman Pack – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

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

Chairman Pack – Our next item is Approval of the July 11th, 2017 Meeting

Minutes.

Town Attorney – Mr. Chairman and members of the Planning Commission, I recommend the minutes be approved as presented.

Ms. Hillegass – So moved.

Mr. Davidson – Second.

Chairman Pack – A motion has been made and properly seconded. All in favor signify by saying aye, opposed say nay.

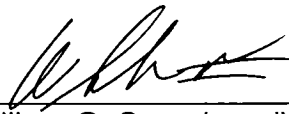
On call for the vote, seven members were present. Vice Chairman Bryan voted aye, Mr. Davidson voted aye, Ms. Hillegass voted aye, Chairman Pack voted aye, Dr. Pope voted aye, Mr. Swecker voted aye, and Mr. Torrey voted aye. There were no votes against the motion. The motion passed.

Chairman Pack – Is there any further business for the Planning Commission? We are adjourned.

The meeting adjourned at 8:54 p.m.



Mr. Randy Pack
Chairman



William G. Saunders, IV
Planning and Zoning Administrator