

The Smithfield Planning Commission held its regular meeting on Tuesday, August 9<sup>th</sup>, 2016. The meeting was called to order at 6:30 p.m. Members present were Mr. Bill Davidson, Chairman; Mr. Charles Bryan, Vice Chairman; Ms. Julia Hillegass, Mr. Mike Swecker, Dr. Thomas Pope, and Mr. Michael Torrey. Mr. Randy Pack was absent. The staff members present were Mr. William H. Riddick III, Town Attorney and Mr. William G. Saunders IV, Planning and Zoning Administrator. There were approximately twelve (12) citizens present. The media was not represented.

Chairman Davidson – I would like to welcome everyone to the Town of Smithfield's Planning Commission meeting of August 9<sup>th</sup>, 2016. If everyone will please stand, we will say the Pledge of Allegiance.

*Everyone present stood and recited the Pledge of Allegiance.*

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

Planning and Zoning Administrator – Thank you, Mr. Chairman. I just have one item tonight. I want to report that we have just received the ninety (90%) percent plans for the Joe W. Luter Jr. Sports Complex. We almost have complete plans to be submitted to all outside agencies. We just received the ninety (90%) plans last Friday so that project is moving right along. It should come before you all in the not too distant future.

Chairman Davidson – Next we have Upcoming Meetings and Activities. On August 16<sup>th</sup> at 6:30 p.m., we will have the Board of Historic and Architectural Review meeting. The Board of Zoning Appeals meeting for this month has been cancelled. On August 22<sup>nd</sup> and 23<sup>rd</sup>, we will have Town Council Committee meetings. We will have a Comprehensive Plan Future Land Use public meeting on August 30<sup>th</sup> at 6:30 p.m. The town offices will be closed on September 5<sup>th</sup> in observance of Labor Day. The next Town Council meeting will be September 6<sup>th</sup>, 2016 at 7:30 p.m. The Planning Commission will meet again on September 13<sup>th</sup> at 6:30 p.m. The next item on our agenda is Public Comments. The public is invited to speak on any matters except public hearings. We do not have any tonight.

Planning and Zoning Administrator – Our first signup is Mr. Mark Gay.

Chairman Davidson - If you will give us your name and address. Please limit your comments to five (5) minutes.

Mr. Gay – I shall do that. I live at 110 Goose Hill Way. Mr. Chairman and members of the Commission, I stand before you this evening to share a few thoughts about the forty-six (46) page draft staff report on the Comprehensive Plan that you will be considering here in a few minutes. Let me first say that my intent is to be constructive in hopes that my input will help you to deliver a final report that serves the community very well. A central premise of the draft is that we can work from the earlier spadework of the 1998 and 2009 Comprehensive Plans and the extensive survey efforts that influenced those documents. In fact, there are several findings that remain valid in my judgment and stand the test of time. They include the imperative that the town authorities ensure the municipal infrastructure to support new housing development and other construction activities and the zoning rigor to deny harm to contiguous neighborhoods and planning areas in the process, the caution to monitor usage and intensive development of our environmentally sensitive areas as defined by the Chesapeake Bay Preservation Act and as mandated by our Zoning Ordinance, the sensitivity of town routes of entry and exit to excessive volumes of traffic which is where we are at today, and the overwhelming sentiment of the town's residents and business owners (72% according to the 2008/2009 survey) that our town leaders preserve, maintain, and fund as necessary our historical sites and structures. However, I submit that much has changed in today's world of Smithfield 2016 that challenges core assumptions of the earlier planning documents. Getting the assumptions right is part and parcel to framing a long term document that will serve our community well in Smithfield 2040; which is what we are talking about. Since 2009 and the economic recession that followed, we have experienced steep declines in white and blue-collar job growth. Smithfield Foods and International Paper have downsized significantly. Joint Forces Command in nearby Suffolk has disappeared. The Tradoc at Fort Monroe has moved to Fort Eustis and the commute is much more difficult than it was for our people living here and commuting. Huntington Ingalls/Newport News Shipbuilding has experienced layoffs and early executive retirement. The Isle of Wight Industrial Park has failed to attract industries with strong labor requirements. The harsh reality appears to

be that those job opportunities are not going to resurface in this county in the near future; if ever. It becomes not an issue of discouraging new development; because we got here first and want to pull up the drawbridge behind us, but rather concern that intensive development without job growth over taxes our physical resources to support, threatens our unique geographical environment, and undermines our cultural heritage as colonial America's "Bread Basket." We need to question and debate the economic locomotive that best sustains our well-being into the future. At the moment, the town is thriving on its expanding tourism, attraction as a scenic and local get-away destination, and our abundant recreational opportunities along the Pagan River, Windsor Castle Park, and the Luter Sports Complex that is to come. Reality is that a tour of downtown Smithfield with its Mayberry-like charm has become a routine. There was an article in this week's Wall Street Journal about how other communities are trying to develop 'Mayberry.' We have it. I submit that we need to make that a 4<sup>th</sup> and 5<sup>th</sup> day at a minimum, on the current Williamsburg excursions and to offer Smithfield as an attractive alternative for the executive retirement that currently buffers the coffers over at Williamsburg. Central to the argument in this draft report before you is that land-use designations for farmlands annexed into the town are simply for holding pattern purposes only until we can find a better way to wring more revenue from them; but let's be careful about authorizing the ease of rezoning to allow islands of mixed-use development. One needs only to look at how mixed-use development has worked thus far for nearby Carrollton or how it has worked for the Oyster Point Town Center in Newport News where most of the high-end stores are vacant already. You can pick up those apartments and condos at a steep discount. Even where it works at Port Warwick, apparently, that model does not fit here in Smithfield. The argument of high density senior living and hospice accommodation needs to be examined as well. It has to be close to a hospital and convenient medical care which is not here in downtown Smithfield at the moment. My firm belief is that we need to be careful about tailoring generic case studies in urban planning to the unique economic, social, and cultural environs of Smithfield. In closing, I urge you to disapprove the draft's recommendations for changes to future land use destinations and corresponding zoning classification until

there is opportunity for further public debate and thorough analysis of alternatives. None has been given so far. If my math serves me well.....

Chairman Davidson – You are out of time, Mr. Gay.

Mr. Gay – .....the Comp Plan update is really not due until 2019.

Chairman Davidson – You are out of time, Mr. Gay.

Mr. Gay - Thank you for your consideration.

Planning and Zoning Administrator – Our next signup is Mrs. Susie Gay.

Mrs. Gay – I do not need to come up. Mark finished.

Planning and Zoning Administrator – Next we have Mr. John Burnham.

Mr. Burnham – Thank you. Can you hear me okay the way things are?

Chairman Davidson – We can.

Mr. Burnham – I just read the thing. I just want to tell you that it was quite a piece of work that has been put into that planning document. I believe Mr. Saunders is responsible for that. Good for you. It is quite a thing. I know there has been a lot of work put into it. It is much appreciated. It is very important for future considerations.

Chairman Davidson – Mr. Burnham, could we have your name and address please.

Mr. Burnham – Yes. We live at 10089 Maple Grove Lane in Smithfield. It is off of Mill Swamp Road.

Chairman Davidson – Thank you.

Mr. Burnham – Thank you. In the draft, I see changes for more mixed use development under consideration today. I think this is going to allow increased accelerated development in our already limited town space. Why do I say limited when there seems to be so much vacant open? Some call it un-used and agricultural land that is still available in the town. The reason I say that is because there is open space such as fields, wooded areas, and even empty lots. I have lived in a lot of cities. Sometimes when you see an empty lot with weeds in there you think it is nice to see something green. These areas are just as important to our community as more city-like development. I see this great trend pushing our community to that city-like development. This spacious, spread out, open, unfilled quality is what is keeping Smithfield and the surrounding Isle of Wight area having appeal, beauty, and ambiance. This is the whole

reason we are so successful as a tourist and visitor venue. It is the reason people want to come here and visit. They live in Hampton, Newport News, or Norfolk. Maybe they have come from New York City. They come here to see what we have got existing right now in Smithfield. It is a major reason we are happy to be living here. It is our beautiful, small town. This is where our real economic strength and communities, and I emphasize, our long range stability lies in my opinion. We really need to reflect, in this future planning, a longer term view of maintenance of this beautiful, small town character. We do not want to move, unthinkingly, into seeing Smithfield become just the same old sprawl that we see in Newport News, Hampton, and Norfolk. It is important to show in the long range Comprehensive Plan that our current farmland in the town, our woods, our open space, our un-besmirched areas be recognized and valued for their very significant importance to the quality of the town and its future. These are not simply just areas where, arguably, false and unsustainable growth can be taken for someone's short term gain. They are not for sale. If we lose this element to our community, we are not going to come back. I ask that this draft has some more work put into it if you do not mind. I will come over if you want. It should be revised to include specific emphasis on and recognition of the vital importance of our open, beautiful space. I recommend that changes to mixed-use development be de-emphasized if not removed altogether. I really want to thank you for listening to me. I would like to give this to you for the record.

Chairman Davidson – Thank you, Mr. Burnham.

Planning and Zoning Administrator – The next signup is Ms. Betty Clark.

Ms. Betty Clark – Good evening. I live at 120 North Church Street in Smithfield. We all realize that change is necessary for growth. I believe we need to decide what kind of growth is needed for Smithfield. Do we want housing developments around every corner? No. We need to keep our town open with spaces to walk or sit under a tree to read a book if someone so chooses. Customers in my antique shop tell me, continually, how quaint Smithfield is. They say this is why they come here and there are not many places like it. When I mention that the town planners may want to build more houses and apartments, they all say the same thing. They say not to let them because it will turn into Newport News or Chesapeake which is what they are escaping from if only

for a day. I can only repeat to you what has been said to me. It is your hands to make the final decision. I hope that visitors to Smithfield will continue to come and see us because we are the quaint town that they enjoy walking through not crowded with more buildings. Thank you.

Chairman Davidson – That was all the names from the signup sheet. Is there anyone else that would like to speak? Hearing none, we will move to Planning Commission Comments. Does anyone have any comments? Hearing none, we will move to the Entrance Corridor Overlay District Design Review – 19290 Battery Park Road – Scott Overton, Harvest Fellowship Baptist Church, applicants. Could we have a staff report please?

Planning and Zoning Administrator – Yes sir, Mr. Chairman. As you may recall or may be aware, Harvest Fellowship Baptist Church has built their new structure in the back. There is a picture of it in your packet. It has a two tone exterior. They had already, previously, fixed up the old livestock market at the road. The bottom line is they would like to compliment the exterior of the old livestock building in a fashion to match the new building in the rear. They did a really good job of photoshopping a rendering that you can see in your packet. There is a picture of what it currently looks like. They would like to also put some decorative sleeves on the columns on the front porch and paint it to match. Staff does not see any weaknesses with this application.

Chairman Davidson – Thank you. Would the applicant like to add anything?

Mr. Scott Overton – I live at 111 Pelican Reach in Suffolk, Virginia. What we are trying to do as Mr. Saunders has so well outlined is match, as best we can, the building that we built in the back summer before last. The colors will be taken to Sherwin Williams and matched appropriately. The scheme that you see follows the architectural scheme that exists on the building in the rear. Simply, it is just a matter of making our campus consistent. This is what we are asking your consideration for this evening.

Chairman Davidson – Does anyone have any questions of Mr. Overton?

Vice Chairman Bryan – I have one. Are there any structural changes?

Mr. Overton – There are no structural changes. There is one architectural change. We are adding a piece of trim. The color change happens at a certain point on the office building. We are just simply adding a piece of trim that will be painted the

same color as the existing trim to help separate those two (2) colors. There will not be any structural changes to the building itself other than what was permitted with Isle of Wight County which are interior changes.

Chairman Davidson – Are there any other questions? Thank you, Mr. Overton.

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

Dr. Pope – Second.

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

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

Chairman Davidson – Our next item is the Comprehensive Plan Review Discussion - Future Land Use Chapter VI, Future Land Use Map – Town of Smithfield.

Could we have a staff report please?

Planning and Zoning Administrator – Thank you, Mr. Chairman. I would also like to take the opportunity to thank the members of the citizenry that spoke tonight particularly pertaining to the Comprehensive Plan review. For their information, this chapter is not being reviewed tonight to be potentially approved in its current form. It is basically informational. As a result of the Pierceville project coming through, the loss of our Planning Director, and a number of other factors, we put the Comprehensive Plan update on the back burner until the Pierceville project had moved through. Some other things were ironed out and now we are starting again. Some of the revisions that are in the Future Land Use chapter before you are from pre-Pierceville; so to speak. Some are more recent but this actual chapter is not before you for review tonight other than to go through and discuss and review the actual categories that we have in our Future Land Use planning quiver, so to speak. Also, to discuss the future meeting that would be held on August 30<sup>th</sup> which is a public meeting for the Future Land Use for the Comprehensive Plan. It is a public meeting where we will have a mapping exercise with the public to try to garner feedback from them that can be compiled and used at a future date when you will have final adjustments to this for your review. Basically, what you

have in your packet is the Future Land Use chapter. There is a separate chapter for each of the sections in town that gets more specific. This chapter basically outlines the designations that are shown on your Future Land Use Map or the ways that we can potentially plan the future of the town. I am just going to go through item by item and discuss these categories with you tonight. If anybody has any questions or discussion they would like to add or any feedback that you would like to provide based on your review of this document this week then I will be glad to have that feedback. On page 18, under the Residential Land Use Categories, the first one is Low Density Residential which is primarily single family detached homes with one (1) to three (3) dwelling units per acre. They are outlined in bright yellow on your map. They include areas such as Moonefield, Grimesland, Waterford Oaks, the Smithfield Boulevard neighborhoods, and Moone Plantation. A number of those areas are represented by underlying zoning that is predominately single family detached with one (1) to three (3) dwelling units per acre. The next is Suburban Residential which is medium density single family detached. One of the recommendations that staff makes on this is to change the name to Medium Density Residential because there is a zoning district also called Suburban Residential. I feel that it is confusing. Technically, it is still Suburban Residential but we do recommend renaming it Medium Density Residential. Suburban Residential is the lighter yellow shown on your map. It typically represents, at this time, Cypress Creek Estates, some undeveloped land adjacent to Cypress Creek, and Wellington Estates. These are Suburban Residential which is three (3) to five (5) dwelling units per acre but still predominately single family detached structures. The next residential land use category is Attached Residential. It is predominately townhomes and duplexes. You can see them on your map represented by the pinkish color. You are seeing it in Croatan Landing, Cedar Street in the Acacia Circle area, and Smithfield Manor off of Smithfield Boulevard. Attached Residential is six (6) to eight (8) dwelling units per net developable acre. Those are all fee simple units. It would be a townhome or a duplex where they have their own residence as well as their own land even though it is attached. The next land use category is Multi-Family Residential and Retirement Residential. They are classified as one. These are either multifamily residences such as apartments, condominiums, or senior housing. These are ten (10) to twelve (12) dwelling units per

acre by right. It is up to twenty (20) dwelling units per acre with a special use permit for retirement housing only. The higher density is only for retirement housing. This is typically reflected on the map in the orange color such as the Villas of Smithfield, Church Square, Bradford Mews, Morris Creek Apartments, or Jersey Park Apartments. They are the multifamily and retirement districts. In the commercial planning categories, we have Retail Commercial which is prominently our corridor style commercial; business and retail. It is bright red on your map. It is the entrance corridor on South Church Street, West Main Street, and Bennis Church Boulevard. It is a large area of commercial with retail. We also have Downtown Commercial which is predominately represented on Main Street in historic downtown. It is a mixed-use designation not unlike your traditional neighborhood style where you can have homes and businesses next door to each other. You might have people residing above a business in the same structure. Downtown Commercial is basically a small lot commercial and a mixed use because different variations of residential and commercial are allowed in the same areas and even the same structures. Mixed-Use is also a category shown here. This would be more for mixed-use outside of historic downtown. This is a recommended/proposed category. There is currently no zoning ordinance to reflect and use as a vehicle. This is something that we do have a draft of in the zoning ordinance. However, it has not been adopted. Mixed-use would not be dissimilar necessarily from our downtown district or other areas where you are familiar with traditional neighborhood designs. The fourth category is Residential Office or Transitional. This is mostly near the old Gwaltney Motor Company and in the curve near the Veterinary Hospital on South Church Street. These are areas that are on large thoroughfares where we expect them to be Retail Commercial one day. There are currently a number of homes and residents still residing in those areas. In order to transition them into commercial use and have less of an impact on their homes, a lot of those areas are zoned Residential Office. This does not allow strictly retail. It will allow uses such as attorney offices, insurance offices, art studios, and things such as that which are a lower impact to the neighbors than business retail zoning. There are three Economic Development Planning categories. One is Corporate Office and Research which is self-descriptive just by its title. It is an area where we can potentially get technical

businesses, research businesses, and corporate headquarters as a future land use. Again, there is no underlying ordinance for this at the time but this is a future category for planning on the map. The next is Light Industry which are areas such as some areas on West Main Street and across from the Royal Farms and the Villas on Battery Park Road, areas around Pole Road, and the intersection of Route 258 and the Route 10 Bypass. The next category is Heavy Industry which is best represented in town by the Packing Plants on the north side of the river. Public and Conservation Land Use categories include Public and Semi-Public Areas. It is represented on your map by a light blue color. These areas would include town buildings, county, federal, or state facilities, public and private schools, churches, or cemeteries for future planning. Parks and Recreation Areas are another Public and Conservation Land Use category. This would encompass historic properties and open spaces, parks and recreation facilities which are owned or maintained by the town, county, state, or federal government. We also have Community Conservation Areas. These areas include agricultural, forestry, open space, and other lands of rural character within the town that should be maintained in their current use on an interim basis until such point in time when development consistent with the adopted Future Land Use Plan may be pursued. This area has been used as a holding pattern when there was nothing better. This area could also be used to conserve open space, agriculture, or forestry areas long term. The final Public and Conservation Land Use is Environmentally Sensitive Areas. These predominantly reflect wetlands, floodplains, steep slopes, and other areas that are sensitive environmentally and need conservation due to the fact that they do not have the carrying capacity for future development. Those are the categories. You have seen on the map where they are now. You can see by the map what is developed currently and what is not. What we intend to do on August 30<sup>th</sup> is to give a presentation on the Comprehensive Plan, on the Future Land Use designations, and the categories that we have just been through. We will open it up for a mapping exercise for any citizens that would like to attend and provide us with feedback. We will probably have six, eight, or ten tables set up that people can map at. If any Planning Commissioners would like to volunteer to proctor a table, we would certainly appreciate it. You will be ready to go since you have been brought up to speed. We hope to compile that data as well as

other data from outside agencies, data from citizens, landowners, developers, and citizen groups and compile this together before we bring you the Future Land Use chapters for review. Are there any questions that I can answer for any of you all now about any of this?

Ms. Hillegass – What has been done to publicize the meeting? How will people know about it?

Planning and Zoning Administrator – We will be putting a public notice in the paper just as if it was a public hearing. We are going to have information and attachments on the website. We had talked about seeing if there was something that was going out from the Chamber of Commerce or Tourism that they could put in digitally also. We are open to suggestions.

Chairman Davidson – I assume we are going to attempt to do better than the county did with their Smithfield 2040 mapping plan.

Planning and Zoning Administrator – I think, and this is just me, the county has got so many designations. I think the hardest part of that was that people did not really understand what the categories were and what the categories meant when they went to map it. I think one of the criticisms was that it was just such a finite area that they were able to give feedback on and not the whole county. This time we are taking feedback for the whole town in this exercise. I am going to try to educate folks on the categories before we get started so they will be able to give good feedback.

Dr. Pope – Just for my clarification, this is looking at undeveloped land within the town. Is that correct? When you look at Wellington Estates and the established neighborhoods, they are already designated as Low Density Residential. We are not necessarily going to be changing the Future Land Use recommendations for already developed land that already has an established pattern there.

Planning and Zoning Administrator – Typically, yes; but it is not just that straightforward. You could have an area that is more densely developed than you prefer it to be. You could put a Future Land Use on it that is less dense so that any demolitions in the future or any infilling in the future; you are hoping that they would take several smaller lots and put them together and make a larger lot over time or vice versa. If you have something that is more sparsely developed than you would prefer, you can make

the Future Land Use denser in hopes that people may take portions of that property and subdivide it further if that is what you are looking for in those areas. It is really what you are looking for twenty (20) years from now or fifty (50) years from now. It is not going to happen overnight, obviously, if it is in a currently developed or partially developed area but you can still change the designation and have some impact. Predominantly, yes, you are right.

Chairman Davidson – Is there any other feedback or questions for staff?

Dr. Pope – The only other clarification, at least for me, is the difference between the Attached Residential which is townhouses and duplexes. One of the deciding things is that they own their own residence and own their own land versus Multifamily Residential retirement housing and why there is such a huge density difference in those two categories. I am not sure I really understand the difference between a Multi-family Residential of it being an apartment building versus an Attached Residential. You said it would be townhouses and duplexes versus an apartment. Is that going to be the only distinguishing factor between those two (2) categories? One is an apartment building versus one being a townhouse or duplex.

Planning and Zoning Administrator – That is the bottom line of it. When you get into the zoning ordinances themselves, they have a lot of criteria for each of the other to meet. Take Attached Residential, for example, you might have a zero lot line on one side of your house where it attaches to the other house but on the other three (3) sides there is a minimal amount of yard that you have to have along with it that is just for your unit. You maintain the exterior of your own structure even though part of it joins another structure. When you meet the green space requirements for the common area, you may not have as much green space requirement for everyone in the common area because each person has got their own section of land behind each unit that is theirs. That is how the density changes, to some degree; because with the Attached Residential each person has their own backyard. You can only get so many units per acre that way. With an apartment or a condominium where you only own inside the walls, you are meeting the green space requirements for everybody. There is only common area in the structure. While some of the requirements are similar, you do not have all of that individual parcel land that is developed into it which is part of the way it gets you from

eight (8) units per acre to twelve (12) units per acre. When you get into apartments and condos, it is easier to go up in height. If you get into something that is three (3) stories, it is a lot more units per acre because it is going vertical. Typically, your fee simple townhomes and all are not going vertical.

Dr. Pope – Thank you.

Town Attorney – Mr. Chairman, I think it is really important to look at this from a perspective of understanding where you are in the evolution of the town. We have a colonial town and it has evolved over the years. There was a Victorian period. The town has been through eras of prosperity and eras when things were not so prosperous. For example, back in the 60's and 70's, there were houses that were built on smaller lots with smaller homes. Then there were times when we have had large lots with large homes. We also have small lots with large houses. You can look around town and see examples of all of this. Back before the recent unpleasantness, before 2008, there was a boom when the trend was to build mansions. Everybody wanted a very large house and they tended to put them on smaller lots. You have to understand your population and the times that you live in. I think we would be well served to try to take a look at that when you are making decisions about the Future Land Use. I had a fellow tell me that we need to really understand where we are. We have a huge baby boomer population that is going to be retiring at record numbers. They estimated somewhere in the neighborhood of ten thousand a day for the next ten years. A lot of them will be looking for different options and things that suit their lifestyles. Of course, the market is going to seek to fill their demand. We have a millennial generation that looks at things differently as well. So I think you need to understand all of that when you are planning for the future because you may or may not want all of that. If you do not plan for it and develop tools that make it possible then you are not going to get it. The question is do you want it or not want it? If you do then where do you want it and how do you want it to develop. It is really important to understand all of those things when you are looking at this. All this stuff just kind of blurs together; unless you try to put it in some sort of perspective and how it really materially effects the future growth of the town does not make a lot of sense. You are right, Dr. Pope, we are really looking at how the undeveloped land is going to develop and what do you want to see there. How would it compliment what we

have in town and how would it effect things in town? You have to come up with a plan and then develop the tools which are the zoning and subdivision ordinance provisions that make it happen. It is all very complicated and it requires a forward thinking perspective. It is not easy. It is easy to draw maps and color them but you have to think about how it is going to all work together. Maybe this map works for us or maybe it needs to be changed or maybe it is just fine; but you cannot do this in a vacuum. You have to think about where you are. Things are so much different today than they were ten (10) years ago. People do not want big mansions. You cannot sell them. There were provisions that were designed to deal with that. It is not where we are. There are going to be opportunities for the town. Smithfield is an attractive place. You cannot say that we do not want any growth. That is suicide. You cannot do that. You have to plan for some growth. Fortunately, you are the people who get to come up with that plan. It can be really fun or it can be really miserable depending on how you approach it.

Dr. Pope – My point to that question was that we do not have a lot of undeveloped land within the town. The large area for the ball park has already been designated. The area off of Battery Park Road and Mallory Point has already been decided. Its fate had been decided already back in the 90's. I think that was approved, if I am correct, and they can develop that when they are ready based on the market demands on that large tract of land. The only tracts of land that I see within the town that exist are Pierceville, the area in front of Cypress Creek, and the area behind Windsor Castle Park. You have open land behind Farm Fresh that Mr. Layden owns and the sand pits; but who knows what will ultimately happen to that. Those are the only tracts of land that are left if I am not mistaken.

Town Attorney – We have areas around the town that you still have to plan for too because there is potential for expansion of the town. You have to look at that as well.

Dr. Pope – Yes. I respect that from what we talked about in the previous meetings about two (2) years ago.

Town Attorney – For practical purposes, Battery Park Road is a piece of property that was rezoned at a time when the dynamics were different. I expect they are likely to

want to change that. How they look at it and how you look at it is probably important in determining how it is ultimately going to be developed.

Dr. Pope – Well then that comes back to these designations that you just ran through. The only way I feel that you can limit development is to change the definitions of these categories. How many dwellings per acre are you going to allow? Are you going to allow five (5) dwellings per acre or are you going to allow one (1) dwelling per five (5) acres. That is the way you develop it. To me, it is difficult to stop a developer that has the correct designation, the correct zoning, and they have the correct density; but you just may disagree with their architecture. You can work on that at our level but it is really hard to look at a developer and say you cannot do it just because we do not want it. The only way you can limit development is you have to put a house on a larger lot in order to not get the density. It is the only way I think you can limit development in the sense of how dense do you want your area. If we are going to allow our lowest density to be one (1) to three (3) dwellings per acre then that is not very sparse. It seems to be very dense to me. It is a question of what do you do with these categories in here. What I am looking at is what are we going to do with the definitions of these categories? Are we going to look at that or not or are we pretty set because that is the way the town has done it and the county is set up.

Town Attorney – You get to look at everything.

Dr. Pope – The way you are going to limit development is not to put three (3) houses per acre but you can put one (1) house per acre or two (2) acres. If you only have one hundred (100) acres, one (1) house per two (2) acres is only fifty (50) houses. You can just not put that much on it and it keeps it spaced out.

Town Attorney – It has not been done in the town but there provisions called ‘clustering’ where they let you have more density in a certain area and then you agree to preserve open space around it. That works too. It is working in some places. I do not know that we have ever had any ‘clustering.’

Planning and Zoning Administrator – We do have ‘clustering’ provisions in a couple of our zoning ordinances.

Dr. Pope – Yes. I saw that.

Town Attorney – It has never been tried in a practical application. You limit the overall development but you preserve open space.

Planning and Zoning Administrator – Dr. Pope, these categories contain, in some cases, several zoning districts in each one. They are also listed in the document that you have before you stating what each category represents as far as what underlying zoning districts would fit in that paradigm. If you change these categories, you are only changing what underlying zoning districts can be categorized in each one. You are not really changing the density of the underlying district. To do what you are talking about, you need to go and drill deeper into the zoning district ordinances themselves and change the allowable density. These Future Land Use categories are only representations of a handful of ordinances that we have that are classified that way for the map. You would need to drill deeper to change the densities than just what these designations reflect. I will say, too, that in Community Conservation there is a forty thousand (40,000) square foot minimum lot size. It is basically a one acre lot in the Community Conservation zoning district. However, you cannot do a large subdivision that way. You can only do a small subdivision. If somebody wanted to make a large subdivision with one acre lots, they could do that, they would just go to the next more dense zoning district and proffer that they would not build any more than a certain number per acre. They do not necessarily have to build the maximum of any zoning ordinance.

Dr. Pope – I would imagine that a developer is going to push the limit as much as they can. The only way we could limit that push is to say that this is the maximum density that we are going to allow.

Planning and Zoning Administrator – Unless it is already zoned that way, the Planning Commission and the Town Council have to determine what zoning they get on when they come to rezone. That is when that decision is made.

Town Attorney – For example, look at Jericho Estates. They have really large lots. It is Community Conservation. At the time, a developer could come in by right and just do that. They did not have to rezone anything. They could just create very large lots. They had water but no sewer. It is all on septic tanks. That was an unintended consequence. The town thought that they had planned well. They had planned to have

low density and that nobody would ever do it. The developer came in and bought the tract of land and cut it up into lots; just like that. It is very attractive. People who live there love it but it was not a result of any planning. It just happened.

Vice Chairman Bryan – Building on what Attorney Riddick brought up, the other thing we have to consider here is market forces. I really do not think we are at a point where we have to look at this as something that is happening immediately.

Town Attorney – I do not know if that is true. For example, Bennis Grant is selling houses so fast that they cannot keep up. There is a market but maybe you do not want that market. Western Tidewater has recovered much more slowly than the rest of Hampton Roads. After the late unpleasantness, things picked up so much more quickly for Chesapeake and northern Suffolk and back towards the beach. They experienced a rebound and a boom much quicker. We are not even close to what it was at one time. We have not seen that kind of activity until now. Now there is a lot of building activity that has been absent from this area for five (5) years or more. I think you would be kind of naïve to think that there is not going to be some kind of interest and pressure around here.

Chairman Davidson – Are there any more comments? I would encourage all of the Commissioners to plan on being at the meeting on August 30<sup>th</sup>. If you are willing to proctor a table or two, please let Mr. Saunders know. The more people we have involved; the more we can help the citizens to understand what we are trying to achieve. We need information and we need it from as many sources as we can which is one reason we are doing this. Our next item is Approval of the July 12<sup>th</sup>, 2016 Meeting Minutes.

Town Attorney – Mr. Chairman and members of the Commission, I made a change on page 4. It is a minor change. Other than that, I recommend the minutes be approved as revised.

Dr. Pope – I make a motion to approve the minutes as changed.

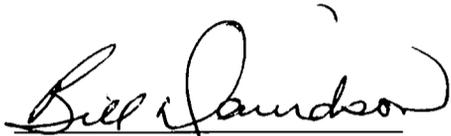
Mr. Torre – Second.

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

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

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

The meeting adjourned 7:25 p.m.

  
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Mr. Bill Davidson  
Chairman

  
\_\_\_\_\_  
William G. Saunders, IV  
Planning and Zoning Administrator