

The Smithfield Planning Commission held its regular meeting on Tuesday, August 10<sup>th</sup>, 2021 at 6:30 p.m. at the Smithfield Center.

**Members present:**

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Thomas Pope

Michael Torrey

Raynard Gibbs

**Staff present:**

Tammie Clary - Community Development & Planning Director

William H. Riddick, III – Town Attorney

Beth Haywood – Town Council

Carter Williams – Mayor

Valerie Butler – Town Council

**Press:** Stephen Faleski of The Smithfield Times

**Citizens:** 14

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

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

Tammie Clary reported that Summit Design & Engineering Services, PLLC, consultants for the 2020/2021 Comprehensive Plan update, have posted a draft Vision, Goals, Objectives, and Strategies on the website (<https://smithfieldvacomprehensiveplan.com/>) for feedback. Additionally, the owners of 1400 South Church Street have until August 25<sup>th</sup>, 2021 to submit a more thorough and complete abatement plan for the blighted property. She stated that the applicants had reached out to her and inquired about an additional 30 day extension. The item will return to the Town Council Committee meeting for further discussion. At the Tuesday, July 13<sup>th</sup>, 2021 Planning Commission meeting, Town staff were asked about an access road connecting to Route 10, for potential development on the corner of Main Street and Route 10. After consulting with the Town Engineer, staff believes the process for acquiring this access road would be a written request to VDOT. It would then be required to work its way up through approvals; however, because it is a limited access Right-of-Way, approval from the Commonwealth Transportation Board (CTB) would be required. We have reached out to VDOT for additional guidance. Since the drafting of the staff report, Mrs. Clary received a checklist from VDOT. There are 13 itemized documents that would be required and associated with any potential changes or requests to the limited access. An email comment was received in regard to the public hearing for the special use permit on the agenda. Mrs. Clary printed the email and gave each Commissioner a copy.

**Upcoming Meetings and Activities:**

Tuesday, August 17<sup>th</sup>, 6:30 PM – Board of Historic & Architectural Review Meeting

Monday, August 23<sup>rd</sup>, 3:00 PM – Town Council Committee Meetings

Tuesday, August 24<sup>th</sup>, 3:00 PM – Town Council Committee Meetings

Tuesday, September 7<sup>th</sup>, 6:30 PM – Town Council Meeting

Tuesday, September 14<sup>th</sup>, 6:30 PM – Planning Commission Meeting

**Public Comments:**

Chairman Pack explained that the public was invited to speak to the Planning Commission on any matters, except scheduled public hearings. Please use the sign-up sheet. Comments are limited to five (5) minutes per person. The Town Attorney will let each speaker know when they have one minute left. Any required response from the town will be provided in writing following the meeting.

There were not public comments.

**Planning Commission Comments:**

Vice Chairman Bryan asked if there had been problems with trash collection for the last couple of weeks.

Mrs. Clary stated that, as she understood, Bay Disposal is very short staffed. They are desperately trying to complete their routes on time.

Chairman Pack stated that he had a call last month on a Thursday to ask if he could come to court that afternoon to speak in a trial against the group that interrupted the Planning Commission meeting in August of 2020. He attended court and testified as the Chairman of the Planning Commission. He informed the Planning Commission that the 3 individuals were convicted of disrupting a public meeting. The Commonwealth asked for jail time but the judge found it to be excessive. However, each individual was fined \$2,500.00 each for disrupting a public meeting. There was another individual, the speaker who signed up for public comment, that they were unable to press charges on.

**Presentation by Ann Darby & Michael Stapor of Summit Design & Engineering Services, PLLC on the 2021-2021 Smithfield Comprehensive Plan Update:**

Ann Darby explained that she was a planner with Summit Design & Engineering Services. Michael Stapor was with her and has been working on the Town's Comprehensive Plan Update also. She stated that they would give an update on where things are with the Comprehensive Plan and ask for feedback from the Planning Commissioners. There were many people from Summit working on the Town's Comprehensive Plan update. They will make recommendations on land use, community facilities, transportation, economic development, housing, and the environment. Ms. Darby stated that they are about three quarters of the way through the process. The final draft is expected in October for review by the Planning Commission and the public. A custom in-house website was created for public input due to Covid restrictions for in person meetings. There was also a survey for public input which has closed now. The information is on the website for everyone to see. The existing conditions report includes population demographics, employment, education, housing, etc. She encouraged the Planning Commissioners to look at the website and give their feedback. She asked for everyone to give their input on all aspects of the draft. Summit is responding to what stakeholders are saying about life in the Town of Smithfield and the vision. Ms. Darby explained that they then figure out how to combine the data and apply best planning practices to make recommendations to produce a guiding document to realize that future. There are certain things they are hearing repeatedly such as keeping the small-town charm, traffic congestion concerns, and safe walking areas. Comments have been loud and clear for holding onto the things that made people move here. Summit is looking at ways to improve traffic congestion

through land use to reduce trips. Others want more opportunities such as having more things to do for teens and adults, more restaurants, and more shopping opportunities. The next steps will be based on three maps: the Future Land Use Map, Transportation Plan, and Capital Improvements. One idea is to create more of the parts of Smithfield that everyone loves such as historic downtown with expansion down South Church Street which could include a walkable connection. People would like more parks and more amenities in the parks such as playground equipment. She asked everyone to talk to their neighbors, friends, and family members and encourage them to give feedback.

The Town Attorney stated that this was not what he was expecting. He explained that he has been here a long time and things have obviously evolved in such a way that he does not really understand. He stated that it sounds like Summit is doing the entire Comprehensive Plan based on input from public surveys.

Ms. Darby stated that data has come from public surveys and vision statements.

The Town Attorney asked when the Planning Commissioners would get to weigh in.

Ms. Hillegass stated that Summit's lack of reaching out to the Planning Commissioners for involvement in the process was of great concern to her.

The Town Attorney stated that the Comprehensive Plan is the Planning Commission's document. He explained that, at some point, Summit needed to sit down in a work session or some forum to get their input. He stated that it should not just be going to the website and make comments. He said that there should be a formal process with a work session where the Planning Commission gets to sit down and review everything. He stated that it would take more than one night. Mr. Riddick explained that the Planning Commission is required to do this. He did not think that taking public input and coming up with a plan and presenting it would be the way the process was supposed to go. Mr. Riddick stated that Summit is way further down the road than he had expected. He thought Summit was only collecting data and then the process would start. He explained that it sounds to him as though the train left the station three quarters of the way ago. He stated that the Planning Commissioners have not weighed in on it at all.

Ms. Darby stated that she would love the Commissioners to weigh in on it.

The Town Attorney stated that the Planning Commission has to weigh in on it.

Mrs. Hillegass stated that she would not be tied to the current document as it stands right now.

The Town Attorney explained to Ms. Darby that Summit is the consultant, but they should be getting guidance from the people that know this community the best. He explained that the Planning Commission has been appointed to do that. He suggested that Summit think about it and figure out how they are going to do it.

Mrs. Hillegass stated that, Covid or not, there needs to be work sessions with the Planning Commissioners.

Mrs. Darby stated that she agreed.

Mrs. Hillegass stated that agreeing is good, but it should have happened by now.

The Town Attorney asked why it had been done a different way. He asked if it was truly Covid driven. He stated that he had never seen anything like it.

Mrs. Darby stated that it is not purely Covid driven. She believes there has been a miscommunication. She said that it was her understanding that Town staff had been briefing the Planning Commission and Summit has not had the request before now which was concerning.

The Town Attorney stated that being asked to go to the website is not enough.

Mrs. Hillegass stated that it was not sufficient at all.

Chairman Pack stated that it sounded like some meetings needed to be scheduled.

Mrs. Darby agreed that it would be a good idea.

Chairman Pack asked Tammie Clary to schedule the work sessions.

Vice Chairman Bryan asked if any changes had been made to the Comprehensive Plan yet.

Mrs. Darby stated that they had only been collecting data from the survey information, the vision statements, and draft goals and objective. There are draft documents which she presented tonight.

Vice Chairman Bryan asked if they were using the 2009 Comprehensive Plan.

Chairman Pack stated that Summit has gathered data. He felt it was appropriate for them to review the data and give guidance on how the Planning Commission would like to move forward. He explained that a draft Comprehensive Plan could then be put together with draft maps etc.

Mrs. Hillegass asked Mrs. Darby to go back to the slide with the arrows on it. She stated that Mrs. Clary sent the Planning Commissioners a link to that document and that everyone should look at it and review it. It is a key piece of information. If anyone feels it is off base, the Planning Commission should discuss it with Summit.

The Town Attorney stated that it needs to be done in a discussion format where all Planning Commission members are giving input.

Mrs. Hillegass stated that it would be ambitious to think it could be done by October.

Ms. Darby explained that it was her understanding that the Planning Commissioners were wanting to know when a draft would be ready.

Mrs. Clary asked if the Commissioners would prefer four separate individual meetings each focusing on one aspect: vision, goals, objectives, and strategies.

Ms. Darby stated that it could be done by category such as transportation goals and land use goals. She explained that it can be a long process. The draft vision statement comes from the survey input.

The Town Attorney stated that at some point the Planning Commission should have been asked what they think their vision statement should be.

Ms. Darby stated that she believes there has been a miscommunication. She explained that they have been working with staff to get more Planning Commission input. She was glad to hear the vehemence of the responses because it means that the Planning Commissioners care which is wonderful. She explained that Summit has been concerned by the lack of input and response.

The Town Attorney stated that there has been a complete lack of communication for the whole process.

Mrs. Hillegass stated that she has been wondering when it was going to happen. She explained that she was here for the last Comprehensive Plan update and a lot of work went into it. She said that she has been in planning for over 20 years and this is not how the process works.

The Town Attorney agreed with Mrs. Hillegass. He said he was shocked that Summit is three quarters of the way through because he thought it had not even started yet.

Mrs. Hillegass thought that the surveys were just the first step.

The Town Attorney stated that perhaps Summit had done a tremendous amount of work and the rest will go really quickly which would be terrific. He told Ms. Darby that in order for the Planning Commission to satisfy their obligations they have to review the information and be integrally involved in the process.

Mrs. Hillegass stated that if a retreat or whatever was needed then they need to do it.

Ms. Darby stated that it is what Summit wants also. She suggested making a schedule for the retreat or work sessions.

Chairman Pack asked Mrs. Clary to move forward with working out some dates and get it scheduled.

Mrs. Hillegass thanked Ms. Darby and apologized if they were abrupt.

Ms. Darby stated that it was okay. She said that she has been very concerned by the lack of involvement. With such an emotional response, she felt that was great since it means the Planning Commissioners want to be involved.

Chairman Pack asked the Town Attorney if the session needed to be advertised with the date and location.

The Town Attorney stated that was correct.

Chairman Pack suggested that the Town Council be notified so they can have some input also.

Mrs. Hillegass suggested that it could be a joint session.

The Town Attorney said that it would be too soon for that. The Town Council does not need to see that part of it. The Planning Commission is required to have input, and then they can be involved.

Chairman Pack explained that he would still like for Town Council to be aware of it since it will ultimately be approved by Town Council.

The Town Attorney stated that the heavy lifting is supposed to be done by the Planning Commission. He suggested a series of work sessions which would work better for everyone's schedules instead of a retreat.

Mrs. Hillegass stated that the previous review consisted of several meetings lasting several hours.

Chairman Pack explained that it is an important document. It is how the Planning Commission guides how they are moving in the Town and show the public what their intentions are. He said it is what development and everything else is based on.

The Town Attorney stated that to be fair to Summit they are just doing their job. He thinks there was miscommunication due to Town staff turnover and a lot going on right now. He explained that his expectations were different than what Summit understood. He said that it was a good thing to have the presentation tonight so that everyone understands the expectations now.

To be clear, Vice Chairman Bryan asked if the Planning Commission would be working on the actual Comprehensive Plan or just the vision statement.

Mrs. Hillegass stated that the entire Comprehensive Plan would be updated.

Chairman Pack reminded everyone that there had been some areas that were reviewed but that the Planning Commission had not done a full update to the Comprehensive Plan since 2009.

The Town Attorney stated that it is required to be reviewed every five years. During other reviews, it was not the right time to do the whole update. He said that some things were reviewed and changed every five years but that now the Planning Commission is looking at a comprehensive Comprehensive Plan review. Summit has been engaged to do that. The individual components will ultimately make up the plan.

**Public Hearing – Special Use Permit Application – 223 Washington Street & 240 James Street (TPIN 21A-01-184A) c/o Jacob Williams, applicant:**

Tammie Clary reported that the applicant is seeking an Special Use Permit (SUP) to facilitate the construction of four duplex residential dwellings located on TPIN: 21A-01-184A, on the corner parcel of Washington Street and James Street, in accordance with Smithfield Zoning Ordinance (SZO) Article 3.D.C.3. which permits duplex residential dwellings (one (1) dwelling per subdivided lot), as a use permitted by an SUP, in the Downtown Residential District (DNR). As part of the same project, the applicant plans on constructing four (4) single family detached dwellings, which is a by-right use through SZO Article 3.D.B.1. The proposal includes the construction of thirteen (13) parking spaces for the Veteran of Foreign Wars building located at 233 Washington Street, which is also permitted by right through SZO Article 3.D.B.2. This parking lot will connect Washington Street to Clay Avenue. Finally, the proposed project contains the extension of Clay Avenue, connecting to it James Street. Along Clay Avenue, the applicants will connect a six-inch (6”) water main to the existing four-inch (4”) water main and connect an eight-inch (8”) sanitary sewer main to the existing eight-inch (8”) sanitary sewer main. A new fire hydrant will also be added to the site on Clay Avenue. This application package will be submitted to the Board of Historic and Architecture Review, as a discussion item at its Tuesday, August 17<sup>th</sup>, 2021 meeting. The applicants are aware that they might have to go to the Board of Zoning Appeals for approval of a Special Yard Exception for the approximate sixteen-foot (16’) front yard setback encroachment for Lot 1. Town staff recommended a favorable recommendation to Town Council under the condition that the applicants include the following statement in their Declaration of Covenants and Restrictions: *The appearance of the exteriors of the single family detached dwellings and duplex residential dwellings will be consistent and in conformance with the current version of the Historic District Guidelines.*

Jacob Williams, the applicant, explained that he is employed by Kimley Horn. He explained that the property is currently mostly a parking lot. There are two duplexes (4 duplex units) associated with the site and four single family homes. He explained that the property is zoned DNR with the historic protection overlay. Duplexes are allowed by a special use permit. The duplexes will agree with the character of the surrounding structures. Construction will comply with the Smithfield Historic District guidelines. The exteriors will have Hardie plank siding. He said that landscaping, streetscaping, and fencing will be made to agree with the guidelines. He said that site dimensions of the duplex lots are in compliance with the zoning ordinance.

Chairman Pack asked how many single-family homes are permitted by right on the parcel.

Mr. Williams stated that he had not done the calculations; however, they are within the area limit.

Mrs. Clary stated that it is five units per developable acre. The developable acreage is 2.84. The development summary in the packet shows the information.

Dr. Pope asked if Lot 3 was undevelopable because there is not a large enough building envelope.

Mr. Williams stated that was correct.

Dr. Pope asked if it was owned by the owner of the property or the VFW.

Mr. Williams stated that was not owned by the VFW.

Vice Chairman Bryan reviewed the Kimley Horn report. Note 4 has a statement which reads "the project proposes to extend Clay Street through the property to intersect with Washington Street." He asked how that would work.

Mr. Williams stated that it should say James Street. He apologized for the error.

Vice Chairman Bryan asked about the design of the single-family homes.

Mr. Williams had the plans and offered to show them to the Planning Commissioners. He explained that there is a site plan with the single-family detached units, as well as the duplexes. He gave each Commissioner copies. The BHAR will also review the plans for architectural review at the meeting next week.

Mrs. Clary reminded the Planning Commission that the application is before them as a SUP for the duplex units only.

Chairman Pack opened the public hearing.

Catherine Blount resides at 221 Washington Street in Smithfield. She stated that her concern was the safety of the children. She has seen cars come into the community to pick up a child that was not related to the driver of the vehicle. Luckily, she was there to call the girl back and not get in the car. She said that many cars fly through Washington Street. She was also concerned about the curve on Washington Street which is dangerous because cars move fast through there. She stated that something needs to be done about it. She asked if the Planning Commission had considered the possibility of having a building for the needs of autistic children. She explained that they have skills, abilities, and talents that some are unaware of. She said that Smithfield is a beautiful place. She loves children and would like opportunities and the best for all children. She will miss seeing the library, the community college, and watching the children at the park. She asked the Planning Commission to review the design of the duplexes. She thought they looked more like a townhouses than duplexes.

Gay Riley resides at 219 James Street in Smithfield, Virginia. She explained that the area is a very interesting neighborhood. People know each other if not by name; by sight. She stated that what she does not want to see is the beginning of change in the designated historic district. She has to have approval to change her roof or put in a fence. Suddenly, Mr. Luter would like to develop the lot with single-family homes and a special use permit for duplexes. She was concerned that if the project was approved then other people could come forward to add duplexes on other lots in the area. She asked what the need would be for allowing duplexes. If there was space for more single-family homes, she felt that should be addressed versus duplexes. She strongly suggested that the Town consider single-family dwellings in the area. She did not see the benefit to the neighborhood or the Town for duplexes. She is not against Mr. Luter but asked who would make money from the project. She also asked who the contractor was for the project.

Gigi Smith resides 207 James Street in Smithfield, Virginia. She stated that the proposal came to her attention very recently. The first thing that came to her mind was additional traffic. The area has a tremendous amount of traffic. She stated that if, by right, single family homes can be built on the lots then she felt that was okay. She explained that cars speed through there all the time. She asked what the price point would be for the dwellings. If the dwellings bring more children into the neighborhood, safety measures for them should be considered. She stated that the project would decrease the parking for the VFW building. The VFW has been there for a long time, and they have always used the property for parking. They have functions that benefit the community including the pancake breakfast, which fills the entire lot with cars. She felt that 13 parking spaces would greatly inhibit their functions. She said that she understood that notice of the proposal only had to go out to the adjacent property owners that abut the property. The only adjacent property owner is the VFW organization. There are no residents that abut the property. She thought it would be beneficial for the rest of the people on Grace Street, James Street, Washington Street, and Clay Street to have the opportunity to hear more about the proposal. It would give everyone a chance to come forward with their opinions and statements. She felt that everyone should have the opportunity for feedback and asked the Planning Commission to table any decision until further notification can be given to the residents of the area so they can come and avail themselves of the process if they choose to.

Jesse Witten resides at 227 James Street. He explained that he was the head pitmaster for Q Daddy's BBQ. He lives and works within the Town of Smithfield. He was concerned if the duplexes would be built in accordance with historical guidelines. He stated that there is only one duplex that he could see in the community, and it was clearly built a long time ago. He felt that the duplexes did not fit the historic narrative of the neighborhood or surrounding streets. He noticed that the plan calls for the extension of Clay Street directly onto James Street. He explained that parking for the residents on Clay Street is almost limited to street parking. He felt that extending the road would increase the liabilities for the residents that are already there due to property damage or vehicle damage. He is also concerned about safety for the children since the road is currently a dead end street and now will be a wide open street where vehicles could travel at a high rate of speed. His other concern is stormwater management since his property is the lowest point. He asked how stormwater would be taken care of. He asked if the project might better fit somewhere else such as Church Street. He does not feel that the project fits in the proposed area. He asked if duplexes were approved for this project if someone could also want to do 100 of them on the other side of the streets on the larger parcel. He echoed the sentiments of his fellow residents in terms of safety, overcrowding, and not fitting the narrative of the historic district. He asked the Planning Commission to table the decision until more research can be done and more residents can provide input.

Herb DeGroft resides at 15411 Mill Swamp Road in Smithfield, Virginia. He stated that he is a past Commander and a member of the VFW Post. He thanked the Town for the relationship that they have had occupying the building. The VFW has spent approximately \$100,000.00 in improvements to the building. He appreciated the efforts to supply parking as a result of the project but understood the comments from the other speakers. The YMCA is the big traffic generator especially in and out of James Street. He explained that the VFW has a meeting the 2<sup>nd</sup> Wednesday

night of each month. There are roughly 20-30 members and a community breakfast on the 4<sup>th</sup> Saturday morning each month with approximately 40-60 people. Those are the only 2 times a lot of traffic is generated. He stated that the 13 parking spaces would help but it means others will park across the street next to the playground, on Washington Street, and maybe over at Paul D. Camp Community College. He asked that the gorgeous Leyland Cypress trees be saved.

With no further public comments, Chairman Pack closed the public hearing and asked for consideration by the Planning Commissioners.

The Town Attorney explained that the property was acquired many years ago by the Town of Smithfield from the county of Isle of Wight. It was originally planned to be a relocation site for residents of Pinewood Heights. As he recalled, Mr. Riddick explained that there was a plat that was prepared which had 11 lots with single family homes. It was not done because it was not economical. The residents of Pinewood did not want to live there. They wanted to pick their own location to live which is why it never came to fruition.

Vice Chairman Bryan asked about the 11 lots.

The Town Attorney stated that the Town had a plat that was never put to record for 11 lots so the property remains one piece. The original plan showed 11 single-family homes.

Chairman Pack stated that 14 could have been allowed by the zoning ordinance. He explained that the Planning Commission's role is to consider the special use request for the duplexes. The rest of the application and designs will have to go before the Board of Historic and Architectural Review.

Mr. Swecker asked if it would be possible to designate Lot 3 to the VFW since it is undevelopable and directly behind the VFW building.

The Town Attorney stated that it is not Town property so the Town cannot do that. He did not know what the owner was going to do with it.

Mr. Swecker asked who the property belongs to.

The Town Attorney stated that it belongs to the Town of Smithfield right now.

Mr. Swecker asked if something could be worked out between the Town and the VFW Post for them to use it.

The Town Attorney stated it was possible. In April 2021, the Town worked with the VFW to extend their lease for another 10 years.

Mr. Swecker felt that since it was not developable then perhaps the VFW could use it.

Chairman Pack stated that he was under the impression that the property had been sold. He asked if that was correct.

The Town Attorney stated that there is a contract, but it has not closed. There was a public hearing approximately 2 months ago to dispose of the property. The purchase price and the plans were disclosed to the public. There were no public objections, and the property was sold to Mr. Luter pursuant to a contract of sale but has not closed yet. The title is still in the name of the Town of Smithfield, but the contract purchaser is LSMP, LLC which is Mr. Luter.

Chairman Pack stated that Mr. Witten made a solid point during his public comments. He explained that there is only one duplex in the general area of the proposed development. It is on Clay Street and is an older home. Much of the neighborhood has been renovated and done very nicely. There are a few new homes. Some still need some attention. Chairman Pack stated that it

is one of the last remaining pieces of Downtown Neighborhood Residential zoning. He felt that the property needed to be treated with care and make sure that whatever goes on the property blends in the community and looks like it has always been part of downtown Smithfield. The Board of Historical and Architectural Review would be handling some of those decisions. He wanted to take a strong look at it and make sure that any product that is approved such as duplexes would match the area. He is struggling with the idea that duplexes are appropriate for the property, these remind him of Bennis Grant. At the corner of Washington Street and N. Mason Street, there is a new home that is green and narrow with Hardie siding and it is attractive. There are a couple of homes similar in the neighborhood. He felt they were very appropriate for downtown Smithfield. Chairman Pack explained that he is not excited about duplexes in the proposed location.

Mrs. Hillegass agreed that the rendering is not the same quality as the other facades that the Planning Commission was shown. She felt that the BHAR would agree when the application goes to them. She does not think that duplexes are appropriate with the character of the neighborhood and what currently exists there. The 100 block of N. Mason Street has some duplexes which are older homes that have been retrofitted and created into duplexes, but they were older homes that already existed. She did not think the look of the proposed duplexes fit with the character of the neighborhood. She said that she would like to hear more from the residents of neighborhood and asked if the proposed application could be tabled for further discussion.

Mr. Gibbs agreed that tabling would be a good idea in order to hear from more residents.

Chairman Pack stated that the plat shows the property as subdivided. He asked if it was already subdivided.

The Town Attorney stated that it was not.

Chairman Pack asked, hypothetically, if the applicant changed their mind and decided to withdraw duplexes and go with single-family homes would the application come before the Planning Commission again.

The Town Attorney stated that it would not but would come back for plat approval. Subdivision plats are 'by right' if the applicant follows the rules.

Mrs. Hillegass asked if there would be an option to increase density.

The Town Attorney stated that he did not know. He had heard that the design was so that the trees could be preserved on the corner. He thought that the applicant was trying to minimize the impact to the large existing trees because they are so iconic. The plan that the Town had done for the relocation project did not include a parking lot for the VFW and this plan does. He stated that the area that encompasses the parking lot was part of what was originally a developable lot for the 11 lot subdivision.

Chairman Pack asked if the applicant wanted to subdivide the property within their allowance would they be allowed to cut the trees down. He asked if the Town has any way to protect the trees.

Mrs. Hillegass stated that she thought there would be a replacement ratio.

Chairman Pack stated that it would be hard to replace a 200 year old tree.

Mrs. Clary stated that there is a replacement ratio; however, the plan was specifically designed with the intention of saving the trees as she understood it.

Vice Chairman Bryan asked for the applicant to return to the podium. He stated that some of the homes have front garages and some have rear garages. He asked if that was correct. The proposed map shows extensions at the rear of the lots.

Mr. Williams stated that all of the homes would have front garages.

Vice Chairman Bryan asked what the extensions were that show on the rear on the map.

Mr. Williams stated that he thought they were patios.

Vice Chairman Bryan stated that he does not see the garage on the front on some of the dwellings.

Chairman Pack stated that it appears that the rendering shows one home with a garage up front and perhaps the others may not have garages.

Dr. Pope asked who requested the extension of Clay Avenue to connect to James Street.

Mrs. Clary stated that it was submitted on the application by the developer.

Chairman Pack stated that he drove down Clay Avenue. At the end, it would be tough to get to the homes if there were a fire. He explained that it is not a circle. It has a chain across the end of it. Cars park along the road and it would be impossible for 2 cars to pass on the roadway.

Dr. Pope stated that he is a big proponent of not having roads that just die.

Mr. Gibbs made a motion to table the application until the next meeting in order to collect more data. Mrs. Hillegass seconded the motion. With no further discussion, Chairman Pack called for the vote.

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

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

The Town Attorney stated that the minutes had been recirculated to the Planning Commission. He explained that the content did not really change. He just attributed what people said to them. For example, one speaker said “when the developer purchased Mallory Pointe, he knew 250 homes could be built.” Mr. Riddick explained that sounds like a fact. He changed it to say: *She alleged that when the developer purchased Mallory Pointe he knew 250 homes could be built.* He stated that there is a big difference. When someone reads minutes that say a definitive statement then it is in the public record forever as a fact when it is not. Mr. Riddick said that it is just an allegation or someone’s opinion. He stated that he did not take any of the content out. He said that he just attributed what they said to them because that is what you have to do. He said that they were the only changes. With those changes, he recommended that the June Planning Commission minutes be adopted.

Mrs. Hillegass made a motion to approve the minutes. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

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

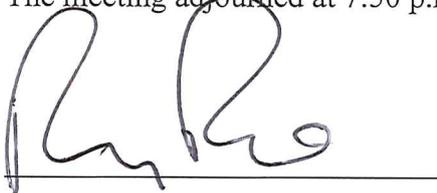
#### **Approval of the Tuesday July 13<sup>th</sup>, 2021 Summary Meeting Minutes:**

The Town Attorney stated that he did not have to go through the July minutes like the June minutes. He recommended the minutes be approved as presented.

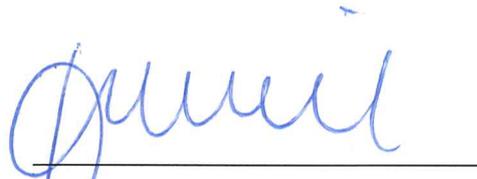
Mrs. Hillegass made a motion to approve the minutes. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

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

The meeting adjourned at 7:50 p.m.



Randy Pack - Chairman



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Tammie Clary – Community  
Development & Planning Director