

The Smithfield Planning Commission held its regular meeting on Tuesday, September 13th, 2022, at 6:30 p.m. at the Smithfield Center.

Members present:

Charles Bryan – Chairman
Julia Hillegass – Vice Chair
Dr. Thomas Pope
Raynard Gibbs
Randy Pack
Michael Torrey
Michael Swecker

Members absent:

None

Staff present:

Tammie Clary - Community Development & Planning Director
William H. Riddick, III – Town Attorney
Jack Reed – Director of Public Works and Utilities
Valerie Butler – Councilwoman, Town Council
Nadya Jaudzimas – Administrative Assistant

Press:

Stephen Faleski – The Smithfield Times

Citizens: 16

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

Community Development & Planning Director's Report:

Tammie Clary, Community Development and Planning Director, reported that Town staff is currently researching potential design standards and elevation requirements for public buildings. She added that the November 2022 Planning Commission meeting will be held on Monday, November 7th due to Election Day.

Upcoming Meetings and Activities:

Tuesday, September 20th, 6:30 PM – Board of Historic & Architectural Review Meeting
Tuesday, September 20th, 7:30 PM – Board of Zoning Appeals Meeting
Monday, September 26th, 3:00 PM – Town Council Committee Meetings
Tuesday, October 4th, 6:30 PM – Town Council Meeting
Tuesday, October 11th, 6:30 PM – Planning Commission Meeting

Public Comments:

Chairman Bryan explained that the public was invited to speak to the Planning Commission on any matters, except scheduled public hearings and to please use the sign-up sheet. Comments are limited

to five (5) minutes per person. Any required response from the Town will be provided in writing.

Thomas and Laura Wilson of 105 Buckingham Way in Smithfield reported that they received a code enforcement notice due to their Recreational Vehicle (RV) parked in their driveway. He reported that there were two driveways on the property with the RV being parked in front of his garage and not in front of his home. He added that he had been given two weeks' notice to remove the vehicle.

Chairman Bryan informed Mr. Wilson that the issue would need to be discussed with the Planning Department as they had issued the violation.

Mrs. Clary confirmed this information.

Chairman Bryan explained that the Planning Commission interpret ordinances, and what Mr. Wilson was referencing was already existing in the ordinance.

Mrs. Clary informed Mr. Wilson that if contacted the Planning Department they would be happy to explain the violation and where it is located within the zoning ordinance.

Mrs. Wilson stated that they had read the information and one of their biggest concerns was the two week length of time given to make alternative arrangements, as they felt this was not enough time. She added that some wording on the violation was not legible that they needed clarification on.

Mrs. Clary encouraged the Wilsons to call the Planning Department and they would discuss the issue with them.

The Town Attorney additionally encouraged the Wilsons to make an appointment with the Planning Enforcement Officer, Joseph Reish, or Mrs. Clary.

Chairman Bryan inquired if there was any member of the public who wished to speak on any matter that was not a public hearing. Seeing and hearing none, the public comments section was closed.

Planning Commission Comments:

Mr. Pack reported that Mr. Gibbs had been appointed to the Isle of Wight County Planning Commission and offered his congratulations. He added that this would make work between the Town and County more efficient. He thanked Mr. Gibbs for offering up his time and service.

Vice Chair Hillegass also thanked Mr. Gibbs for his service.

Chairman Bryan offered Mr. Gibbs his congratulations.

Dr. Pope reported that he had a comment related to discussion had last month on the Special Use Permit (SUP) granted for the addition of the building behind Westside Elementary. He stated that it was his understanding that there was not general guidance on the design of public buildings or the Planning Commission's expectation for their appearance. He questioned if the Planning Commission was interested in having public building design guidelines in place. He used the example of the metal building that will be placed behind Westside Elementary, adding that he did not think it was the appropriate design for the Town. He continued that there is much the Town requires developers to do in regard to design with new construction and questioned why the Town would not adhere to its own standards. He acknowledged that the example given was outside of the overlay and historic districts, but he felt that the Commission had the responsibility to require publicly what is required when building privately. Dr. Pope asked the other Commission members to consider whether they should entertain the incorporation of specific design guidelines for public buildings into the ordinance.

Vice Chair Hillegass agreed with Dr. Pope's assertion that enforcement of guidelines should be across the board.

Mr. Pack stated that he did not see why the design standard should be different than anything that was already in place. He acknowledged that he was not present at the meeting last month when the initial discussion took place.

The Town Attorney reviewed with Mr. Pack that the metal building in question did not have the same design standards applied as it was outside of the Entrance Corridor Overlay (ECO). He continued that the Commission may choose to amend the issue and apply the same standards to municipal buildings. He reported that Dr. Pope had made good points during the discussion and added that a counterpoint that was given after the meeting is that the long-term plan was to demolish the Westside Elementary building, and they did not want the expense of a more substantial building.

Dr. Pope stated that it should apply to any public building and gave the example of the Fire Department needing a permanent storage building since their temporary storage container's approval will expire soon. He speculated that the issue would come up for approval every December until they discussed building design. He added that the County decided to place the metal building at Westside without any Town consultation, and the Town had no design standards to enforce. Dr. Pope stated that this was a Colonial County and historic, adding that colonial buildings are what are appropriate, especially for public use.

Vice Chair Hillegass recalled that the Commission had told the Fire Department that the Conex box was a temporary solution, but they needed to talk about what the permanent solution would be.

The Town Attorney stated that in the case of the Fire Department's Conex box, it would come within the Commission's purview as it was in the ECO.

Dr. Pope gave the hypothetical situation of having to construct a new pump station. He continued that there should be design standards required even if placement is not in the ECO and that a metal shed should not be used. He stated that as there are no current design standards, applicants come before the Commission with whatever building they wanted, as he felt was the case at last month's meeting with Westside Elementary.

Chairman Bryan agreed with Dr. Pope. He stated that it was his understanding from reading the minutes of the last meeting that Mrs. Clary and the Town Attorney would be looking into the issue.

Mrs. Clary stated that Town Staff had started research on the subject and after reaching out to several localities found that design standards were often attached to some kind of overlay. She continued that they had been looking for ordinances that addressed structures outside of the overlay as was the case in this instance.

Dr. Pope stated that he felt it would be the same criteria that a Homeowners Associations (HOAs) would consider including masonry, façade, roof pitches, and whatever the Commission felt was appropriate. He reiterated that he does not agree with the building design chosen for use at Westside Elementary.

Vice Chair Hillegass inquired if the issue should be workshopped.

Chairman Bryan question if that would be necessary in this case.

Mrs. Clary reported that Town Staff found design specifications for pump stations in their research of the subject. She encouraged the Commission to email her their ideas so that she could compile the information to form minimum guidelines that could be included.

The Town Attorney suggested that it may be as simple as amending the zoning ordinance to require all public facilities, either infrastructure related or public buildings, to be subject to the same

overlay guidelines.

Vice Chair Hillegass questioned if this was good reasoning to workshop the issue.

Dr. Pope stated that he would email his thoughts to Mrs. Clary and then they would decide where to go from there.

Chairman Bryan recalled back to the issue of Conex boxes in Town. He encouraged the Commissioners to consider the future impact of such an application on the Town itself and not solely on the applicant.

***Public Hearing* Special Use Permit Application (Waiver of Parking and Loading Requirements) – 1305 South Church Street (TPIN: 21A-01-511C) – WPL C/O Brad Martin, applicant.**

Mrs. Clary reported that the applicant is seeking approval for a Special Use Permit (SUP) pursuant to the Smithfield Zoning Ordinance (SZO) Article 3.I. Section C.30 which is for a waiver of the parking and loading requirements. Specifically, the applicant is requesting approval of a site plan with 108 parking spaces, which exceeds the maximum parking allotment of (32 spaces) one space per 150 square feet of gross floor area for offices according to SZO's Article 8.E.37.

She continued that the applicant has proposed to erect an approximately 4,800 square foot building, with a proposed use of a Department of Motor Vehicle (DMV) office. Under SZO Article 8.E.37, the maximum number of spaces for an office is "one (1) space per 150 square feet of gross floor area," permitting a maximum of thirty-two (32) parking spaces. The applicant is seeking approval for a total of 108 parking spaces for the proposed DMV office space.

Mrs. Clary stated that the proposed number of parking spaces exceeds the maximum amount of parking spaces allowed for an office building; however, the applicant has indicated because of the proposed use as a DMV, additional parking spaces will be required for operation.

Town staff advised a favorable recommendation to Town Council for approval of a SUP for the waiver of parking and loading requirements should be contingent upon final site plan approval.

Chairman Bryan reported that there were no members of the public who had signed-up to speak at the public hearing. He inquired if any members of the public present that had not signed up would like to speak in favor of or against the application.

Dr. Warren Sachs reported that he is the owner of the property, and he had been in contact with the DMV. He stated that the DMV originally required 140 parking spaces, but through negotiation they agreed to 108. He added that the DMV had approved of the site plan that was designed, and this is what had been submitted to the Town. Dr. Sachs reported that he had submitted the letter the DMV had sent that outlined their requirement of 108 parking spaces.

Chairman Bryan speculated that the number of spaces requested was related to projected growth and future use of the facility.

Dr. Sachs stated that it seemed that Smithfield does not have a provision for government buildings that require more spaces, which lead to the application for a variance of the maximum number of spaces allowed.

Chairman Bryan inquired about the proposed restaurant shown on the plans.

Dr. Sachs stated that he could not give any information about what restaurant would be in that space as they were still in the discussion stage. He added that the communication they had received was that the restaurant companies would like to see work started on the DMV and the area be developed. He

continued that no one was willing to commit until they had broken ground on the DMV construction, and the DMV had delays due to scheduling a large ground-breaking ceremony. He stated that after this was complete, they were hoping to confirm the other tenants.

Chairman Bryan asked for confirmation that it was not a fast-food restaurant with a drive-thru.

Dr. Sachs stated that it was not designed for a drive-thru at this time.

Mr. Pack inquired about the where all of the 108 spaces were and why a site plan was being reviewed. He added that he could not count 108 spaces if the site plan was divided out and questioned if they were also considering the proposed restaurant site in their count.

Mrs. Clary apologized for the confusion and clarified that in order to develop the site plan the applicants wanted to acquire the SUP for the 108 parking spaces. She continued that as there are two uses on the property, the minimum and maximum for both uses on the site is required. She reported that the DMV is classified as an office building, and as such is allowed 32 spaces. She added that if the proposed restaurant/retail space of approximately 3000 square feet each was figured in, the minimum allowable parking spaces would be 158 and a maximum of 183 spaces. Mrs. Clary reported that in discussions with the applicant it was indicated that there would be around those two numbers for the parking required to accommodate the DMV and the proposed restaurant/retail space. She stated that the applicant wanted to make sure they had the SUP allowing for 108 spaces rather than only 32 spaces. She added that this is why Town Staff requests that approval of the SUP be contingent on final site plan approval.

Mr. Pack stated that he was able to count 97 spaces, which was counting everything to the left side of the proposed restaurant/retail space. He added that he does not have a problem with making sure the DMV gets what they need, but he did want to see the final site plan. He continued that there was confusion as to what exactly the Commission was approving at this time.

Dr. Sachs confirmed that the full building would be 6000 feet, with the restaurant taking up 3000 square feet and retail utilizing 3000 square feet.

Dr. Pope inquired if the restaurant and retail space would be together or if they would be separate store fronts.

Dr. Sachs confirmed that they would be separated store fronts.

Dr. Pope asked if it would be like a strip mall.

Vice Chair Hillegass asked if the businesses would be physically connected.

Dr. Sachs stated that the restaurant and retail would all be in the same building.

Dr. Pope compared it to the Subway and the Chinese restaurant further up the street from the site.

The Town Attorney recommended that the Commission members not focus on the proposed restaurant/retail area as that was not up for approval.

Dr. Pope stated that he understood, but he wanted to ensure that if the Commission gave approval that they were not then committing to the design of the building shown.

The Town Attorney confirmed that the applicant was only asking for 108 parking spaces for the DMV. He added that anything that the applicant presents to the Commission for the secondary area the future would not be tied to the SUP.

Dr. Pope gave the hypothetical example of the future use that is proposed does not fit within the already approved 108 spaces.

The Town Attorney reiterated that the 108 spaces were for the DMV site, and the other part of the area would be stand-alone.

Mr. Pack stated that the proposed restaurant/retail building may or may not need a waiver of parking depending on what is presented.

Dr. Sachs reported that the other spaces would meet the parking requirements set by the Town.

The Town Attorney reminded the Commission members that all of the area was still subject to the Entrance Corridor Overlay (ECO) guidelines.

Dr. Pope inquired if the 108 parking spaces were included on the drawings before the Commission. He acknowledged that he had not counted the spaces, but recounted Mr. Pack's count of 97 spaces earlier in the discussion. He added that the other 11 spaces seemed to be toward the back right corner of the drawing.

Mr. Pack explained to Dr. Pope how he divided up the drawing to get the 97 spaces. He added that to make 108 spaces would need to be added in front of the proposed restaurant/retail area. He acknowledged that the Commission was not reviewing the site plan and the application was for an SUP.

Chairman Bryan asked if this would then exclude the discussion of landscaping at the site.

The Town Attorney reiterated that the discussion tonight was regarding the SUP application for the DMV to have 108 parking spaces, which exceeds maximum number of parking spaces allowed by the Town's ordinance. He outlined that the DMV has a requirement to offer 108 parking spaces. He reiterated that the SUP would be subject to approval of the site plan, and the drawing before the Commission members was not the site plan.

Vice Chair Hillegass asked if a motion needed to be made.

Mr. Pack stated that a recommendation needed to be made to Town Council regarding the SUP.

Vice Chair Hillegass asked Mr. Pack to confirm the number of spaces he counted.

Mr. Pack stated that it was beside the point, as the site plan showed what the design could potentially look like. He suggested that if the Commission decided to move forwards with a favorable recommendation to Town Council that it include the Town Staff recommendation of approval of the site plan.

Vice Chair Hillegass asked the Chairman if they were still in the public hearing.

The Town Attorney stated that the discussion had not been completed as Dr. Sachs was still at the podium for questions.

Chairman Bryan asked Dr. Sachs if the white space around the proposed restaurant was concrete.

The Town Attorney reiterated that the drawing presented was not the actual site plan. He added that the only question to be answered was would it be ok for the DMV to have 108 parking spaces.

Dr. Sachs reported that the site plan presented was designed by the DMV.

The Town Attorney stated that the DMV was not exempt from any local ordinances.

Chairman Bryan confirmed that there were no more questions for Dr. Sachs and inquired if there were any members of the public who wanted to participate in the public hearing to speak in favor of or against the application. Seeing none he closed the public hearing.

Vice Chair Hillegass made a motion to forward the application to Town Council with a favorable recommendation. Mr. Gibbs seconded the motion.

Mrs. Clary clarified that the motion included the conditions recommended by Town Staff, which it did.

Chairman Bryan called for the vote. On call for the vote, seven members were present. Mr. Pack voted aye, Dr. Pope voted aye, Mr. Torrey voted aye, Mr. Swecker voted aye, Mr. Gibbs vote aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion passed.

Preliminary Plat Application – Mallory Pointe Subdivision Phase A (TPIN: 22-01-033) – Timmons Group C/O Kenneth Turner, applicant.

Mrs. Clary reported that at its Tuesday, July 6th, 2021 Town Council approved an Official Zoning Map Amendment, Comprehensive Plan Amendment, Zoning Ordinance Text Amendment, and three (3) Special Use Permits (SUP) applications for 19474 & 19502 Battery Park Road (TPINs: 22-01-017, 22-01-026, 22-01-028, 22-01-029, 22-01-033, 22-03-001, 22-03-002, 23-01-008 & 23-01-008A). More specifically, the applicant received approval to construct 507 single-family dwellings, 198 two-family (“duplex”) units, and 107 attached residential (“townhome”) dwellings, totaling 812 proposed dwelling units, which are to be for sale. She added that one of the approved SUPs is for the subdivision into Suburban Residential (cluster)-zoned lots.

Mrs. Clary reported that the applicant is now seeking preliminary plat approval for the subdivision of approximately 87.851-acre parcel (TPIN: 22-01-033) into 135 parcels, dedicated to a like number of single-family detached dwellings, which will become Phase A of the Mallory Pointe subdivision. In addition, there will be two open space parcels, open space parcel 1 (approximately 1.227 acres) and open space parcel 2 (approximately 1.449 acres), and a remainder common area of approximately 45.629 acres. She stated that the proposed development will not be age-restricted and will be privately regulated and maintained by a homeowners’ association.

Mrs. Clary stated that the applicant’s proposed project is in conformance with the Town’s Zoning and Subdivision Ordinance. Town staff recommends approval as submitted, under the following conditions:

1. The submission of five (5) hard signed and sealed copies of the preliminary plat, once approved.
2. The applicant must submit site plans and utility plans for review and comment. Any approval of this preliminary plat is conditional on the final approval of a submitted site plan and utility plan. If the final approved site plan and utility plan differ from the previously approved preliminary plat an updated pre-liminary plat will be required for review and approval.
3. Upon site plan approval, bonding and inspection fees will be required, in conjunction with the subdivision agreement (once presented and approved by Town Council), along with the requisite recordation fee for Isle of Wight County Courthouse.
4. Any change in the number of units utilizing the pump station could impact the flow calculation and could require updated reconfigurations.

Vice Chair Hillegass requested to inform the Commission that she was familiar with the applicant, Ken Turner, and the Timmons Group through previous employment. She stated that she did not feel that this knowledge presented as a conflict of interest with the application.

Ken Turner of 505 Roland Drive in Norfolk was present to speak about the application. He thanked Mrs. Clary for evaluation of the application. He asked for approval by the Commission as recommended by Town Staff.

Mr. Pack confirmed that in the application the Commission was looking at 135 lots. He inquired

how many lots were approved in the General Development Plan previously approved.

Mr. Turner stated that he did not recall the number.

Mrs. Clary reported that there had been 133 lots approved in the General Development Plan.

Mr. Pack stated that the application was still in general conformance as presented. He asked Mrs. Clary if the Commission was approving the plat as a site plan or just a subdivision.

Mrs. Clary reported that the application was just a preliminary plat, and Town Staff will require approval of a site plan by the Commission.

Mr. Pack confirmed with Mrs. Clary that the appropriate agencies would give their review of the site plan at that time. He gave the example of a fire truck not being able to fit down Road E to turn onto Road F as being too premature for tonight's discussion.

Mrs. Clary reported that Town Staff notified the applicant that if they received site plans and they did not conform with the preliminary plat then the applicant would be required to provide an updated preliminary plat.

He confirmed with Mrs. Clary that tonight's discussion would not get into specifics, and that the Commission would be approving the preliminary subdivision into 135 plats.

Vice Chair Hillegass surmised that it was more of a concept.

Mr. Pack stated that he felt it was more than that as it gave specifics on the size and locations of the lots included.

John Napolitano of 1492 South Independence Blvd in Virginia Beach asked to address the Commission on a couple of issues. He reported that an article had been published this morning by the Smithfield Times that was inaccurate, particularly that the developers would be putting a dock in with canoes. He continued that this aspect of the development had been taken out of the plans during the public hearings, with no further discussion of that since. Mr. Napolitano acknowledged that the configuration of Phase A is different than what had been presented on the original layout. He explained that he had met with the Town prior to their proceeding with the changes to inform them that they had found a more efficient layout that remained within the zoning categories and that they would be adding to two more lots. He stated that they had been told that this was acceptable as long as they did not exceed what had been allowed. Mr. Napolitano reported that the layout changes had been made after they had considered the engineering that would be necessary, and that nothing had been omitted from the plans. He added that some of the lots on the original layout were very difficult to build on. He continued that the layout changes had made the lots a little easier to work with and had even allowed for more open space. He reiterated that he wanted to assure the Planning Commission and the public that nothing in their plans had changed except for the layout.

Chairman Bryan asked for confirmation that there would not be any piers.

Mr. Napolitano reported that there was a proffer in place that stated there would be no piers in the development. He added that this had been completed as there was concern that after the development was handed over to a Homeowner's Association (HOA) that they could then add piers. He continued that since the proffer was instated, the only way an HOA could now install a pier would be if they came before the Planning Commission and Town Council to receive approval.

Chairman Bryan clarified that there would be no individual as well as no community piers.

Vice Chair Hillegass confirmed with Mr. Napolitano that there was essentially no deep-water access.

Dr. Pope recalled that originally the Resource Protection Area (RPA) was proffered at 125 feet and it would be part of the HOA. He continued that a private landowner would then not be able to cross this land as it would not be theirs to cross.

Mr. Napolitano stated that this was correct, and it was purposefully done for that reason.

Chairman Bryan asked the Town Attorney how much leeway the Planning Commission had in questioning the plat application presented. He explained that he understood the ground analysis data showed swell soils, then inquired if Mr. Napolitano still felt confident with the level of engineering the foundations would require to address the soil after seeing the amount of water that had been present after boring into the ground.

Mr. Napolitano stated he was 100% confident and they had spent a lot of time working with an engineer on what would be necessary. He continued that after testing and studies with the engineers, they were told they would have to remove about 130,000 cubic yards of dirt from the area in Phase A. He added that they had gotten this number down to 30,000 by adjusting the ground level with how much the foundations will be. He reported that in the soil borings completed they actually found very little shrink/swell soil, adding that there were some bad soils that would need to be worked on. He stated that it had actually been better than was expected, and they were designing to address the issues.

Mr. Torrey reported that he noticed comments in the Geotech survey that recommended completing site work in warmer months and inquired if there was concern regarding that recommendation or if this was standard.

Mr. Napolitano stated that if everything goes well, they were planning on breaking ground in March or April of next year so work would likely be completed in warmer months. He expressed that those recommendations did not raise concern.

Mr. Pack reported noticing many red "X" marks on the Preliminary Plat Title Sheet and confirmed with Mrs. Clary that these were issues that would be addressed before the Commission received the site plan for review.

Mr. Napolitano reported that the engineering plans for Phase A had been turned in that day, which would then be reviewed by all the appropriate Town and County departments, and they would give their recommendations on changes needed. He used Mr. Pack's earlier statement of roads needing to be adjusted to allow Fire Trucks as an example of what would be addressed.

Chairman Bryan asked for confirmation that the stormwater management had not been addressed at this point.

Mr. Napolitano explained that the location of the stormwater management system had been picked, and the engineering of it had also been turned in for review that day. He added that the information included for the Commission's review was a 2D picture, but that the information provided in the engineering plans to the Town and County was in 3D.

Vice Chair Hillegass made a motion to approve the application with inclusion of Town Staff conditions. Mr. Pack seconded the motion.

Chairman Bryan called for the vote. On call for the vote, seven members were present. Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Mr. Gibbs vote aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion passed.

Site Plan Approval – Route 10 Water Main – 20' Utility Easement East Side of North Church

**Street – Timmons Group C/O Kenneth Turner and Isle of Wight County Utility Services
Department C/O Don Jennings, applicants.**

Mrs. Clary reported that the applicant is seeking site plan approval for the Route 10 water main extension and pump station project. This project is proposed to be completed in two (2) phases. Phase 1 of the project is proposed to take place in the proposed twenty foot (20') public utility easement on the east side of North Church Street starting at the intersection of Thomas Street and North Church Street extending to the intersection of Berry Hill Road and North Church Street. Phase 2 of the project is proposed to continue from the intersection of Berry Hill Road and North Church Street into Isle of Wight County on Old Stage Highway (Route 10) finishing up at Hardy Elementary School.

She added that approval letters from the Virginia Department of Transportation (VDOT), along with draft easement plats, and preliminary jurisdictional determinations were included in their packets for review.

Mrs. Clary continued that Phase 1 and Phase 2 of these site plans comply with the Town Design Standards and were reviewed and recommended for approval by the Department of Public Works & Utilities.

Town staff recommend that this site plan application be approved under the following conditions:

- (1) The Town must be furnished with a cost estimate that will be verified by the Department of Public Works and Utilities, and a bond in the amount of 120 percent of the total scheduled value shown in the above-mentioned approved cost estimate.
- (2) The completion of a zoning permit application and right of way application for the installation of infrastructure.
- (3) All deeds of easements must be submitted to the Town Attorney for review and must be revised (if necessary). The Town must be furnished with signed copy of the deeds and recordation receipts.

Mr. Turner reported that the two phases were referenced for the project are the two phases that are included within the Town of Smithfield. He added that the project's purpose is to supply water for domestic and fire department use at the new Hardy Elementary School currently under construction. He continued that an elevated water tank would also be constructed for those same purposes. Mr. Turner stated that there was a proposed pump station that would be on property outside the Town of Smithfield that will go through the County's Special Use Permit process.

Vice Chair Hillegass repeated her earlier statement to the Commission that she was familiar with the applicant, Ken Turner, and the Timmons Group through previous employment. She stated that she did not feel that this knowledge presented as a conflict of interest with the application.

Chairman Bryan observed that the pipeline would be run under the river.

Mr. Turner confirmed that a portion of the alignment for Phase 1 would be directionally drilled under Cypress Creek.

Chairman Bryan inquired what repair procedure would be followed if the pipe were to break.

Mr. Turner reported that it would depend on the location of the break, adding that if it was in a shallow area of the installation, it could be potentially repaired. He continued that deep directional drills are typically not repairable once they go "down hole," but they were designed to last quite a long time. He gave information on an example of a project recently completed for the Hampton Roads Sanitation

District (HRSD) off Berry Hill Road.

Vice Chair Hillegass inquired if a regional reporting system used in the event of failures was still in place.

Mr. Turner confirmed that it was.

Chairman Bryan asked for an estimate for how long the pipes might last.

Mr. Turner explained that it was typically 75 to 100 years as they were comprised of high-density polyethylene that would not rust or corrode.

Chairman Bryan confirmed that in the worst-case scenario that the pipe could not be repaired that another pipe would be drilled.

Dr. Pope inquired that if the pipe was going from the Town into the County, would another water agreement be entered into as was done in the case of Gatling Point.

Jack Reed, Director of Public Works and Utilities, reported that there would be an agreement, but Smithfield would be selling the water to the County and treating them as a customer.

The Town Attorney reported that one of the benefits of the agreement was the extension of water across the bridge making it available to the Pinewood Heights area.

Vice Chair Hillegass noted that there would be industrial development in that area that would potentially then be large water customers. She made a motion to approve the application with inclusion of Town Staff recommendations. Mr. Pack seconded the motion.

Chairman Bryan called for the vote. On call for the vote, seven members were present. Dr. Pope voted aye, Mr. Pack voted aye, Mr. Torrey voted aye, Mr. Gibbs vote aye, Mr. Swecker voted aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion passed.

ECO Review – Planning Commission Waiver – 1604 South Church Street (TPIN 21 A – 30-015) – Cubed Investments, LLC C/O Ian Brim, applicant.

Mrs. Clary reported that the applicant is seeking a Planning Commission Waiver, pursuant to Smithfield Zoning Ordinance (SZO) Article 3.R Section P.1, from SZO Article 3.R Section J.3.g, which would allow the applicant to convert the existing grass drive path into a gravel drive path at the rear and sides of the business’s parking area in the Entrance Corridor Overlay (ECO) and use railroad ties as a border.

She continued that the applicant plans to add approximately 2,360 square feet of gravel to the sides and rear portion of the business to allow vehicle traffic to have easier access to circumnavigate the property, and a 1,141 square foot existing gravel pad.

Mrs. Clary reported that a positive of the application was that it provides needed driveway area to access the property. She added that a negative of the application was that gravel material is discouraged in the Entrance Corridor Overlay (ECO), and a waiver from the Planning Commission is necessary.

Ian Brim was present to address any questions regarding the application. He reported that it had been a struggle for them to get customers as they did not want to drive in the mud or water that collects in the drive-thru area as it exists currently. He referenced that other businesses in this area have similar gravel set-ups and stated that he felt this was not a large request. He stated that he wanted to keep his customers drinking coffee and happy, adding that they have had a couple of cars get stuck in the mud. He clarified that there would only be gravel where customers were travelling, not covering the entire

lot. Mr. Brim reported that he was working with the County on completion of a few elements, but the ECO waiver was needed for them to be able to move forward.

Vice Chair Hillegass asked if the proposed gravel area would allow for customers to drive around the back of the establishment.

Mr. Brim reported that it would be a drive around in the shape of a horseshoe with a bump-out toward the left side that would allow for customers to navigate around other cars waiting if necessary.

Vice Chair Hillegass asked if this would help with customer traffic.

Mr. Brim reported that the area becomes covered in water during large rains, but even in small amounts of rain the soil will loosen and cause cars to become stuck in the mud.

Mr. Pack reported that he had pulled up Google Maps though the businesses in the immediately next to him were paved, many businesses in this area had gravel parking lots.

Chairman Bryan agreed that there was already precedence for gravel use in the area.

Vice Chair Hillegass made a motion to approved with Town Staff's recommendations.

Mr. Torrey reported that in the Staff comments it read that use of gravel material was discouraged. He inquired about what that meant and if there was an allowable amount that could be used.

Mrs. Clary reported that it was a guideline included in the ECO and if an applicant would like to use gravel material, they must seek a waiver through the Planning Commission.

Mr. Torrey questioned if all the businesses shown as also having gravel had waivers granted.

The Town Attorney stated that they did not require a waiver when the gravel was placed.

Mr. Torrey asked if there was follow-up completed when a waiver was granted to ensure appropriate upkeep.

Mr. Pack gave the recent example of Red Point Taphouse installing a gravel parking lot that had been approved by the Planning Commission. He stated that it was his belief that the owner had stated at the time that they would be paving the lot at a later time.

Vice Chair Hillegass inquired if the lot had been paved yet.

Mr. Pack stated that it had not, and he thought it was to be done in a year or two.

Vice Chair Hillegass stated that it was her understanding that more landscaping would be completed at their location as well.

Mr. Torrey stated that the nature of his question was to see if there was follow-up down the road to ensure that it is not being neglected.

The Town Attorney pointed out that if this was a new construction on a vacant lot, it would unlikely that the Commission would approve the use of gravel there. He added that there is a history of accommodating existing structures.

Vice Chair Hillegass stated that she felt if a waiver or Special Use Permit (SUP) was granted then there should be follow up completed.

The Town Attorney suggested making a caveat in the waiver that approval was subject to the condition that the lot continued to be well-maintained.

Vice Chair Hillegass stated that caveat was too ambiguous.

The Town Attorney acknowledged this, adding that the whole idea was ambiguous. He questioned what the Commission would consider as the standard for an appropriate gravel parking lot. He continued that if there were no condition included with the approval, then there would be no recourse.

Chairman Bryan pointed out that the waiver was for an area that went around the existing structure and was not the main entrance. He added that the main entrance was already paved, and this was a secondary addition for the customer's convenience.

Mr. Torrey stated that he was checking to see if there were guidelines in place, and he was not necessarily opposed to the application. He stated that it seemed recently, as these buildings turned over ownership, this had become the parking lot style of choice. He added that the Commission spends a great amount of energy on the upkeep of landscaping, and he felt that gravel lots should be given the same amount of attention.

Chairman Bryan stated he understood this and felt that it went back to the point made by the Town Attorney that if this was a new site there would not be a waiver for gravel granted.

Dr. Pope asked for clarification on the area that was proposed to be graveled in.

Mrs. Cary reported that it was Staff's understanding that the hatched area shown on Exhibit Plat was the only area to get gravel placed on it.

Dr. Pope stated that it was basically a road around the back of the building. Dr. Pope questioned if customers are getting stuck behind the building, how is the addition of gravel going to keep them from continuing to do so.

Mr. Brim explained that it would not be where the individuals park in the grass, but it would be the drive where ruts had formed due to traffic driving through. He stated that the grassy parking area is able to stay reasonably dry. He reported the area causing the most issue is the where the traffic is flowing through. He reported it was their plan to gravel in the worst areas. He continued that his business is just getting started, and the gravel on just the requested part of the lot may cost upwards of \$5,000.00. He also reported that he had to meet the County's requirements of have a certain amount of permeable ground.

Dr. Pope stated that the Staff report read that the lot was to be bound by the railroad ties, and those were visible following the entire property line in the plat in the packet. He inquired if the railroad ties would be lining the new proposed gravel drive, as then customers would not be able to pull off and park.

Mr. Brim stated that the ties were to keep the gravel from escaping the lot. He explained that the railroad ties would be cut into the ground.

Dr. Pope asked if customers filled the front paved spots, would additional customers go and park in the grass behind the building.

Mr. Brim confirmed that was the process currently, reiterating that there was not a water/mud problem in the grass.

Chairman Bryan stated that it was his thinking that the proposed gravel area received more traffic than the actual parking.

Mr. Brim stated that this was correct.

Dr. Pope stated that it was his concern that the area in question was not going to be a gravel road but rather a parking lot.

The Town Attorney clarified that he is not asking for additional parking as he is already using the grassy area as parking.

Chairman Bryan added that the waiver was to make things easier for customers who circled the building.

Vice Chair Hillegass inquired about how many customers they have who park and stay for longer periods.

Mr. Brim reported that about 8 cars at a time was worst of it, but normally it was 4 at the most.

Vice Chair Hillegass speculated that their type of customer does not need a lot of parking, as the clients were grabbing coffee on the go.

Mr. Brim confirmed that a large majority of customers order their drink, then come around the side of the building to pick up, and then leave. He added that the most they can accommodate in the building was around 15-20 people.

Chairman Bryan asked how many parking spots were currently at the front of the building.

Mr. Brim stated that there were 4 spots up front with 1 of those being dedicated to handicapped persons.

Mr. Pack and the Town Attorney both stated that there was a motion on the floor that had not been seconded. Mr. Swecker seconded the motion.

Chairman Bryan inquired if the motion included the maintenance of the gravel drive.

Mr. Gibbs stated that the original motion would have to be amended.

Mr. Pack asked to add the condition that the gravel remains in the hatched area as shown on the Exhibit Plat.

Vice Chair Hillegass moved to amend her motion with the conditions outlined.

Mrs. Clary clarified that this was a for a Planning Commission waiver.

The Town Attorney reminded the Commission that this does not go to Town Council, approval will be made with the Commission.

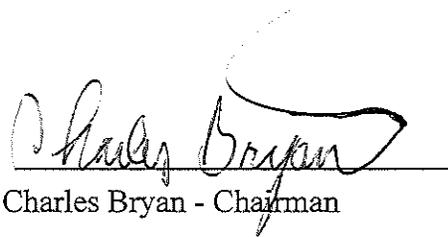
Chairman Bryan called for the vote. On call for the vote, seven members were present. Mr. Gibbs vote aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Mr. Pack voted aye, Vice Chair Hillegass voted aye, and Chairman Bryan voted aye. The motion passed.

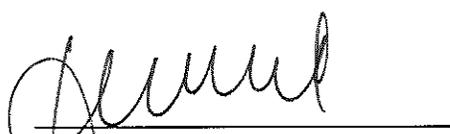
Approval of Tuesday August 9th, 2022 Meeting Minutes:

The Town Attorney recommended the minutes be approved with corrections to minor typographical errors.

Vice Chair Hillegass made a motion to approve the minutes with corrections. Dr. Pope seconded the motion. Chairman Bryan called for a collective vote. All members present voted aye, with none opposed. The motion to passed.

The meeting adjourned at 7:57 p.m.


Charles Bryan - Chairman


Tammie Clary – Community Development &
Planning Director