

The Smithfield Planning Commission held its regular meeting on Tuesday, September 14<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

**Press:** None

**Citizens:** 3

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, the Town consultants for the 2020/2021 Comprehensive Plan update, have posted draft Vision, Goals, Objectives, and Strategies on the website (<https://smithfieldvacomprehensiveplan.com/>) for feedback. They held their first working session with the Planning Commission on Wednesday, August 25<sup>th</sup>, 2021 at 6:30PM. The second working session is scheduled for September 29<sup>th</sup>, 2021 at 6:30 p.m. The owners of 1400 South Church Street have until September 22<sup>nd</sup>, 2021 to submit a more thorough and complete abatement plan for the blighted property. The applicants for the project on Washington Street & James Street have requested additional time to update their application package and are planning on appearing on the agenda for the October 2021 Planning Commission meeting.

**Upcoming Meetings and Activities:**

Tuesday, September 21<sup>st</sup>, 6:30 PM – Board of Historic & Architectural Review Meeting

Monday, September 27<sup>th</sup>, 3:00 PM – Town Council Committee Meetings

Tuesday, September 28<sup>th</sup>, 3:00 PM – Town Council Committee Meetings

Tuesday, September 29<sup>th</sup>, 6:30 PM – Comp Plan Working Session #2

Tuesday, October 5<sup>th</sup>, 6:30 PM – Town Council Meeting

Tuesday, October 12<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.

Harry Dashiell of 337 Grace Street in Smithfield asked why the Town felt it necessary to sell the Washington Street and James Street property. The property was purchased to accommodate the

Pinewood Heights relocation project that did not work out and the residential zoning remained. He explained that the property used to be the old elementary school. The property has been vacant for 12 years and used for parades, PDC parking lot, staging areas for the S. Church Street beautification project, and many other events. It has been a useful piece of property. He was curious why the Planning Commission would want to create a residential area there since it is bounded on both sides by non-residential structures and uses with The Children's Center and the VFW Hall. He felt that 99% of people in the Town had no idea it was zoned residential or that the Town was considering a sale. Mr. Dashiell stated that he had not seen anything advertised for the property. He asked if the Town had spoken to other developers or builders about selling the property for residential construction. He believed that the Town should not sell the property to any developer. The YMCA has expressed interest in expanding. Paul D. Camp may eventually come back to an in-class facility. The library is very heavily used as well as the tennis courts. He proposed that the Town rethink it and ask themselves if its really what should be done with the one of kind, unique piece of property. He sees a campus atmosphere in the area as a future land use between the county and the Town of Smithfield. He implored the Planning Commission to reevaluate the land use. The Comprehensive Plan is in the process of being updated. He suggested that the Planning Commission consider its best use. Mr. Dashiell said that he was not sure if duplexes and homes were the best use of the corner lot property for all residents of the Town. He asked if there was a process that needed to be done for reconsideration. He explained that many people believe it is a forgone conclusion since the project involves two different Mr. Luters. He felt the application was moving too quickly and urged the Planning Commission to go back to the planning and zoning department and reevaluate the land use for the parcel.

Mrs. Hillegass explained that the Board of Historic and Architectural Review had seen the proposed elevations for the project. The BHAR was not thrilled with them and asked the applicant to come back with something else.

Mr. Dashiell stated that if the BHAR was already looking at designs, roofing, and siding then it sounds like it is a done deal to him.

Mrs. Hillegass stated that the proposal has not been presented to the Planning Commission yet.

Mr. Dashiell asked the Town Attorney if it was zoned as residential with special use permits needed for the duplexes. The property is zoned residential and the Planning Commission could decide not to allow the special use permit for duplexes and the applicant could still build single family homes.

The Town Attorney explained that the Town had an appraisal done and there was a public hearing for the sale of the property which was advertised.

Mr. Dashiell asked if the appraisal showed the value of the property at \$225,000.00.

The Town Attorney stated that it did.

Mr. Dashiell felt that the property should be valued at more for a developer. He stated that no one could get 1.6 acres of land for development in the Town of Smithfield for \$225,000.00 in the current market. He had an appraisal on his property recently that came back very high and he was astounded.

Mrs. Hillegass explained that no decisions have been made at this point.

Mr. Dashiell explained that he wanted the Planning Commission to know how he feels about the project. He said that the Riverview area is a wonderful, changing neighborhood. The character of the area is a mix of old and new.

Mrs. Hillegass explained that the BHAR advised the developer's consultant to take a look at the cottage at the end of Institute Street to help with the types of products they would be looking for. The original examples were not what the BHAR was looking for.

Mr. Dashiell stated that his concern was if it would be the proper zoning use of that parcel. He wondered if the parcel might be better utilized as something other than residential use such as a small park for the residents of the area. He said that the Town will get property taxes out of the deal if developed and the developer will make money. He was sorry for the Planning Commissioners in regard to the Mallory/Scott Farm issues with public comments. He could not believe that people behaved the way that they did and were not escorted out of the meeting.

**Planning Commission Comments:**

Chairman Pack stated that the owners of 1400 South Church Street have until September 22<sup>nd</sup>, 2021 to come up with a plan. The contractor came before to Town Council to talk and discuss a plan which included adding a roof and windows. Chairman Pack explained that he had recommended giving them 30 days to come up with a real plan before the Town puts themselves into a position of having to do something with the property. The deadline is coming up soon.

Mrs. Hillegass asked what would happen if something were not submitted by the deadline.

Chairman Pack explained that Town Council will look at it again and has the ability to go in and make improvements or condemn the property. In that case, taxpayer money would have to be used which is fine since a lien would be put on the property. He explained that nothing happens to repay the Town until the property were sold if it were ever sold. It is a tough call and is a brand new regulation which was passed to address situations like 1400 South Church Street. He stated that giving the owner enough time makes the Town feel better about not immediately condemning the property.

Mrs. Hillegass asked if any application would come before the Planning Commission.

Chairman Pack, to his understanding, stated that it would come before Town Council. Planning Commission would not need to be involved.

Dr. Pope asked what would happen if the owner sold the property to a new owner.

Chairman Pack stated that the process would have to start over.

The Community Development & Planning Director explained that it was her understanding that the contractor was not aware of how long the process had been going on before he was assigned the project.

Mrs. Hillegass stated that she had received many calls from the community surrounding Washington Street and James Street and expects to see a full house at the next meeting. The other consideration is that citizens would like to see the master plan for Pierceville and the adjacent property behind the tennis courts.

The Town Attorney stated that cannot be required.

Mrs. Hillegass stated that people are anxious to see what the whole situation will involve.

Chairman Pack asked if the sale of the property at Washington Street and James Street had closed yet.

The Town Attorney stated that it had not.

Chairman Pack explained that if the owner chose to remove the duplexes, then it would not come before the Planning Commission since residential use is 'by right.' The project would go to the Board of Historic and Architectural Review only. The applicant is also working towards purchasing property across the street near the tennis courts.

**Site Plan Application - 314 St. Andrews (TPIN: 22-01-004) – Cypress Creek Phase VI Fitness Center & Pool, c/o Timothy Culpepper, applicant:**

The Community Development & Planning Director reported that at its November meeting, the Town Council approved a Conditional Zoning Amendment with revisions to the original July 14<sup>th</sup>, 1988 Proffer Statement (see Enclosure 1), which included item 12, which is the construction of a pool and fitness facility for Phase VI. The applicant is now applying for site plan approval for a pool and fitness facility located in Phase VI on approximately ten (10) acres. The one-story fitness center is approximately 1,725 square feet and will feature a pool with 1,900 square feet of water surface, and a one-story 300 square foot Cabana. The applicant has provided a landscaping plan in accordance with Smithfield Zoning Ordinance (SZO) Article 9, including a ten-foot (10') landscape buffer along St. Andrews and the neighboring lots, TPIN:21E-02-113 and TPIN:21E-02-112. The landscaping will feature four (4) London Planes trees, five (5) Black Gum trees, forty-six (46) Carissa Holly shrubs, and eleven (11) Burford Holly shrubs. The site will feature twenty-two (22) parking spaces, including one handicapped parking space. All parking spaces are nine feet (9') by eighteen feet (18') and the handicap space is eight feet (8') by eighteen feet (18') with an eight-foot (8') by eighteen-foot (18') aisle. Public Works and Utilities have reviewed the application and approve the utilities as presented. Isle of Wight County has also conducted reviews of erosion and sediment controls and stormwater, and do not have any additional comments. Town staff recommended that the Planning Commission approve this application, under the condition that the applicant submit a landscaping bond to the Town, pursuant to SZO Section 9.G, in the amount of \$5,310.00.

The applicant, Timothy Culpepper, of Cypress Investment Holdings stated that a conditional rezoning was approved for Phase VI of Cypress Creek. It included some modifications to the original proffers from 1988 and new proffers as well. One of the new proffers was for the construction of a pool and fitness facility. The site plan application is consistent with the conceptual plan that was approved with the conditional rezoning a few years ago. The location and orientation remain the same. He requested approval of the site plan application so he can continue to move forward. He was available for questions.

Vice Chairman Bryan asked about page C-300. He asked if the facility would be built within the golf course or next to it.

Mr. Culpepper explained that the facility would be constructed adjacent to a 10 acre park that would also be a HOA amenity that would contain benches, walking paths and sidewalks. Connectivity has been provided for the pool and fitness facility with sidewalks within the park.

Mrs. Hillegass stated that Mr. Culpepper clearly had explained what was consistent with the plan but she wanted to know what was not consistent with previous approval.

Mr. Culpepper stated that he was not aware of any inconsistencies in size, location, or site orientation.

Mrs. Hillegass made a motion to approve the application as presented with staff recommendation to provide a landscaping bond in the amount of \$5,310.00. Vice Chairman Bryan 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.

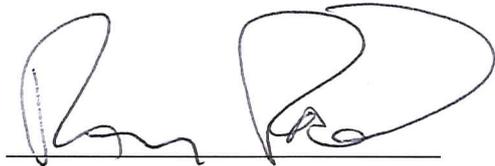
**Approval of the Tuesday, August 10<sup>th</sup>, 2021 Summary Meeting Minutes.**

The Town Attorney stated that he made revisions to the minutes similar to what he did last month and recommended the minutes be approved as revised.

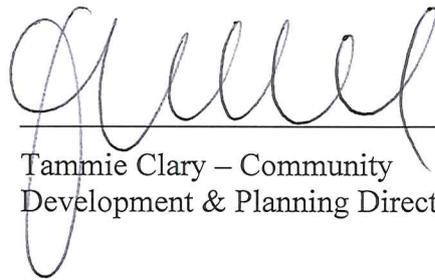
Mrs. Hillegass made a motion to approve the minutes. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

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 6:56 p.m.



Randy Pack - Chairman



Tammie Clary – Community  
Development & Planning Director