

The Smithfield Planning Commission held its regular meeting on Tuesday, October 8<sup>th</sup>, 2019 at 6:30 p.m. at the Smithfield Center.

**Members present:**

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Bill Davidson

Julia Hillegass

Thomas Pope

Michael Torrey

**Members absent:**

Mike Swecker

**Staff members present:**

John Settle

William H. Riddick, III

There were approximately twenty-five (25) citizens present. The media was represented by Ms. Diana McFarland of the Smithfield Times. Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

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

Joseph Reish, Planning Technician & Code Enforcement Officer, represented the town at the Virginia Association of Zoning Officials' 2019 fall conference.

**Upcoming Meetings and Activities:**

Tuesday, October 15<sup>th</sup>, 6:30 PM - Board of Historic & Architectural Review Meeting

Monday, October 28<sup>th</sup>, 3:00 PM - Town Council Committee Meetings

Tuesday, October 29<sup>th</sup>, 3:00 PM - Town Council Committee Meetings

Tuesday, November 5<sup>th</sup>, 6:30 PM - Town Council Meeting

Tuesday, November 12<sup>th</sup>, 6:30 PM - Planning Commission Meeting

**Public Comments:**

The public is 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. Any required response from the town will be provided in writing following the meeting. No one signed up for public comments. Chairman Pack asked if anyone would like to speak.

Mr. George Covington – 230 Villa Drive in Smithfield. Mr. Covington passed out a written response to the Commissioners regarding The Park @ Battery application. He had questions and concerns regarding the project. He is opposed to 150 units and believes that 75-100 would be more

appropriate. Colors of buildings, parking, and adequacy of public services, BMP concerns, school capacity, emergency services, and a traffic study were also a concern to him. He remains in favor of the project concept with appropriate modifications to address the safety and security of the existing and future residents.

Chairman Pack asked if there was anyone else who would like to speak. Hearing none, public comments were closed.

**Planning Commission Comments:**

Dr. Pope referred to the landscaping requirements for businesses and how the Town might get them to maintain landscaping more appropriately. He suggested some type of incentive program as a reward system for businesses willing to make improvements and enhancements to their landscaping. The Town Attorney explained there used to be an incentive program for Main Street businesses to upgrade their store fronts. It was a private program through Smithfield 2020. Chairman Pack stated that he would speak to Council about the idea.

Vice Chairman Bryan commented about the crosswalks on Main Street. They do not have obvious markings. He was asking if the Town planned to add paint to mark the crosswalks. Councilman Pack explained that it is a historic district and is supposed to look historic. There has been consideration of reducing the speed limit to 15mph to help improve the crosswalks and other items. Mrs. Hillegass stated that there is a differentiation because there are brick crosswalks and a paved road. Chairman Pack said that he would take this item to Town Council also. Mrs. Hillegass thinks it should go to the BHAR as well.

There were no further Planning Commission comments.

**Site/Subdivision/Utility Plan & Preliminary Plat – Lot 4, Cypress Creek Pkwy, Land Planning Solutions, Inc., C/O Nathanael Diehl, applicant.** The staff report stated:

At its Tuesday, November 7<sup>th</sup>, 2017 meeting, the Town Council approved a Special Use Permit (SUP) application for this property, allowing for the enjoyment of the “suburban residential cluster” provision of Smithfield Zoning Ordinance (SZO) Section 3.C.C.3. This had the following impact on the proposed development of the property:

- (1) An increase in the maximum permitted density from three (3) dwelling units per acre to 4.5.
- (2) A reduction in the minimum required lot size from twelve-thousand square feet (12,000) to eight-thousand (8,000).
- (3) A reduction in the severity of various bulk regulations (i.e. setbacks, etc.).
- (4) An increase in the required site area to be dedicated as open space from ten percent (10%) to twenty percent (20%).

The applicant now seeks site/subdivision/utility plan and preliminary plat approval to subdivide the approximately seventy-six (76) acre property into 152 parcels dedicated to single-family detached residential uses, ninety-one (91) of which are to be age-restricted. This development will be privately-regulated, with all commonly-held assets maintained by an

owners' association. Amenities include multiuse paths, overlooks, private travel ways, a fitness center, a swimming pool, stormwater retention, landscaping, and approximately thirty (30) acres of common open space. The proposed development would be accessed via a single entrance on Cypress Creek Pkwy, and may be accessed by water via Cypress Creek. The plans indicate that a gravel trailer and recreational vehicle parking lot is proposed in the area immediately northeast of lots ninety-nine (99) through 101. The applicants are aware that in order to proceed with the construction of this parking lot, an SUP will be needed pursuant to SZO Sections 3.C.C.21 & 3.C.C.26 for "storage lots for recreational vehicles" and a "waiver of parking and loading requirements [for the use of gravel]," respectively. The applicants intend to apply for an SUP at a later date. The applicants' proposed project meets all applicable standards of the Town's zoning and subdivision ordinances, as well as its technical design standards. Town staff recommends approval under the condition that the applicants acquire an SUP from the Town Council prior to breaking ground on the proposed gravel trailer and recreational vehicle parking lot.

The Community Development and Planning Director explained that the SUP approved in 2017 was done simultaneously with a proffer amendment/conditional rezoning amendment. One of the conditions entailed site specific setbacks for the "cluster" provision. Specifically, the homes towards the front of the subdivision are "cottage" style buildings with side yard setbacks of 6' on one side and 18' on the other side. Homes towards the back will be developed in a "Manor" style with a 10' side yard setback on one side and an 18' side yard setback on the other side. This was to necessitate emergency access to the back of the lot; as he understood it.

Tim Culpepper with Cypress Investment Holdings is the developer of the remainder of Cypress Creek and Cypress Creek Phase VI. He thanked the town staff for their professionalism in handling this application. He explained that they went through very comprehensive design guidelines associated with the proffer modification and "cluster" provision application two years ago. He stated that the development will be consistent with those design guidelines and the modified proffers. He was available for questions from the Planning Commissioners.

Chairman Pack asked for questions or comments from the Commissioners. Dr. Pope asked for clarification about the setback guidelines that were discussed two years ago. He also asked if the developer could meet all of the square footage requirements of the houses based on that restriction and the envelope presented on those plans. Mr. Culpepper stated that they could meet the requirements. He also stated that the RV storage lot was requested by the Cypress Creek Homeowners Association. They have an RV lot currently and it is full. They have a waiting list and asked for more RV storage. Mr. Culpepper understands that SUPs for a gravel RV lot will need to be obtained. They are fine tuning some of the design details prior to submitting the SUP applications. Chairman Pack asked if there was any further discussion from the Commissioners. Mrs. Hillegass made a motion to approve as submitted with the condition that they apply for the SUPs for the gravel RV storage lot. Mr. Davidson seconded the motion. Chairman Pack called for the vote.

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

**\*Discussion Item\* Special Use Permit (SUP), Comprehensive Plan Amendment & Official Zoning Map Amendment (Rezoning) – Lot 511, S Church St, Waterford at Battery Park, LLC, C/O John Mamoudis, applicant.** Chairman Pack explained that there would be no action on this item. It is for information only. The applicant has requested a public hearing for the November Planning Commission meeting. The staff report stated:

The applicant proposes to construct fifteen (15) two-and-one-half (2.5) story multifamily buildings, each containing ten (10) condominium units. Each building will contain six (6) three (3) bedroom units, two (2) two (2) bedroom units and two (2) one (1) bedroom units. The proposed community will not be age-restricted, and will be privately-regulated and maintained by a condominium association. Amenities include onsite parking, pedestrian paths, private travel ways, pet stations, a clubhouse, a swimming pool, bicycle lockers, a pump station, stormwater retention, landscaping, and approximately five and one-half (5.5) acres of common open space. The proposed development would be accessed via two (2) existing entrances on Battery Park Rd, and one (1) on S Church St. The desired uses for the property would be classified as “multiple family residential dwellings (with no more than three (3) unrelated occupants per dwelling unit)” and “private community facilities, recreation areas, parking lots for recreational vehicles, and other common area improvements normally associated with multiple family residential developments (other than those requiring special use permits).” The only zoning district in which both of these uses are permissible is the Multifamily Residential (MFR) district, pursuant to Smithfield Zoning Ordinance (SZO) Sections 3.F.B.1 & 3.F.B.5. Because the property is currently zoned Highway Retail Commercial (HRC), it became apparent that an application to amend the Town’s Official Zoning Map (OZM) would be necessary (this is often referred to as a “rezoning”). The most essential Town publication to consult during the rezoning process is the Town’s Comprehensive Plan, specifically the Future Land Use Map (FLUM). The entirety of the property in question on the FLUM is designated as remaining “retail commercial” in the future, which accommodates the current zoning as HRC. Consequently, the proposed rezoning is in conflict with the FLUM, and a Comprehensive Plan Amendment is necessary. In acknowledgement of the importance of maintaining a commercial frontage on S Church St, the applicants have proposed amending the OZM and FLUM in such a manner as to preserve the current zoning and future land use (FLU) fronting on this right-of-way (ROW). This means that an approximately 3.9 acre commercial outparcel will be excluded from the rezoning and FLUM amendment and later subdivided from the remainder of the property. The proposed general development plan submitted for the rezoning of the property features no recreational vehicle parking pursuant to Smithfield Zoning Ordinance (SZO) Section 3.F.I.2.B, which states: *Separate parking spaces shall be allocated and reserved for recreational vehicle parking on the basis of one (1) recreational vehicle parking space per six (6) dwelling units. No recreational vehicle parking space shall front on a public street.* The applicants have chosen not to accommodate this standard in order to achieve the appropriate net developable acreage to

necessitate 150 dwelling units. This means that the applicants will have to apply for a Special Use Permit (SUP) for a waiver of parking and loading requirements.

This application has resulted in requests for comments from several agencies outside of the Smithfield Community Development & Planning Department:

- Isle of Wight County Emergency Services . . . . . Awaiting Comments
- Draper Aden Associates, Inc. . . . . Enclosure 1
- Isle of Wight County Planning & Zoning . . . . . Enclosure 2
- Isle of Wight County Schools (IWCS) . . . . . Enclosure 3
- Virginia Department of Historic Resources (DHR) . . . . . Enclosure 4
- Virginia Department of Transportation (VDOT) . . . . . Enclosure 5
- Isle of Wight County Stormwater Division . . . . . Enclosure 6
- Smithfield Volunteer Fire Department (SVFD) . . . . . Enclosure 7
- Smithfield Police Department (SPD) . . . . . Enclosure 8

Several components of the rezoning application itself can be viewed in the pages immediately succeeding this staff report. The purpose of this discussion item is to discern whether or not the Planning Commission is ready to proceed to a public hearing in November of this year, and/or if there are additional items that Planning Commissioners would like to see included in the application before proceeding. Additionally, the applicants are available for questions from the Planning Commission.

Mrs. Beverly Walkup spoke to the Planning Commission about this application. She is representing the applicant and developer, Mr. John Mamoudis. She explained the history of the property. It has been zoned as commercial since 1993. The original tract used to be much larger and encompassed the existing Villas of Smithfield, Royal Farms, and Dollar General. There will be 3.9 acres remaining for commercial development along South Church Street. She explained that the existing stormwater management system was engineered for the original tract and will include the new project. They are requesting to amend the Comprehensive Plan's FLUM from Retail Commercial to Multi-Family/Retirement. Additionally, they are requesting a change in zoning from Highway Retail Commercial to Multi-Family Residential to accommodate a condominium development. The proposal includes 150 units contained within 15 buildings 2½ stories in height. Each building will contain 10 condominium units. They will offer a lifestyle choice for families, singles, and active older adults. The average price point will be the mid-to-low \$200,000 range, which they believe is comparable to some of the other developments in the area.

Mr. Wells with Coastal Design Group addressed the Planning Commission about the building's designs and colors. He brought samples of actual materials they plan to use. They plan to alternate colors to avoid it looking like one large building. There will be gables, cupolas, weather veins, shutters, overhangs, and small balconies. He explained the floor plans which include one, two, and three bedroom units.

Mrs. Walkup explained that they had met with the residents of the Villas. The residents stated that they were not opposed to the residential zoning. The residents believe that the commercial aspect cannot be supported there. They would rather see something other than the back of a shopping center or store. The residents were concerned about the separation distance between the buildings and the pond which was 16', but later increased to 38'. The Villa homeowners were also opposed to the RV parking. They requested that it either be moved to the commercial side or removed altogether. The applicant included a waiver request in the application to provide relief from the requirement of providing 25 additional parking spaces for RV parking. It is not compatible to the lifestyle that is being offered on this project. The development is designed with the elements of smart growth and its targeted demographic in mind. Smart Growth is intended to foster a car-free or car-light lifestyle. The primary concern from the Villas' residents was the primary responsibility and maintenance of the existing stormwater management facility. The Villas contribute 34% to the stormwater ponds with the remaining portions of the property contributing 66%. Royal Farms and Dollar General had to incorporate some stormwater management on their own sites but they release into the main pond between the Villas and this proposed development. The ponds are designed to meet the requirements of the Virginia Stormwater Management Program. They are bound by the state to not approve anything that would overwhelm the existing ponds. She explained that if anything changed in their plans then it would have to come back to the Planning Commission for approval. The residents of the Villas also had concerns about the traffic impact assessment. Those concerns are being addressed with VDOT. A traffic study has been done. The primary intersection is at Battery Park Road and South Church Street. They studied many options. No additional lanes were needed; but signal timing changes would be needed. Based on the traffic study, the peak traffic on Battery Park Road is from 4:30 p.m. until 5:30 p.m. In the morning, based on the data collected, the peak hour is 7:00 a.m. until 8:00 a.m. Updated information will be provided during the November meeting public hearing. Vice Chairman Bryan informed the Commissioners of a VDOT report that indicates a significant delay in que at the west bound approach to South Church Street in the p.m. peak conditions. It indicates delays and is recommending an additional lane be added there at the intersection of Williams Street which is between Royal Farms and Dollar General. The applicant explained that they did not have actual counts for that area and they used ITE standards to project what a convenience store with fast food would be as well as a Dollar General. They are going back to get actual counts at that location to see what the delay is. The Commissioners expressed concern over the results of the traffic study. Chairman Pack asked which entrance of the three would be the main entrance. Mrs. Walkup stated that the main entrance would be off of Battery Park Road. Vice Chairman Bryan pointed out reports from the fire department as well as the school system for buses. He requested additional information from the school system. Mrs. Walkup did not think that buses would actually go into the neighborhood to pick up. There would probably be a designated pickup/drop off section of the neighborhood. Dr. Pope asked the applicant how trash would be handled. Storage for trash cans will be included in the building footprint and rolled out for trash day. The Planning Commission would like to see the provisions for sanitation for the development.

Chairman Pack explained that Battery Park Road is problematic for traffic. He suggested that anything the developer could do to ease that burden would be favorable. Mrs. Walkup reported that 58 new students would be added between Hardy Elementary, Westside Elementary, Smithfield Middle, and Smithfield High schools. There is capacity to accommodate those 58 students. The plan was presented to the school system and they had no comment. Mrs. Walkup stated the strengths of the application are: the property is in close proximity to major transportation routes, there are existing sewer and water accommodations, residential and mixed retail uses are proposed on the same parcel, a layer of transition between the existing commercial uses and the existing residential uses is proposed, a compact, affordable development is offered which has emerged as a new trend, the development is more attributable to a buyer's market choice, provides an infield opportunity for a vacant, underutilized parcel, implements the Town's guidance for high quality designs incorporating additional housing lifestyles that complement surrounding choices, and it consists of a product that has been specifically designed for Smithfield. It respects, preserves, and protects the Smithfield ambience and historic architectural elements, offers a compatible lifestyle to the adjacent Villas of Smithfield; yet, it incorporates a different niche that creates and achieves a unique sense of community. Mrs. Walkup believes that The Park @ Battery will have an overall positive fiscal impact on the Town of Smithfield. The project will be an approximately \$40 million dollar investment that will generate significant tax revenue including real estate, personal property, business licensing, and other fees and will create an additional customer base for the Town's public water system. The Town Attorney asked if there was a fiscal impact analysis performed. Mrs. Walkup stated that there was not because it was not required by the Town. Mr. Mamoudis, the applicant, estimates that his investment is \$40 million dollars including the commercial property. The Town Attorney stated that there is no fiscal impact analysis. Mrs. Walkup stated that was correct. The Town Attorney thinks that the Commissioners and the public would be interested in seeing the type of siding that is proposed since it is vinyl. He suggested the information could be given to the Director of Community Development & Planning to pass on to the Commissioners. He explained that the Town is not particularly fond of vinyl siding. Since the product is different, it would be nice to see what it looks like in a different application. The applicant explained that it replaces natural materials but still looks like wood. He will share the locations that have been using this product all over Hampton Roads. He tries to build things that are maintenance free in an area of high humidity and salt content. He will provide addresses so that anyone can see the product installed. Dr. Pope asked the applicant about signage to clearly mark the main entrance, emergency services access for the width of the entrance, how the bike trail fits into the plan, adequate setbacks to accommodate the widening of Battery Park Road, and the possibility of ingress and egress at Mercer Street to accommodate the development of the commercial property on South Church Street. He would also like to know if the school bus would stop on Battery Park Road or if it would turn into the project to pick up school children. Vice Chairman Bryan asked about fencing and RV parking. Mrs. Walkup explained that many items need to be finalized after the applicant gets rezoning approval. They will be able to then invest in additional engineering in order to get the project done. Mr. Mamoudis is the developer of the project. He plans to put

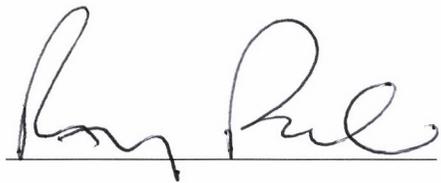
together photos of projects that he has done so that the Commissioners can see the quality of his products. He believes there is an upside to this project and many details need to be ironed out. He explained that if the details outweigh the benefits then he might not be able to go forward. He has followed the ordinance in order to plan a suitable project. He believes it will be a project that the Town will be proud of. Chairman Pack explained that there will be a public hearing next month and the public will have a chance to speak at that meeting.

**Approval of the Tuesday, September 10<sup>th</sup>, 2019 meeting minutes.**

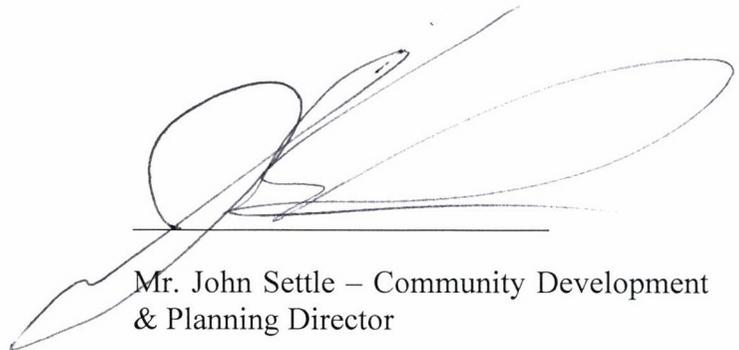
The Town Attorney reviewed the minutes and explained that the September minutes are the first summary minutes for the Planning Commission. He made some corrections to the minutes and recommended them to be approved as revised. Mrs. Hillegass made a motion to approve the minutes as revised. Mr. Torrey seconded the motion. Chairman Pack called for the vote.

On call for the vote, six members were present. Mr. Torrey voted aye, Dr. Pope voted aye, Mrs. Hillegass voted aye, Mr. Davidson 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 8:45 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle – Community Development  
& Planning Director