

The Smithfield Planning Commission held its regular meeting on Tuesday, October 12th, 2021, at 6:30 p.m. at the Smithfield Center.

Members present:

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Michael Torrey

Members absent:

Thomas Pope

Raynard Gibbs

Staff present:

Tammie Clary - Community Development & Planning Director

William H. Riddick, III – Town Attorney

T. Carter Williams – Town Council

Valerie Butler – Town Council

Press: Stephen Faleski of the Smithfield Times

Citizens: 2

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://smithfieldva.comprehensiveplan.com/>) for feedback. A third working session for the comprehensive plan update is scheduled for Wednesday, November 3rd from 5:30pm until 8:30pm. Mrs. Clary explained that the representative for 1400 South Church Street will provide an update at the October 2021 Town Council Committee meetings and will also be present at the November 2021 Town Council Committee meeting to provide an updated abatement plan.

Chairman Pack explained that the representative for the old Tastee Freeze building came before Town Council last month. He was trying to get an architect involved and the project seems to be moving forward. Council granted him 60 days before coming back with a proposal in November.

Upcoming Meetings and Activities:

Tuesday, October 19th, 6:30 PM – Board of Historic & Architectural Review Meeting

Tuesday, October 19th, 7:30 PM – Board of Zoning Appeals Meeting

Monday, October 25th, 3:00 PM – Town Council Committee Meetings

Tuesday, October 26th, 3:00 PM – Town Council Committee Meetings

Monday, November 1st, 6:30 PM – Town Council Meeting

Tuesday, November 9th, 4:00 PM – Pinewood Heights Management Team Meeting

Tuesday, November 9th, 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 no public comments.

Planning Commission Comments:

There were no Planning Commission Comments.

Final Plat Application – Cypress Creek, Phase VI, Section 3, c/o Timothy Culpepper, applicant:

The Community Development & Planning Director reported that, at its Tuesday, October 8th, 2019, meeting, the Planning Commission approved a site/subdivision/utility plan and preliminary plat application for Cypress Creek Phase VI, under the condition that the applicant acquire a Special Use Permit (SUP) from the Town Council prior to breaking ground on the proposed gravel trailer and recreational vehicle parking lot. At its Tuesday, January 7th, 2020, meeting, the Town Council approved a subdivision agreement for the same development. A zoning permit was issued on Wednesday, March 18th, 2020, for the construction of all infrastructure related to the proposed development. At its Tuesday, October 13th, 2020, meeting, the Planning Commission approved an amendment to the site/subdivision/utility plan and preliminary plat application, under the condition that all comments generated by the Town's Public Works & Utilities Department and the Isle of Wight County Stormwater Division be resolved prior to Town staff's issuance of a zoning permit. Following the resolution of all remaining issues identified by Town staff and the interagency review process, an amended zoning permit was issued on Friday, December 11th, 2020, for the construction of all infrastructure related to the proposed development. At its Tuesday, January 12th, 2021, meeting, the Planning Commission approved the final plat for Section 1 of Phase VI. Which allowed for the formal subdivision of a portion of the property into fifty-five (55) Suburban Residential (Cluster)-zoned properties to accommodate the new construction of a like number of single-family detached dwellings. In addition, two (2) open space parcels were subdivided through this action. At its Tuesday, October 5th, 2021, the Town Council approved a subdivision agreement for Phase VI, Section 3. The applicant is now applying for final plat review and decision by the Planning Commission, allowing for the formal subdivision of a portion of the property into forty-six (46) Suburban Residential (Cluster)-zoned properties to accommodate the new construction of a like number of single-family detached dwellings. In addition, three (3) open space parcels are to be subdivided through this action. Town staff recommended that this application be approved under the following conditions:

- (1) The applicant must acquire an SUP from the Town Council prior to breaking ground on the proposed gravel trailer and recreational vehicle parking lot.
- (2) The Town must be furnished with a bond in the amount of twenty percent (20%) of the total scheduled value shown in the cost estimate prepared by CA Barrs Contractor, Inc., dated September 2nd, 2021.
- (3) The Town must be furnished with no less than six (6) signed copies of the subdivision agreement that was approved by the Town Council on Tuesday, October 5th, 2021, as well

as a \$31 recordation fee. Page three (3) of the subdivision agreement must be updated with the value noted in item two (2) above.

(4) The deed of drainage and utility easement that is to accompany this final plat at recordation, must be submitted to the Town Attorney for review, must be revised (if necessary). The Town must be furnished with no less than five (5) signed copies of this deed.

(5) Following the recordation of the final plat, as well as the deed noted in item four (4) above, signed copies of the final plat and copies of the recordation receipts thereof must be provided to the Town.

The applicant was not in attendance at the meeting.

The Town Attorney stated that the amount of the bond should be 120% of the amount of the work remaining to be done at the time the plat is recorded. The applicant is permitted by law to do work up until the time of recordation of the plat. He suggested striking that condition from approval. He asked how much of the work had been done.

Mrs. Clary stated that she received the scheduled value with completed to date information on September 2nd, 2021. The document includes what remains to be done.

The Town Attorney stated that the applicant has to put up 120% of the work remaining, not 20%.

Mrs. Clary explained that she followed the same procedure from Section 1 Phase VI which required twenty percent of the scheduled value.

The Town Attorney stated that the law requires 120% of the work remaining. He felt it should be about the same amount. The requirement does not have to be a condition of approval. It will be handled by staff.

Mr. Torrey made a motion to approve the application as submitted with staff recommendations but striking recommendation #2. Mrs. Hillegass seconded the motion. With no further discussion, Chairman Pack called for the vote.

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

Site Plan Amendment – 604 Cypress Creek Parkway (TPIN: 22-01-084A1) c/o Gail Blecher, applicant:

The Community Development & Planning Director reported that the applicant is seeking approval for a twenty-four-foot (24') by sixteen-foot (16'), totaling 384 square feet, storage shed that will be approximately thirteen feet (13'), six inches (6") in height. It will feature thirty (30) year forest green architectural shingles, white Hardie Fiber Cement siding, a set of white doors at the front, and one (1) window on the right side of the shed facing to the southwest (poolside). The window will feature two shutters, painted forest green, to match the shingles on the roof. The shed will be located behind the pool and approximately eighteen feet (18') from Lot 126 (106 The Machrie). A seven foot (7') long by six foot (6') wide sidewalk will be installed to allow access from the pool deck to the proposed shed and a gate will be installed along the existing fence to allow access to the proposed shed. Town staff recommended approval as submitted.

The applicant, Mr. Duerig, of 417 Muirfield, Smithfield, Virginia explained that he represents the Facilities Committee for Cypress Creek HOA. He explained that they would like a storage shed off of the pool. The pool was renovated with new furniture. Typically, they store the furniture in the bathrooms of the pool house for the winter and there is too much furniture now. The materials will be harmonious with the pool house and the clubhouse located nearby. He thanked the Commissioners for their consideration.

Councilman Pack asked why the application was for a Special Use Permit.

Mrs. Clary stated that it came before the Planning Commission as a site plan amendment.

Mrs. Hillegass made a motion to approve the application as presented and Mr. Swecker seconded the motion. With no further discussion, Chairman Pack called for the vote.

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

Special Use Permit Application – 223 Washington Street & 240 James Street (TPIN: 21a-01-184A) c/o Jamie Weist, applicant:

The Community Development & Planning Director reported that the application originally appeared as a Public Hearing item at the August 10th, 2021, Planning Commission meeting. This application package also appeared as a discussion item for the Board of Historic and Architecture Review, at its Tuesday, August 17th, 2021, meeting. The applicant is seeking a 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. And 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. 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. Mrs. Clary reminded everyone that November 8th, 2021 is the date ninety (90) days after this application was first heard. In accordance with SZO Article 6.E.2. this application shall be deemed approved, unless the application has been withdrawn by the applicant prior to the expiration, or if the time period has been extended by mutual agreement by the Town and the applicant. Town staff recommended approval under the condition 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.*

Jamie Weist, of Kimley Horn & Associates, explained that he was representing the developer for the project. He gave a slide presentation showing the changes based on Planning Commission comments and BHAR comments from previous meetings. The developer will pay for the infrastructure improvements of the Clay Street extension. The layout has remained relatively the same. One duplex will face James Street and the other will face Clay Street. Both have rear garages. He explained that the way they are arranged makes them appear as 2 single family dwellings from either side. He explained that there are 2 very large old trees which should be saved, and the duplexes will help with that. The developer could get 1 or 2 more lots if the trees were removed. The developer proposed the 2 duplexes in order to have the available funding for the \$700,000.00 infrastructure improvements at no cost to the Town. Mr. Weist explained that duplexes currently exist on Clay Avenue and on Church Street. He stated that the duplex concept was presented to the BHAR for review. The original plans had stone fireplaces and foundations. The BHAR recommended brick instead and the renderings have been changed showing brick. There will be Hardie board siding and colors will be alternated. They are two-story duplexes and are designed to look like a single-family dwelling from each road while driving by. The price point proposed by the developer for the duplexes and the single-family homes are between \$450,000.00 - \$500,000.00 range. They will have high quality exteriors and high-quality interior finishes. The BHAR also recommended horizontal siding and an architectural roof for the single-family homes to match the character of the neighborhood. The plans have been updated to reflect the changes that the BHAR requested. Mr. Weist was available for questions from the Planning Commissioners.

Chairman Pack asked about the protection of the trees for the future.

Mr. Weist suggested to deed restrict the lots.

The Town Attorney stated it could be a condition of approval.

Mr. Weist stated that the developer is okay with the condition imposed by the Planning Department in Mrs. Clary's presentation.

Vice Chairman Bryan asked if the duplexes would have one family in each duplex.

Mr. Weist explained that there are 2 duplexes with 4 total units. There would be a total of 4 families in the duplexes.

Vice Chairman Bryan asked about the driveways.

Mr. Weist explained that the garages mirror each other where they basically share a driveway. The deeds to the duplexes would explain various covenants and restrictions since they share a common wall.

Chairman Pack asked how the BHAR would feel about forward-facing garages in the historic district.

Mrs. Hillegass stated that the BHAR does not prefer forward facing garages.

The Town Attorney explained that many homes in the historic district do not have garages at all or they are forward facing due to the narrow lots.

Vice Chairman Bryan asked about Lot 3 which would be the green space in the development plan and currently has concrete on it. He asked if the concrete would be removed.

Mr. Weist explained that it would be a green space and would remain as part of the VFW parcel owned by the Town. The gravel or concrete would be scraped off and the area would become green space.

Mrs. Hillegass asked if a landscaping plan would be required for the green space.

Chairman Pack stated that the green space does not convey with the sale of the property. It would be retained by the Town and would give the VFW a bit more property to have their events.

The Town Attorney stated that the applicant has no responsibility for Lot 3 which is the green space. It will be owned by the Town. The Town and the VFW may negotiate on what can be done to that area. The area is shown as green but may not be grass.

Mr. Weist stated that the developer can remove the rock and put grass there if that was the wish of the Town.

Vice Chairman Bryan asked who would maintain the area.

The Town Attorney stated that it would probably be the VFW tenants who lease the building owned by the Town.

Chairman Pack explained that the Town would be responsible ultimately.

Mrs. Hillegass was glad it was clarified so that no one would be expecting a pocket park on Lot 3.

Mr. Swecker asked about the condition of deed restriction for the large trees.

Mr. Torrey stated that the trees are located on the lot and not in the right-of-way. If the homeowner chose to cut them down as soon as they moved in then they could.

Chairman Pack stated that the homeowner would have to get permission from the Town to remove the trees.

Mrs. Hillegass stated they might possibly cut them without asking.

The Town Attorney stated that a further restriction of the deed could include that the trees could not be removed without the consent of the Town of Smithfield.

Chairman Pack stated it would be part of the deed and when the properties are sold the restriction would pass with the property.

The Town Attorney explained that when the plat is submitted for approval, they would also have to submit the Declaration of Covenants and Restrictions.

Mrs. Clary requested that it also include approval by the Town of Smithfield as well as the Planning Commission.

Mr. Weist suggested subdividing the property where the trees are with ownership by the Town of Smithfield.

The Town Attorney stated that would cause non-conforming lots. It puts the Town in the position of creating lots that could not otherwise be created under the existing laws.

Mr. Weist suggested an easement that the Town owns and maintains.

The Town Attorney stated that a preservation easement would work.

Vice Chairman Bryan made a motion to make a favorable recommendation to Town Council under the conditions that the Declaration of Covenants and Restrictions include:

- 1.) The appearance of the exteriors of the single-family dwellings and duplex residential dwellings will be consistent and in conformance with the current version of the Historic District Guidelines

- 2.) The restriction of further re-subdivision of Lots 5, 7, and 8 fronting on James Street.
- 3.) The creation and dedication of a preservation easement to the Town of Smithfield for the two specimen trees adjacent to the lots facing James Street (Lots 5, 7, and 8).

Mrs. Hillegass felt that the price points were not good for duplexes. There was also community opposition with concerns about what will happen at the Pierceville property. The community has not seen the plans for Pierceville.

With no further discussion, Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted nay, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There was one vote against the motion. The motion passed 4 - 1.

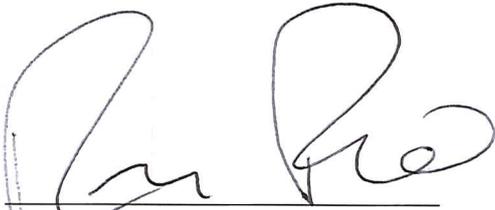
Approval of the Tuesday, September 14th, 2021 Summary Meeting Minutes.

The Town Attorney recommended the minutes be approved as submitted.

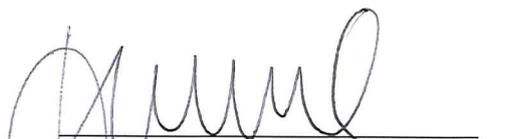
Mrs. Hillegass made a motion to approve the minutes. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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 7:17 p.m.



Randy Pack - Chairman



Tammie Clary – Community
Development & Planning Director