

The Smithfield Planning Commission held its regular meeting on Tuesday, December 8<sup>th</sup>, 2020 at 6:30 p.m. at the Smithfield Center.

**Members present:**

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Thomas Pope

Michael Torrey

**Members absent:**

Mike Swecker

Julia Hillegass

Lilton Marks (resigned)

**Staff members present:**

John Settle – Community Development & Planning Director

William H. Riddick, III – Town Attorney

Tammie Clary – Planner

**Press:**

Nate Delesline – The Smithfield Times

There were approximately five (5) citizens present. Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

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

Mr. Settle reported that at its Tuesday, October 13<sup>th</sup>, 2020 meeting, the Planning Commission tasked Town staff with examining ways to adequately address blighted properties within Town limits. At this time, Town staff have determined that adopting a spot blight abatement ordinance is likely the best way to address these properties. A draft spot blight abatement ordinance is forthcoming. At its Tuesday, November 10<sup>th</sup>, 2020 meeting, the Planning Commission tasked Town staff with ascertaining the status of the blue reflective pavement markers that used to mark the locations of fire hydrants on all of the Town's streets. Following consultation with appropriate personnel, Town staff were able to determine that many of the markers had been inadvertently removed by the Town's snow blades during inclement winter weather. The Volunteer Fire Department executed this project and were told by the Public Works & Utilities Department that this would likely happen, unless the markers were recessed beneath the surface of the pavement. It is unclear at this time if the Volunteer Fire Department plans to reinstate this project. On Tuesday, November 24<sup>th</sup>, 2020, Town staff received the attached waiver of Planning Commission action (see Enclosure 1) from the applicant for the conditional rezoning application for 19474 & 19502 Battery Park Rd. The applicant has indicated that they do not intend to reappear on a Planning Commission meeting agenda until early next year (2021). On Friday, November 27<sup>th</sup>, 2020, Town staff received a letter of resignation from Dr. Lilton Marks, which was effective Tuesday, December 1<sup>st</sup>, 2020. A nominating committee was appointed by Mayor Williams to fill the position. Now that the Smithfield Comprehensive Plan update is underway, we are in need of public input. Our consultants, Summit Design & Engineering Services, PLLC, have prepared a citizen survey to assist us in gathering this input. The survey was mailed in the Town's fall

newsletter to all recipients, and is available in hard copy at Town Hall upon request. It is also available online via survey monkey and the Town's website. Input is requested no later than Sunday, December 20<sup>th</sup>, 2020.

Chairman Pack asked about the conditional rezoning application for the Mallory/Scott Farm and if the one hundred days would be waived as well.

The Town Attorney explained that the one hundred days is for the applicant's protection. The applicant realized that they needed to do significant work on their application. They chose to waive it and hold the Town harmless from the one hundred days. It does not carry a blanket waiver forever. The applicant can request another one hundred days if they choose to.

Chairman Pack explained that Dr. Marks had been with the Planning Commission since January 2020. He thanked him for his service and insight. Chairman Pack stated for the record that Dr. Marks' resignation was inspired out of personal reasons.

**Upcoming Meetings and Activities:**

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

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

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

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

Tuesday, January 12<sup>th</sup>, 4:00 PM – Pinewood Heights Management Team Meeting

Tuesday, January 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.

Antonio Viudez-Mora resides at 10101 Bolling Blvd., in Smithfield, Virginia. He stated that there is a petition circulating with more than 1,230 people opposed to the Mallory/Scott Farm development. He invited the Planning Commissioners to compare the 2006 approved plan to the new plan. In 2006, the property was zoned Community Conservation with a maximum of one unit per acre. With Neighborhood Residential, it is three units per acre. He explained statistics from the original project with the new application for rezoning. He stated that the proposed townhomes, fourplexes, and tenplexes are not appropriate for the area. He is opposed to the rezoning and development of the Mallory/Scott Farm with the new application requests. He further requested that the Town withhold its decision on the application until following the anticipated adoption of the Town's new comprehensive plan.

**Planning Commission Comments:**

Dr. Pope asked if the applicant for the proposed development of the Mallory/Scott Farm had taken the Town's existing wastewater infrastructure into consideration. He asked if the lines throughout the Town would be able to handle the additional wastewater and if the Town Engineer was looking into it.

Mr. Settle directed Dr. Pope to the wastewater modeling analysis prepared by Draper Aden & Associates, Inc. in 2019 as well as the applicant's public utilities impact analysis. It states that the state of the existing sewer infrastructure is insufficient to accommodate the development. The applicant would have to install the infrastructure necessary to take the wastewater from the vicinity

of Nike Park and Battery Park Roads to South Church Street terminating where the Town sewer main connects to the HRSD force main which is next to Benn's Church Blvd. The developer stated in their utility impact analysis that they will make those improvements. Maintenance of it would be turned over to the Town. It is not in the applicant's proffers statement.

Dr. Pope asked if pump stations in older sections of the Town would be able to keep up.

Mr. Settle stated that the Draper Aden & Associates, Inc. wastewater modeling analysis addresses all of the insufficiencies in the Town's sewer infrastructure. He did not recall anything about insufficient pump houses elsewhere in Town. He will look at it again and circulate it to the Planning Commissioners. Mr. Settle explained that Draper Aden works for the Town; not the applicants.

The Town Attorney stated that when Gatling Point was built the developer had to put in a force main that runs all the way down Battery Park Road and up S. Church St to the HRSD Interceptor. Since this time, there have been issues with sewerage pressures, among other things.

Vice Chairman Bryan recalled a program at Isle of Wight county wherein applicants in the County's service areas could purchase water from the County. He questioned why the applicant for the Mallory/Scott Farm project had not considered this for the proposed development.

The Town Attorney offered a brief history of that program and made suggestions as to why such an option might not be viable for the applicant in the developer's case. The Town has its own water system. Eventually, the demand may exceed the Town's ability to provide that; but the Town can buy water from the County if/when that happens.

There were no further Planning Commission comments.

**Entrance Corridor Overlay (ECO) Design Review Application – 1280 Smithfield Plaza, c/o Bryan Caulder, applicant:**

The Community Development & Planning Director reported that the applicant is seeking approval to repair and repaint the exterior of the commercial unit. As a part of this approval, the applicant would like authorization to potentially repaint the exterior of the commercial unit white to match the appearance of the adjacent commercial unit currently occupied by Kroger. Additionally, approval is requested to enlarge and lower the windows on the right side of the unit so that they are the same size and within the same regulating lines as the adjacent commercial unit on the opposite side that is currently occupied by Anytime Fitness. Town staff recommended approval as submitted.

The applicant was not in attendance to give a presentation for the application.

Dr. Pope was concerned that the whole shopping center would be white eventually, and indicated that he felt that the windows should be of the same size and position as the windows immediately to the left of the ones to be altered.

Mr. Settle explained that the applicant is looking for permission to paint the unit white. They do not know if they are going to actually paint it white yet. They may just repair it and leave it the same color as it is currently. If they do decide to paint it, the top portion would be white and would come down to the same position on the portico's columns as Kroger.

Mr. Torrey asked if the applicant was moving into the space or if they owned the shopping center.

Mr. Settle stated that they were tenants who would be relocating to the space from elsewhere in Town.

Dr. Pope asked if they explained why they want to enlarge the window.

Mr. Settle guessed that it would be for display purposes.

Dr. Pope stated that it might look awkward since the windows are in one unit. One side would be different than the other.

Mr. Settle stated that the entire shopping center has windows of various sizes and heights.

Chairman Pack stated that Hometown Rentals is moving into the space. They are currently in Cypress Run Plaza.

Vice-Chairman Bryan asked if they were retaining their old location.

Mr. Settle stated that it was his understanding that they were relocating entirely, but that there would be no reason that they could not occupy both locations.

Mr. Torrey made a motion to approve the application. Vice Chairman Bryan seconded the motion. With no further discussion, Chairman Pack called for the vote.

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

**Final Plat Amendment – 305 Smithfield Blvd., c/o Dale Steffensmeier, applicant:**

The Community Development & Planning Director report that at its Tuesday, July 10<sup>th</sup>, 2018 meeting, the Planning Commission approved the applicant's initial final plat application, which allowed for the subdivision of the property into four lots ranging in size from 1.09 to 1.51 acres. At the time that the final plat was approved, a dilapidated single-family detached dwelling existed in the vicinity of the proposed lot "C". Since this time, and while the applicant installed the necessary utilities to provide water and wastewater services to all four of the proposed lots, this building was replaced with a new single-family detached dwelling. Nearing its completion, it was discovered that the new single-family detached dwelling was located in a position that would have, had the original final plat been recorded, placed it within the required fifteen foot (15') side yard setback of the proposed lot "C". To remedy this matter, the applicant is seeking an amendment to their initial approval, specifically to shift the boundary lines between the proposed lots "A", "B", and "C" slightly westward and in such a manner that there is reasonable space to locate the new single-family detached dwelling outside of the aforementioned setback while retaining the minimum required lot area, width, etc. to accommodate the platting of the proposed lots "A" and "B". Town staff recommended that the application be approved under the condition that all comments, if any, generated by the Isle of Wight County Stormwater Division be resolved prior to the recordation of the final plat. He explained that he heard from Isle of Wight County Stormwater Division and they had no comments on the application. As such, he recommended approval as submitted.

Mr. Dale Steffensmeier was available for questions from the Planning Commissioners. He explained that the shift was one foot three inches. It was an oversight on the survey.

Dr. Pope made a motion to approve the application as submitted and Mr. Torrey seconded. With no further discussion, Chairman Pack called for the vote.

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

**ECO Design Review & Site Plan Amendment Applications (After-the-Fact) – 919 S. Church Street, c/o William Drewery, applicant:**

The Community Development & Planning Director explained that Town staff have already authorized the installation of a ten foot (10') by sixteen foot (16') prefabricated storage shed on the premises. Owing to the pandemic, the applicant was in immediate need of the shed, as its purpose will assist them in their ongoing efforts to combat the spread of the coronavirus. The shed's location will result in the loss of a single parking space on the premises, but this will not cause a deficiency in the minimum number of required parking spaces onsite, as stipulated in Smithfield Zoning Ordinance Section 8.E.27. The proposed shed will be similar to the one shown in the attached illustrations, but will be devoid of windows, and will be painted and roofed with colors and materials intended to emulate the appearance of the primary building. Town staff recommended approval as submitted.

The applicant was not present at the meeting.

Dr. Torrey made a motion to approve the application as submitted. He thanked the Health Department for their work during the pandemic. Dr. Pope seconded the motion. With no further discussion, Chairman Pack called for the vote.

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

**Portable Storage Unit Appeal – 1802A S. Church Street, c/o John Settle, applicant:**

The Community Development & Planning Director reported that, pursuant to Smithfield Zoning Ordinance (SZO) Section 2.P.15, Town staff have already issued a zoning permit waiver and zoning permit for the keeping of a portable storage unit for 150 days at the property in question. The purpose of the portable storage unit is to temporarily house some of the Smithfield Volunteer Fire Department's training equipment. Pursuant to the same Section of the SZO, applicants are allowed to exceed this 150-day period following a successful appeal to the Planning Commission. The proposed portable storage unit's placement on this property will exceed this period. The proposed portable storage unit will be a shipping container approximately eight feet (8') tall, eight feet (8') wide, and forty feet (40') long. Its color will not be known until following its delivery. The proposed portable storage unit will be located between the existing detached garage on the premises, and the boundary line shared with 1804 S Church St (TPIN 22-01-005B). Town staff recommended approval as submitted.

Mr. Torrey asked if they were renting it or if the fire department would own the container.

Mr. Settle explained that no one had specified if it would be rented or owned. It is only temporary. The Planning Commission can put any conditions on the application that they might choose.

Chairman Pack stated that the Town should set a high standard for portable storage units. If a business or a homeowner presented an application such as this one for a portable storage unit, the Planning Commission would have a hard time approving it. He realized that it would be out of

sight but was not in favor of a shipping container. He would like to help the fire department; however, he would like for them to find a better spot to put it or to do something to offset the unit's unappealing aesthetics.

Dr. Pope asked how much storage space was needed by the fire department.

Chairman Pack stated that the shipping container they have requested is 8' wide x 8' tall x 40' long.

Mr. Torrey asked if the Town had thought about adding to the storage building on the property. The fire department does a lot of training in the field near the fire station building. It has become a regional training area. He is assuming that the storage is needed for training equipment.

Mr. Settle explained that he did not know what the Town's attitude would be towards building an addition solely for the fire department which is not to say the Town has no interest in doing it. He stated that it would make more sense, in his mind, for the fire department to build additional storage space at the fire station.

Dr. Pope asked how long the container would be on the property.

Mr. Settle stated that the fire department had stated that they needed it for longer than the 150 days which have already been administratively authorized.

The Town Attorney stated that the Planning Commission could set an end date. He suggested giving them a reasonable amount of time and explained that this is not a long-term solution.

Chairman Pack explained that the Health Department just put in a prefabricated storage shed not a shipping container. The Planning Commission does not generally approve shipping containers.

Mr. Settle explained that the fire department is doing an interior renovation project and needs a place to store items until renovations are completed.

The Town Attorney explained that the Community Development & Planning Director has authorized 150 days. There is no rush to make a final decision on the application.

Mr. Torrey suggested that he felt comfortable with authorizing the container for one calendar year from December 8<sup>th</sup>, 2020. If it would still be needed after that then the fire department could come back to the Planning Commission to request extended authorization. He stated that he was remorseful that the fire department did not provide more information.

Chairman Pack stated that he had wished that the fire department had stated that the reasoning behind needing the portable storage unit was to store items while they were completing interior repairs.

Dr. Pope asked if the application could be tabled.

The Town Attorney confirmed that the application could be tabled.

Chairman Pack asked if authorization could be provided for three-hundred (300) days?

The Town Attorney stated that Mr. Settle had already authorized the portable storage unit for 150 days, and that as a result, there was no rush to reach a decision.

Mr. Settle asked if it would be helpful if a representative from the fire department was present to answer questions and explain the need for the portable storage unit.

Chairman Pack asked what would necessitate the portable storage unit's removal.

The Town Attorney indicated that the shipping container might be appropriate near the packing plant, but not in an area located so close to commercial and residential developments.

Mr. Torrey indicated that he was comfortable with limiting the portable storage unit's presence on the property to no longer than one calendar year.

Vice Chairman Bryan stated that the fire department is currently approved for 150 days. If they need an extension, they can come back and request an extension. They would be able to explain in more detail what their needs are at that time.

Mr. Torrey stated that the 150 day period was already authorized, but that the Planning Commission needed to know the reasoning as to why the portable storage unit is needed, and how long that they anticipate needing it for.

Chairman Pack suggested tabling the portable storage unit appeal and ask the fire department exactly how long they need the unit. They could make their request in a letter.

Mr. Torrey made a motion to table the application until next month's meeting with the expectation that the fire department will provide an explanation. Dr. Pope seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, four members were present. Mr. Torrey voted aye, Dr. Pope 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 Wednesday, November 4<sup>th</sup>, 2020 Meeting Minutes:**

The Town Attorney recommended that the minutes be approved as presented.

Mr. Torrey made a motion to approve the minutes and Dr. Pope seconded the motion. Chairman Pack called for the vote.

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

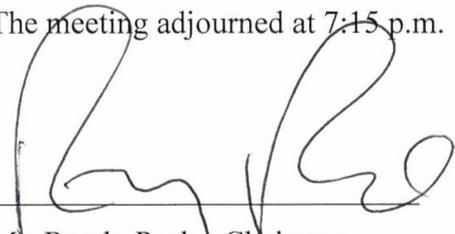
**Approval of the Tuesday, November 10<sup>th</sup>, 2020 Meeting Minutes:**

The Town Attorney recommended that the minutes be approved as presented.

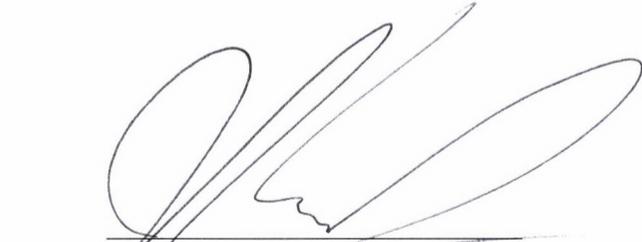
Mr. Torrey made a motion to approve the minutes and Dr. Pope seconded the motion. Chairman Pack called for the vote.

On call for the vote, four members were present. Mr. Torrey voted aye, Dr. Pope 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 7:15 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle - Community  
Development & Planning Director