

The Smithfield Planning Commission held its regular meeting on Tuesday, December 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

Michael Torrey

Raynard Gibbs

**Members absent:**

Thomas Pope

**Staff present:**

Tammie Clary - Community Development & Planning Director

William H. Riddick, III – Town Attorney

Jack Reed – Director of Public Works and Utilities

Trey Gwaltney – Chairman, Board of Historical and Architectural Review

Nadya Jaudzimas – Administrative Assistant

**Press:** Stephen Faleski - The Smithfield Times

**Citizens:** 8

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

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

Tammie Clary, Community Development & Planning Director, reported that Summit Design & Engineering Services, PLLC, the consultants for the 2020/2021 Comprehensive Plan update, are incorporating the comments received from the three (3) comprehensive plan work sessions to provide a draft plan.

Mrs. Clary reported that the owners of 1400 South Church Street have failed to provide an acceptable Spot Blight Abatement Plan for the property (since notified on June 9th, 2021); therefore, Town Council has adopted a Spot Blight Abatement Plan to help with addressing properties such as 1400 South Church Street, which involves condemning and demolishing the structure. She added that the owner had been sent notice of Town Council's decision and plan.

Mrs. Clary gave an update on the closing of The Bank of America at the request of Vice Chairman Bryan. She stated that it closed due to COVID and it was their understanding that many people switched to online banking, and it was no longer cost effective to maintain a physical location.

Vice Chairman Bryan inquired as to whether there had been a contingency for the clients in this area.

Mrs. Clary stated that there was nothing that they were aware of, other than the letter mailed out to customers, notifying them of the closure.

Chairman Pack inquired as to whether a date on a draft plan was received from Summit Design.

Mrs. Clary replied that it was her understanding that it was expected before the end of the year, but she would reach out to the Consultants to verify.

**Upcoming Meetings and Activities:**

Tuesday, December 21st, 6:30 PM – Board of Historic & Architectural Review Meeting

Monday, December 27th, 3:00 PM – Town Council Committee Meetings

Tuesday, December 28th, 3:00 PM – Town Council Committee Meetings

Tuesday, January 4th, 2022, 6:30 PM – Town Council Meeting

Tuesday, January 11th, 2022, 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.

Theresa Mulherin of 206 Washington Street in Smithfield stated that she had seen the notice to change zoning to a mixed-use designation. She requested that if the motion was passed would it exclude the Historic District. She added that the designation would allow for a 6-story building or 60 feet tall, multi-family dwellings. This is everything the Planning Commission has fought against in the past. Mrs. Mulherin added that the findings of the traffic research on Route 10 are far from what are being experienced, and that building is not even complete there yet. She added that this is at the intersection of Route 10 and Main Street.

**Planning Commission Comments:**

There were no Planning Commission comments.

**Site Plan Amendment, Entrance Corridor Overlay Review Application, & Planning Commission Waivers – 19336 Battery Park Road Columbia Gas C/O Michael Leuchte, applicant.**

The Community Development & Planning Director stated that the applicant is seeking approval to update the existing Point of Delivery (POD) facility with a new metering and regulation building, including a new heater exhaust stack, and a new instrumentation and control building. These new buildings will house what are currently two equipment boxes on site. The smaller existing metal canopy will be moved to the South, and slightly reoriented.

Mrs. Clary reported that this project will feature a wooden fence painted natural brown, which will hide the eight-foot (8') chain link fence with barbwire, which is needed to protect the facility from unknown threats, including vandalization and intrusion. The fence will feature a fifteen-foot (15') sliding gate and a four-foot (4') metal access gate.

The landscaping will feature six (6) "Red Chokeberry," seventeen (17) "New Jersey Tea," and eight (8) "Maple-Leaf Viburnum," all planted on the East side of the site. A single light will be installed under the hood of the roof, facing the ground so that light will not protrude on the facility fencing.

Mrs. Clary stated that in order to accomplish the above and bring the site plan amendment in conformance with the Smithfield Zoning Ordinance (SZO) and Entrance Corridor Overlay (ECO) guidelines, the applicant is requesting the following Planning Commission Waivers:

1. A waiver from SZO 3.A.F.2, providing the minimum front, side, and rear yard requirements, as the proposed improvements are located within the original footprint.
2. A waiver under SZO 8.B.6.(c) allowing crushed stone (gravel) parking area of six (6) parking spaces or less.
3. A waiver under SZO C.6. for relief from SZO 9.C.2.a. requiring that not less than ten percent (10%) of the total site area is covered in tree canopy. Due to the proximity of an underground high-pressure transmission line along the western side of the POD site, and the threat of a mature canopy size tree falling over the fence and onto the gas infrastructure, the applicant is seeking a waiver from this requirement.
4. A waiver under SZO 3.R.C.1 for relief from:
  - a. 3.R.K.2.g to provide underground irrigation systems, as the applicant does not have access to water utilities to meet this need.
  - b. 3.R.J.2.c allowing fencing along the highway right-of-way without landscaping.
  - c. 3.R.J.2.h which states, “no portion of a building constructed of... sheet metal shall be visible from any adjoining property or public rights-of-way.” The applicant believes the metal building is required to protect the above ground gas infrastructure within the POD site and is providing a tall fence for additional coverage.

Mrs. Clary reported that the Public Works & Utilities Department has already issued a Right-of-Way (ROW)/ Easement permit for the work that must occur within the Town’s ROW (Battery Park Road) and indicated that no additional ROW/Easement permits will be needed. Both the Isle of Wight County Stormwater Division and the Virginia Department of Transportation have indicated that they have no comments on the plans.

Mrs. Clary reported Town staff recommends approval as submitted, provided the applicant submits a landscaping bond equal to 120% of the total cost of the landscaping to the Town.

Chairman Pack inquired if the applicant was present and would like a chance to speak. A representative for the applicant stated he was available to answer any of the Commission’s questions but had nothing to add.

Chairman Pack asked Mrs. Clary to clarify the positioning on Battery Park Road to get an idea of the physical layout. Mr. Torrey stated it was just past the church away from Town.

Mrs. Hillegass made a motion to approve the application as presented with the conditions as presented by staff.

Vice Chairman Bryan had a question regarding the landscaping on the East side of the structure as there was already foliage there.

David Miller of 4652 Screener Blvd in Suffolk came forward as a representative of the applicant and clarified that landscaping was not on the Nike Park side but on the Church side.

Vice Chairman Bryan agreed that as presented it was quite an improvement.

Mr. Gibbs seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

**Site Plan Amendment & Entrance Corridor Overlay Review Application – 401 N Church St, Smithfield Foods C/O Beryl Lawrence, applicant.**

The Community Development & Planning Director stated that to address ongoing safety concerns, the applicant is seeking approval to amend their site plan in three (3) phases. Phase One of the project includes adding an ADA-compliant pedestrian crosswalk with safety features that include the installation of two (2) solar-powered traffic signs, that feature push button initiated flashing lights. These would be installed at the northwest corner of the Smithfield Foods Innovation Center and at the Smithfield Foods employee parking lot on the northeast side of North Church Street. Phase One also includes renovating the existing ADA-compliant crosswalk on the east side of North Church Street. The proposed safety crosswalk signal proposed will be like the push button initiated flashing lights and cross walk signal located at the Smithfield Station crosswalk to Windsor Castle Park.

Mrs. Clary added that Phase Two includes the addition of light fixtures to light the proposed walkway from the building to the crosswalk. There will be four (4) light fixtures along the proposed path. The Carlyle Acorn style lights will be affixed to a decorative round tapered fluted composite style pole made of fiberglass. The light fixtures will be twelve feet (12') in height and painted black to match existing features on the premises. The lights will be powered by the existing electrical infrastructure on the property and will be provided and installed by Dominion Virginia Power.

She stated that Phase Three of the project includes installing a sidewalk with a retaining wall. The proposed path will be constructed out of brick and be placed in a herringbone pattern. The bricked walkway and color will be like the ones that are used throughout the Downtown District sidewalks and the retaining wall will be a similar design to the retaining wall located at the Smithfield Foods buildings on Luter Drive. The maximum height of the wall will be fifteen inches (15").

She added that in accordance with the Smithfield Zoning Ordinance (SZO) Article 3.R.K.2.a the applicant has submitted a landscaping plan to accompany the proposed crosswalk ramps, walkway, and retaining wall. The landscaping will feature one (1) "Eastern Redbud," two (2) "Green Vase Sawleaf Zelkova," sixteen (16) "Dwarf Yaupon," and one hundred five (105) "Big Blue Lilyturf" which will be planted in various locations along the proposed path. The new sod will match the existing turf species for the area.

Mrs. Clary stated that Town staff recommends approval as submitted, provided the following:

1. The applicant complies with the requirements of the memorandum dated July 11, 2019 from Mr. Robert Weber III, VDOT.

2. The applicant acquires a land use permit from VDOT.
3. The applicant submits a cost estimate to the Town for the total cost of the proposed landscaping.
4. The applicant submits a bond equal to 120% of the total cost of the landscaping to the Town.

Chairman Pack inquired if the applicant was available and if they would like to speak. The applicant stated that they had nothing further to add to the report at this time but would answer any questions.

Mrs. Hillegass inquired as to why there was no cost estimate for the landscaping included with the application.

Mrs. Clary stated that the application had been rushed due to safety concerns, as there had been some incidents in this area. Mrs. Clary also added that Town staff and the applicant did not want this to come to Planning Commission as an after-the-fact application.

Mr. Gibbs made a motion to approve the application as presented with the Town Staff's recommendations. Mrs. Hillegass seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

**Planning Commission Waiver Application – 201 Battery Park Road, Smithfield Storage C/O Trey Gwaltney.**

Mrs. Clary reported that at the Tuesday, May 19th, 2017 meeting, the Planning Commission approved a floor area waiver for the applicant for the construction of a multi-level climate controlled storage building. The applicant is now seeking the same waiver (as applied for in 2017) from the Planning Commission, for a waiver of maximum floor area ratio allowed on the site, for the proposed expansion of the multi-level climate-controlled storage building. The floor area ratio is the ratio of the floor area of the buildings on the site to the size of the parcel; however, it includes the floor area on all three floors. This proposed project will result in the removal of four (4) non-climate controlled outdoor storage sections currently present on the property. She reported that the current zoning district allows for a maximum of floor area ratio of 0.50, which based upon the area of the parcel would allow 32,110 square feet. The floor area of the existing buildings (minus the square footage of the four (4) buildings that would be removed) on site total 27,101 square feet, and the proposed building is 39,150 square feet, providing a total floor area of 66,251 square feet (which would be a floor area ratio of 1.03). Similarly to 2017, the applicant will require approval of a waiver from the Planning Commission regarding the maximum floor area allowed, in order to redevelop the site as proposed.

Mrs. Clary stated that the strengths of the application included that the proposed changes would replace various structures in need of repair and alleviate some drainage and stormwater concerns. She added that the proposed plan will unify the building and eliminate some of the standalone storage spaces.

Mrs. Clary stated that the application weakness included the proposal exceeding the maximum floor area ratio intended for the zoning district.

Chris Parrish with Parrish-Layne Design Group, business address of 7021 Harbourview Blvd in Suffolk, came forward to discuss aspects of the property. He stated that the property had recently been redone with climate-controlled storage. The building has been leased out, and they would like to expand it. He stated that with climate-controlled storage, when you go up floors, there is an inherent issue with the floor area ratios. Mr. Parrish stated that they had asked for the waiver so that they could move forward with getting the site plan together. He added that the applicant Trey Gwaltney and the builder were present as well to answer any questions.

Mr. Swecker asked if you were coming up John Rolfe Drive, would the building expansion be to the left.

Mr. Parrish directed him to the rendering within the packet of information sent. He added that facing it from John Rolfe Drive, it would be to the left side and straight back into the property.

Mr. Swecker asked if that was where the storm drain came off to.

Mr. Parrish confirmed that was correct.

Mr. Swecker stated that when the structure was built, an extension was requested to go towards Battery Park. He added that during this time the question came up asking if they would need to tear down the storage buildings. Mr. Swecker reported that the applicant did not want to tear down the storage buildings at that time, but they got the extensions needed to go toward Battery Park. He added now the owners are asking for the same extension that they said they would not do at the beginning of the building of structure.

Mr. Parrish clarified that when Mr. Swecker said “extension” that he was speaking to increase in the floor area ratio. He verified that when they were granted the Planning Commission waiver for increasing the floor area ratio, previously, they had stated that they wanted to keep the non-climate-controlled storage units they had; however, now there was an increase in need for climate-controlled units.

Vice Chairman Bryan inquired about the addition of a driveway as seen on drawing C-1.1 at the north end of the building.

Mr. Parrish stated that this was an existing driveway to access the buildings currently there, which is gated.

Vice Chairman Bryan asked for clarification on how the gate was used.

Chairman Pack stated that if you are a client, you are given a code to gain access to the storage areas.

Vice Chairman Bryan also inquired about the size of the vehicles entering this area, to which Mr. Parrish stated client vehicles and box trucks would utilize it, adding no Semi-trucks could fit in this area.

Mr. Gibbs asked if there had been an increase in demand now as compared to 2017. Mr. Parrish stated that at the time it was being built this was something new and with the growth in the area the need for climate-controlled units had increased.

Chairman Pack asked how many square feet the building was today.

Mrs. Hillegass reported that it was 23,001 square feet.

Chairman Pack asked if the Commission was to approve the expansion what would the total square footage be.

Mr. Parrish stated that 66,251 would be the total square footage of all the buildings on the property, existing three-story, proposed three-story, and the non-climate-controlled buildings remaining. He added that the proposed expansion is 39,150 square feet.

Chairman Pack stated that this proposed project would be almost tripling the size of the current building.

Mr. Torrey asked for clarification on what buildings currently existing would be staying with the expansion as shown on the site plan on sheet C-1.1. specifically, in regard to the building abutting John Rolfe Drive, if that would be staying.

Mr. Parrish stated that was correct.

Chairman Pack asked if this would require any additional parking.

Mrs. Clary stated that it would not as there was no increase in the size of the office space located in the building.

Vice Chairman Bryan inquired if there would be an increase in employees, to which Mr. Parrish stated that there would not.

Mr. Swecker reported that he comes down John Rolfe frequently and has not noticed any traffic due to the storage building.

Chairman Pack added that he did not think there would be much traffic associated with an increase of clients due to the nature of self-storage.

Chairman Pack expressed concern about the increase in volume, the size of the building, and the buildings appearance, and specifically concerning landscaping. He stated that he would need some time to process the size proposed. He added that there had been comments in the past about the size of the building prior to the proposed expansion.

Vice Chairman Bryan asked about the grounds between the expansion and the parking area. He inquired about existing landscaping extending out along the expansion.

Mr. Parrish stated that there would be some open ground, and that it would have landscaping. He stated that they had not included a landscape plan as they knew that there was an issue with the floor area ratio that they wanted to be up front with. He added that they did not want to start with landscape planning if the waiver was not approved. Mr. Parrish confirmed that the landscaping and appearance concerns were on the side with John Rolfe Drive that is a corridor into Town. He also stated that John Rolfe is higher ground and so the building not actually three-full stories, as the ground does drop down, and additional landscaping would also help screen the building.

Chairman Pack clarified that the only thing that would be voted on tonight would be the floor area ratio waiver and that any landscaping would be looked at for approval in the future. He received clarification from the Town Attorney that once the size of the building was voted on, they could not go backwards and object to the size in the future.

Chairman Pack stated that it was his opinion that this be tabled for a month as this is a very significant change on our landscape.

Mr. Torrey agreed on delaying for a month to decide if they wanted to allow this, as he verified with Mrs. Clary that 0.5 seems to be the standard amount of floor area ratio. If allowed, then what was to stop anyone else from going up vertical.

Mrs. Hillegass stated that this was not the first 3-story structure in town. She added that she would rather see expansion up than sprawl and made a motion to approve the site plan as presented.

Vice Chairman Bryan asked to clarify if the 0.5 floor area ratio was based on 1-story buildings.

The Town Attorney stated that it was based on total coverage.

Mrs. Hillegass stated that the Commission had approved multi-storied condos across the street behind Royal Farms, and so it would in character with what we approved in the area.

Vice Chairman Bryan confirmed that she was indicating there was precedence for this type of building.

Chairman Pack reminded the Commission that there was a motion on the floor. Vice Chairman Bryan seconded the motion.

Mr. Swecker confirmed that the townhouses across the street were 3-stories and inquired if the storage facility would be 3-stories, and if that was common.

Chairman Pack confirmed that in climate-controlled space that it would be.

Mrs. Hillegass stated that this was standard for the industry and that the need is there.

Mr. Swecker stated that when we approved this first building, James River Mechanical lost its view of the street.

The Town Attorney stated that was a setback issue not a vista issue. He added that the plan met the set-back requirements, and even as a 1-story building the view of the street would not be there.

Chairman Pack reminded the Commission that there was a motion on the floor that had been seconded.

Mr. Torrey inquired as to the procedure for tabling the issue if the vote was no.

The Town Attorney stated at the conclusion of the vote that the Commission could still table it or refer it to the Town Council for their consideration.

The Town Attorney verified with Mrs. Clary that this would normally be approved at this level. Mrs. Clary stated that this was correct, this was just a Planning Commission waiver. The Town Attorney reported if the Commission were to turn the applicant down then the appeal would go to the Town Council, or they could ask them to return to the Planning Commission meeting in a month.

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

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted nay, Mr. Torrey voted nay, Mr. Gibbs voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted nay. The motion failed.

Chairman Pack stated that the Commission could deny the motion allowing an appeal to Town Council or they could review next month. Mr. Gibbs made a motion to defer until the January Planning Commission meeting. Mrs. Hillegass seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

**\*Public Hearing\* Short-Term Rental Application - 205 Chalmers Row, Anna Boyer, applicant.**

The Community Development & Planning Director reported that the applicant is seeking approval to rent 205 Chalmers Row, which is an existing single-family residential dwelling, as a short-term and long-term rental property. Mrs. Clary reported that according to the Smithfield Zoning Ordinance (SZO) Article 2.Z.1, short-term rentals as principal uses are permissible by Special Use Permit (SUP) only. She stated no changes to the property are proposed to accommodate the short-term rental. Town staff has identified this property as operating as a short-term rental; however, they are unsure when it commenced operations.

Mrs. Clary stated that the positive of this application are that it would provide additional accommodations in the Heart of the Historic District.

She added that a negative would be that this is not a by-right use and does require a SUP.

Mrs. Clary stated that Town Staff recommended that approval should be contingent on the applicant following the conditions outline in Article 2.Z.1.a through Article 2.Z.1.i., except for Article 2.Z.1.b.. These conditions do require a signed and notarized short-term rental affidavit ensuring compliance.

Chairman Pack opened the public hearing and asked if anyone would like to speak for or against the disposition of property. Hearing none, he closed the public hearing, and it will move to the Planning Commission consideration.

Chairman Pack confirmed with Mrs. Clary that the term short-term rental meant it was to be used through Airbnb, VRBO, etc. to which she stated that he was correct.

Mr. Torrey commented that there had been a lot of time spent on the wording of the ordinance.

Chairman Pack stated that he believed this was the first time that the commission had seen its use as special use permit come up, to which Mrs. Clary stated he was correct.

Mr. Torrey asked if the special use permit had expired.

The Town Attorney stated that special use permits do not expire.

Mr. Torrey wanted to ensure there would be something in place to have all the rules followed.

The Town Attorney stated that the permit could be revoked if they do not comply.

Mrs. Clary added that this is part of the affidavit in the Town Staff's recommendation to be signed and notarized, except they would be granted a special use permit to exceed the 104 nights of use per calendar year.

The Town Attorney stated that section 3 of the ordinance provides revocation if they do not comply.

Mr. Torrey inquired about revoking the SUP if certain rules were not followed.

Mrs. Clary stated that was a request by Town Staff that the applicant would be required to complete an affidavit, indicating they would abide by the rules and stipulations, expect that they would be granted a SUP to operate as a short-term rental as a primary use.

Anna Boyer, of 11183 Burwell's Bay Road in Smithfield, was asked by Chairman Pack if the rental included the entire home or just individual rooms. Ms. Boyer stated that it was the entire home. She added that it was listed on Airbnb, and they would rent the entire house.

Chairman Pack stated that this was interesting as it was the first test of this ordinance. He inquired as to whether this could be approved at this level.

The Town Attorney stated that this would be a recommendation to the Town Council.

Mr. Swecker made a motion to give a favorable recommendation to the Town Council. Mr. Torrey seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey 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.

**\*Discussion Item\* SZO Article 3.J2 Text Amendment – Town of Smithfield, applicant.**

The Community Development & Planning Director stated that Article 3.J2 was originally the "Planned Corporate Office and Research District" (PCOR). This zoning designation was not assigned to any parcel located within Town limits and is not actively being pursued as a potential zoning designation. While in the process of updating the comprehensive plan, Town staff believe this would be a perfect opportunity to provide a new zoning district which would incorporate residential, commercial, and light industrial uses, as one planned development.

Mrs. Clary reported that the Town staff proposed a completely updated Article 3.J2 as a Planned Mixed-Use Development (PMUD) District. She stated that this new district would incorporate a variety of by-right uses, while still maintaining certain proposed uses as Special Use Permits (SUP) only. This zoning designation also provides for Planning Commission waivers, giving the Planning Commission ultimate flexibility in the development process.

Mrs. Clary stated that this zoning district was crafted with the intention of incorporating the discussions at the Planning Commission Comprehensive Plan Working sessions with the consultants.

She reported that the new Article 3.J2 will feature the similar Net Developable acreage calculations and Open Space requirements that are in other zoning districts. Additionally, because of the nature of a PMUD, Pre-application conferences will be required.

Mrs. Clary added that because this is complete overhaul of Article 3.J2, a draft was provided instead of a redlined version and is included in the pages immediately following this staff report. Also, for convenience and clarification on B.18., the by-right uses permitted in HRC and I1 Districts are included for reference.

Mrs. Clary stated that the Town staff recommends a favorable consensus that the application return as a public hearing.

Mrs. Clary clarified that a planned mixed-use development is a residential community that offers a variety of commercial, retail, and housing locations in one. She added they are typically run with a Homeowners Association. She stated that this was what had been talked about in the

Comprehensive Plan working sessions regarding non-traditional zoning. Because of the mixed-use nature of the development, they depart from the traditional standard zoning practices. She added that developers are encouraged to work with the local jurisdictions on plans for future use.

Chairman Pack wanted to clarify that this zoning designation in the Town of Smithfield is not currently zoned, and there are not active plans to pursue this today by developers.

Mrs. Clary stated that this was correct, it is not a zoning designation and there are no applications for it as it does not exist yet.

Chairman Pack asked if this came to be because we were looking at the rules in our books while going through the Comprehensive Plan and thought it needed to be addressed.

Mrs. Clary confirmed that this had been a part of the discussion from the working sessions around the South Church Street area and using zoning to visually appeal to the building structures.

The Town Attorney stated that traditional zoning has many of rules, whereas this type of zoning allows for the applicant to present their plan for single-family homes, multi-family homes, retail, etc. He added that if they deviate from the requirements but can present to the Commission that they are doing a good job, then they can be granted waivers. He stated that this plan is more flexible than any that we currently have, like the consultants stated at the working session, we do not have any flexibility and we are behind the curve.

Mrs. Hillegass added that this would allow the commission to craft what they wanted to see.

Chairman Pack referenced the public comment of Mrs. Mulher regarding the exclusion of the Historic District in this type of zoning designation. He stated that the zoning designation could be excluded from anywhere as there would have to be an application to change the zoning regardless of placement.

Mrs. Hillegass stated that the entrance corridor into Town would have applicants wanting this type of designation.

The Town Attorney stated that this was the reason for flexibility. He added that they don't get approval outright, they must provide information that their proposal is reasonable and appropriate, and good for the Town. He stated that the PCOR zoning had also been designated to the land near the Tractor Supply and allowing for more flexible zoning would bring more interest to this area as well.

Chairman Pack stated that he felt that it was reasonable to change something that is not aligned with where we are moving as we go through our books. He added that to change the ordinance we would need a public hearing.

Mrs. Hillegass stated that this addressed the items discussed in the working sessions and believed this should come back as a public hearing.

Vice Chairman Bryan wanted to confirm that as Mrs. Muhler had suggested that the downtown historic district be protected.

Chairman Pack stated that any property in town would be protected because they would have to go through the rezoning process because there is nothing zoned as PMUD. He used the example that if you wanted to rezone your neighborhood as such, you would have to apply to make your best case.

Mrs. Hillegass stated that in the Historic District they would have to meet the design guidelines on top of that so there is another layer of protection.

The Town Attorney also stated they would have to meet the Entrance Corridor Overlay Guidelines as well.

Vice Chairman Bryan stated that he was looking for a stop-gap or failsafe to protect the Historic District.

The Town Attorney stated that ordinances are not static, and the Commission could recommend change, in turn having the Town Council change it if need be.

Chairman Pack asked if there was anything the Commission would like to see Mrs. Clary change before the next meeting in January.

The Town Attorney stated that she had done a great job and is typical of what is found in other localities, and is it flexible, to which the members concurred.

Chairman Pack stated that this allows for a building height of 60 feet, which is not quite six stories, maybe more like four to five stories, and we have 35 feet building height max now.

Chairman Pack stated that the Commission did not have ultimate say on the matter, and that it would have to go to Town Council.

The Town Attorney stated if they did not want to allow sixty feet, they could change that, and they do not have to have sixty feet as the starting point, and they have the options of granting a waiver.

Chairman Pack stated that this would come back next month as a public hearing item, and any changes could be emailed to Mrs. Clary or brought to the meeting.

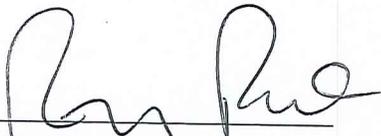
**Approval of the Tuesday, November 9, 2021, Summary Meeting Minutes.**

The Town Attorney recommended the minutes be approved with some typographical errors corrected.

Mr. Torrey 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 7:33 p.m.

  
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Randy Pack - Chairman

  
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Tammie Clary – Community  
Development & Planning Director