

The Smithfield Planning Commission held its regular meeting on Tuesday, March 10th, 2015. The meeting was called to order at 6:30 p.m. Members present were Mr. Bill Davidson, Chairman; Ms. Julia Hillegass, Vice Chair; Mr. Charles Bryan, Mr. Mike Swecker, Mr. Randy Pack, Dr. Thomas Pope, and Mr. Michael Torrey. Staff members present were Mr. William G. Saunders IV, Planning and Zoning Administrator and Mr. William H. Riddick III, Town Attorney. There were approximately one hundred and twenty-five (125) citizens present. The press was represented by Ms. Diane McFarland of The Smithfield Times.

Chairman Davidson – I would like to welcome everyone to the March 10th, 2015 Planning Commission meeting. If everyone will stand, we will say the Pledge of Allegiance.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Davidson – For those that would like to remain standing I will offer a word of prayer. Lord, as this commission meets tonight we ask for wisdom and the gift of discernment as we discuss things that affect the citizens and the Town of Smithfield. Amen. We will now move to the Planning and Zoning Administrator Activity Report.

Planning and Zoning Administrator – Thank you, Chairman. I have three items to report tonight. The Cypress Creek Phase 7-B and C subdivision plan is in the hands of the developer for revisions. I expect it to be resubmitted at any time for further review. The O'Reilly Auto Parts site plan has met the majority of the requirements for the site plan review. It will be coming before the Planning Commission for review in April. The Pierceville Subdivision has made a rezoning application. We are just starting to review it. Several other agencies will have to review it. We will probably have a public hearing on that at the Planning Commission in April or May. That will be advertised on the website as well as the classified section of the Smithfield Times.

Chairman Davidson – Thank you. The next item is Upcoming Meetings and Activities. On March 17th at 6:30 the Board of Historic and Architectural Review meeting will be held. The Board of Zoning Appeals has been cancelled for this month. The Town Council Committee meetings will be held on March 23rd and 24th at 4:00 p.m. The next Town Council meeting will be held on April 7th at 7:30 p.m. Our next Planning Commission meeting will be on April 14th at 6:30 p.m.

Planning and Zoning Administrator – The Board of Historic and Architectural Review meeting has been cancelled for this month.

Chairman Davidson The next item on the agenda is Public Comments. The public is invited to speak on any matter except what is scheduled for a public hearing. We do not have a public hearing tonight. You will have five minutes to speak. As I call your name approach the podium and give your name and address for the record. We have four individuals signed up. Everyone will have an opportunity to speak. The first person is Mr. Rex Williams.

Mr. Williams – My name is Rex Williams. I live at 107 Watch Harbour Circle in Gatling Pointe. I would like to read to you a little bit from the code. It is paragraph 15.2-3209 considering annexation. It states “The court shall determine the necessity for and expediency of annexation, considering the best interests of the people of the county and the city or town, services to be rendered and needs of the people of the area proposed to be annexed, the best interests of the people in the remaining portion in the county and the best interests of the Commonwealth in promoting strong and viable units of government.” It goes on to list other things. As I said before at the last meeting the only thing that we have gained in Gatling Pointe is trash pickup twice a week. One of which is unnecessary. If through creative writing the Town of Smithfield decides that they can convince the judges in Richmond to annex us then we would like to know what you want to use our taxes for. Are you going to expand an already redundant police force? Are you going to create another redundant fire station? I have lived here for sixteen years. I have seen all kinds of decisions made by the Town of Smithfield. I have looked at the votes in terms of what we would represent in the town. I think you can be assured that we will be in on helping the town decide what to do with our taxes. I think you can probably be assured that there would be some fundamental changes the way that Smithfield is governed.

Chairman Davidson – Next on the list is Ms. Betsy Egan.

Ms. Egan – My name is Betsy Egan. I live at 205 Clipper Creek Lane. As far as the annexation and future land use map I am definitely against more taxes for us. I am against it for the reasons that Mr. Williams stated. I am unclear as to where our tax dollars will go and how they will serve us. There are some unknown things going on in

the County so how can I weigh the pros and cons with that. For Gatling Pointe what I see is a tax hike and not much return for the money. I really do want to speak out against annexation of century farms because for decades they have tilled the soil and are happy inhabitants of those sections of the County. There was a survey done by the County where seventy percent of comments in one section had the words rural, quiet, peaceful, and less dense. Please keep our rural feel in the County. When there are developments near the rural areas how can we keep the rural feel if we do not keep the farms? I have certainly not done what the Planning Department and the Planning Commission has done to carefully look at all of the parameters around those particular pieces of property. But last time we heard from some of those farmers. My heart goes out to them. I think it would be atrocious. I am against that. The other part is that there are various land owners in various areas who want to hang onto their farms whether they are century farms or not. They may have changed ownership but if they are still farming them then they have been farmed for centuries most likely. Even if they have not keeping them nearby our urban development and doing very careful planning then maybe higher density is what the younger market and senior market need. They may not need the big yards so cluster things but leave some open space like farms for the rural feel. I am very pro careful planning and careful attention to density maybe raising it some in some areas so that you do not just have suburban throughout. I am for those farmers. I am against annexation of their property if they want to keep farming them. It goes with what seventy percent of the people that were polled out of the three hundred and twelve person survey love about being here.

Chairman Davidson – Next we have Mr. Bill Egan.

Mr. Egan – My name is Bill Egan. I live at 205 Clipper Creek Lane in Gatling Pointe. I want to go on record as making the same statement that I made the last time. As an engineer I like data to make decisions. I have seen no data on what the annexation would do for Gatling Pointe. I hear a percentage of tax increase I do not know what the taxes would be used for. They may be legitimate needs. There are certainly compromises and ways to work those out. A blanket annexation with no data makes no sense to me.

Chairman Davidson – The last person on our signup sheet is Mr. Mike Petty.

Mr. Petty – My name is Mike Petty. I live at 100 Mariners Pointe Lane in Gatling Pointe. I am also the president of the Gatling Pointe Homeowners Association. I am here to reaffirm the comments that we made at the last meeting. Using the survey that we did we still have 93.4% of the residents in Gatling Pointe that are opposed to annexation as evidenced by the people in this room tonight. We are here tonight to again request that you remove Gatling Pointe and Gatling Pointe South and Battery Park from your future land use map as it relates to annexation.

Chairman Davidson – Is there anyone else who would like to speak?

Mr. Arnell – My name is Dennis Arnell. I live at 113 Goose Hill Way. I apologize I did not see a signup sheet. I am not going to talk about Gatling Pointe. I have owned four houses in my life over the last thirty-five or so years. The longest has been eighteen years in Virginia Beach. I left the beach to live here about a year ago. I went to Carrollton and spent about one year to try to find a piece of property in the Town of Smithfield. It was important to me to try to find that old home charm that I grew up with. I came from New England. I wanted to recapture and rekindle that as my wife and I looked for a place to live. We thought we found it in Goose Hill. I have only been here six months. We moved from Carrollton around August or September. We have laid roots down just around the corner. I know over the last three weeks that we have seen a lot of communication between the town and the board in the way of letters and what has been passed to the residents that live on Goose Hill Way about Pierceville, rezoning, and the subdivision effort. When I bought our home I did some extensive research on what was going to happen to the parcel across the street. I was led to believe that it was going to be agricultural. It was zoned for agricultural and it would remain agricultural for the charm and the aesthetics of the town. There was a piece of it that had some historical value. All I ask is that as you go through your rezoning efforts and evaluations that you leave the merit of transparency open to the residents so they can have a say. I think one of the things that concern me the most in the letter writing campaign that you have seen from the residents which includes all seventeen of us is that I have seen three or four different examples of what it would be. Let us keep it transparent so we all get a say. I am not concerned yet but I am confused as to what you intend to do with that

parcel. I would like to keep the old home charm that is why I came here. This is where I want to retire.

Chairman Davidson – Is there anyone else who would like to speak?

Mr. Gonzalez – My name is Larry Gonzalez. I live at 20521 Madison Court in Gatling Pointe South. The last couple of weeks I was looking at some maps in the County and I found out that a lot of the areas that are being considered for annexation do not have water and sewer. They are on wells and septic tanks. I am curious as to whether you are willing to spend all of that money to run new water and sewer lines to the farms and houses that are not hooked up to water. It is going to be very expensive. Our tax money will probably be for that. You are probably going to force a lot of those people who have been on well water and septic tanks to hook up. Most annexations force the people to do that. I just want to make sure that you know that there are a lot of dirt roads that you will have to pave. You need to look at who is on water and sewer and who is not.

Ms. Stanton – My name is Marlene Stanton. I live at 101 Winterberry Lane in Gatling Pointe. I have lived in Smithfield for thirty-five years. Twenty-five of them have been in Gatling Pointe. It is a lovely area. Although we enjoy some of the same benefits that the County does as far as rescue and fire departments we are quite happy to be where we are. I am opposed to the annexation.

Ms. Fox – My name is Mary Fox. I live at 106 Mariners Court in Gatling Pointe North. About a month ago some people from Isle of Wight County came to the Gatling Pointe Yacht Club and gave us a presentation on their future plans. The purpose of the meeting was not to talk about the town's proposed annexation of Gatling Pointe but it came up at the meeting. Some of the people from the Isle of Wight County said that they were much against us being annexed as the members of Gatling Pointe are. Is there anyone in the audience that could speak on why Isle of Wight County does not want Gatling Pointe to be annexed? I moved here from New England. The reason that I picked Smithfield was that it was as close to a New England town as we could find. We are very happy in Gatling Pointe. We have all of the services that we need. We would like it to stay like it is.

Mr. Gay – My name is Mark Gay. I live at 110 Goose Hill Way. I provided a memorandum to the Planning Commission and the Town Council on the concerns of not just for the residents of Goose Hill but no more than eighty to one hundred members of historic Smithfield. Many of them are here tonight from Cary Street, Grace Street, Washington Street, Riverview, and Main Street. There was some confusion as to whether one had to sign up for an item on the agenda. Mr. Saunders explained to me that the open session for this has already been conducted. These comments are the only opportunity that we have to speak on the change to the land use in the Comprehensive Plan. I think the points that I have made to you I can stand objectively and tell you that I have not made them up. I have visited with more than eighty people along those streets in the last twelve days. No one wants to see this land use plan change to allow for medium to heavy residential development of that property. Most have an abiding concern that those structures should be maintained and restored for historical purposes. Whatever you decide to do it needs to support the commitment that this town has to the uniqueness and the character of this town for historic Smithfield, Goose Hill Way, and the broader width of the Smithfield population.

Mr. Pitt – My name is Lawrence Pitt. I live at 322 Ginger Loop in Smithfield. I want to talk to you about Pierceville. I first came to Smithfield in the early 1960's. I have lived here for thirty-five years off and on. I love Smithfield. I was fortunate enough to be living here at the time that I retired. I remarried. I built a home in Williamsburg. My wife passed away so I came back to Smithfield. I remember Smithfield from my earlier years as a quiet community like other towns of similar size throughout the area. At 4:00 p.m. on any week day the downtown area could be considered a ghost town. There was even less activity on Saturday and Sunday afternoons. Today through the diligent efforts of many concerned citizens downtown is an active and vibrant destination for locals throughout the Tidewater area. The Town Council, Planning Commission, town staff and the Board of Historic and Architectural Review have taken the necessary steps to form a district to protect Smithfield unique character and promote the conservation and preservation of the towns historic resources and properties. I am asking the Planning Commission tonight to remember this goal of the historic district along with other goals primarily to protect from incongruous development. No one is denying the

developer the right to build on the property that he owns or intends to own. At this point the developer has the option to purchase. The developer knew the zoning of the property prior to tendering the option. If after developing a profit and loss schedule he determines the only way he can make a profit is to develop as high density and is therefore seeking to rezone or reclassify the property. Is it the fault of the town that he cannot make a profit? Should the Planning Commission ignore the difficult task of all of those who spent countless hours fleshing out a Comprehensive Plan that recognizes Smithfield's unique character and promotes the conservation and preservation of the town's historic district, resources, and properties? The answer is absolutely no. The Planning Commission has no legal or moral obligation to change the Comprehensive Plan to accommodate the developer. If this were to approach the land management and it were to be adopted then in effect there is no need for Comprehensive Plans. I urge you to maintain the current land designations of the Pierceville area which I believe is Community Conservation. There is one piece which I believe was for ball parks. It was a decision that was made with the anticipation that the ball parks were going to be in that area. The ball parks are being reconsidered for another area. I am asking you to put all of the property back into Community Conservation.

Mr. Mike Waters – My name is Mike Waters. I live at 308 Grace Street in the historic district. I would like to express my concern about the development at the Pierceville property. The historic district is a beautiful place. My wife and I love living here. I am concerned about the impact that this development would have by virtue of the fact that it is going to bring approximately double the amount of homes in the historic district. My wife and I love going to see historic areas and homes around the state and the country. One of the attractions that we enjoy seeing is when you see a volume of homes in an area that is dedicated to historic preservation like Smithfield is. You would be doubling the number of homes basically in the historic district. The concern is that they would be starter homes where we have fairly expensive historic homes. To put so many starter homes in one concentrated area I think it will affect the economic viability of the town. Tourism depends on the historic nature of our town. I would ask you to really think about the historic preservation overlay district with the charter that is set forth there. It appears to me that its intent is to protect the historic nature of the town

and protect it from encroachment not just the historic preservation overlay but also the corridor overlay as well. I do not begrudge anybody the wonderful opportunity to have a starter home. I had one myself at one time. I realize the impact on property values would be a subjective thing. I believe it would negatively impact my property value on Grace Street. I do not really want to take that chance. What we are talking about is not somebody else's ability to start off life in a wonderful starter home in a beautiful community but rather for those of us that have worked our whole lives to build our retirement system is now being jeopardized I believe by the possibilities of impacting the value of my property.

Mr. Braunhardt – My name is R. B. Braunhardt. I am representing my wife who is in Texas taking care of her mom and dad right now. I live at 101 Goose Hill Way. My wife and I also sought out Smithfield. We moved to Virginia in 1990 with the military. I spent thirty years with the military. We have been here for fourteen years. The last couple of years that we lived in York County we drove all over this part of Virginia trying to find the place we wanted to retire at. I am still working on that retirement. We picked Smithfield not by accident but because we researched it. We visited the stores, shops, and restaurants to find out if this was the place that represented our values and what we believe in. This is not a personal attack on any of you but it is making me angry. I am very angry and upset. I think it is a hair brained idea to turn a portion of Smithfield into a high density area. I left York County because of all of the houses and stoplights that they kept putting up to get more tax base. I do not think that is what you want to set the precedent for the people who live in Smithfield now by doing what you are proposing. I disagree with the high density housing area in a preservation area, historical district, and a green space area. I have seen four inches of water running off of the runoff from the agricultural area right now. There was four inches of water running through my neighbor's garage. How are you going to handle that when you put one hundred and fifty homes and all of the concrete that goes with it and the roads? I am angry because despite the sky high taxes that I pay I do not have a sidewalk connecting my area with downtown Smithfield. I either walk in the road or the mud. I see a poorly researched proposal. Why do you have to have starter homes in this neighborhood? Are you going to put starter homes outside your neighborhood? I am angry because from my

perspective I see public officials downplaying the size and scope of the proposal in what appears to be an attempt to disguise the real truth. I see schemes and manipulation of the rules and having discussions when we are not there to voice our concern. I do not even think this board has even looked at the alternatives. I apologize if I am wrong. What about bracketing this beautiful little town with parks, trails, and dog walks and all the rest of the stuff like we have done on the other end?

Town Attorney – You have thirty seconds left Mr. Braunhardt.

Mr. Braunhardt – Thank you.

Chairman Davidson – Actually your time is up.

Mr. Braunhardt – I have a couple of other comments but I will let it go at that.

Ladies and gentlemen you need transparency.

Ms. Haywood – My name is Beth Haywood. I live at 224 Cary Street. I was here in the fall to ask you if you could please put a sidewalk on Cary Street that would connect to the YMCA. The thought of bringing one hundred and fifty-two homes right across the street on Cary Street is a big concern because the infrastructure is just not placed there. My concern is the road is so narrow people do not have a safe place to walk on the sidewalk. If two cars are going by it is not even room for anybody to get by. The cars have to park on the sidewalk in order not to get hit. I believe one of my neighbors just had their mirror knocked off of their car because of the narrow street. How the town is going to support that type of traffic on Cary Street? I continue to have a concern about all the pedestrians walking on that street unsafely. If you are bringing one hundred and fifty-two homes into this area are the schools going to be able to hold more children that might be attending? Another concern is the water drain off. At the corner of Grace Street and Main Street after any type of rain there are huge puddles there all the time. Even the potholes are constantly there because it is so poorly drained. We do not have the infrastructure set up to handle that type of traffic. If you are going to have that many homes I think you need to put an on ramp right onto Route 10 towards Mill Swamp so people are not driving down Cary Street with that much more traffic. It is not safe now. I am asking you to please not allow that many more homes to come into our neighborhood because it cannot handle it. I would just hope that you would consider not allowing that many homes to be built in our area.

Mr. Myers – My name is John Myers. I live at 201 Clipper Creek Lane in Gatling Pointe. I wanted to share my experience on Cape Cod. There was a lot of farmland there. It was a very rural kind of place. Now there are historic districts but they are quite cramped. Almost all of Cape Cod has become suburban. Smithfield is still at the early stages. You have a chance to do it differently if you want to. I would urge you to please think about that.

Mr. Hines – My name is Bob Hines. I live at 216 Washington Street. A few years back we almost had the debacle at Windsor Castle Park where they wanted to build a new Town of Smithfield. There was a large turnout like this where people came to raise cane and things changed. I know very little about this but I was informed by a neighbor what was going on. I understand the Comprehensive Plan would have to be changed. What is the town's vested interest in changing the Comprehensive Plan to make such high density? What is the real point? Is it necessary? People do not like it and do not want it. Some homes would be fine if it is something reasonable. As far as transparency, if this thing moves forward, I would ask that we be allowed to follow the money as the saying goes.

Mr. Hancock – My name is Rich Hancock. I live at 203 James Landing Circle in Gatling Pointe. I have some questions on behalf of Mr. Billy Cook who lives across the street in Gatling Point as well. A little humor I am more concerned now coming to this meeting about how many Yankees moved into my neighborhood. Being a Virginian maybe I will start looking out. I think we are all united in our voice that we love our community. We recognize that the town needs to grow but I think you do it in a managed approach with the funds that can support it. The questions that Mr. Billy Cook and I have are related to annexation. If Gatling Pointe and associated areas were annexed then what is the town's position on growth. I have heard a lot of concerns about being annexed but I would like to be told the benefits. I do not care about trash pickup or fire and rescue. I am more concerned about is the character of our town and community. I know what Isle of Wight County wants to do. Isle of Wight County wants to exploit our area to fund the rest of the county because of a bad water deal. If they made a bad water deal why should I trust them to manage growth effectively and appropriately in terms of schools, roads, and utilities? If you were to annex us what is the long term

view and how does it benefit not only the Town of Smithfield but the surrounding communities in what you want to achieve. Is it simply to raise tax revenues? What is the grander plan? If we are annexed would we be exempted from the Isle of Wight County development plan? How would things change in terms of what the County has envisioned for our area and what would the Town of Smithfield do? What would be different if we were annexed by the Town of Smithfield versus Isle of Wight County in what they envision in the future?

Chairman Davidson – Is there anyone else who would like to speak? Seeing none, I am going to close the public comment section. We will move to Planning Commission Comments. I would like to say that I appreciate everyone coming tonight. You are more than welcome to stay while we discuss the Comprehensive Plan amendment but your turn for talking is over. If you would respect that I would appreciate it. Thank you. Do any Planning Commission members have any comments?

Dr. Pope – I have the same opinion as Mr. Hancock. I have often stated at our meetings that I do not know what the plan for Isle of Wight County is. I do not know what the plan is for the area around the suburbs of the town. I have asked several times in several of our meetings what is the plan of the county around the town. I do not know that personally. I do not know what they plan to do with Battery Park Road and Nike Park Road. I do not know what they are doing on the western side of the town. How they are going to develop it? I have not gotten an answer from anybody within the town or the County. I want to know what the county's plans are. The way I see it and my naïve approach to this is we have been asked what we are going to do with the town in the next twenty years. I do not know what the County is going to do in the next twenty years. All I want to make sure of is that the immediate surrounding lands of the town get developed at the appropriate density. I am not saying high density or low density. I think we need to figure out what is the county's approach. Is the county's approach to develop it to look like Eagle Harbor? Is it going to be homes or a development like Gatling Pointe along those lands? Are we going to have other commercial development? I can tell you that from a Planning Commission stand point for me that I want to preserve those lands. If they are going to be developed then I want them to be developed very similarly to Goose Hill Creek, Gatling Pointe, and Cypress Creek with

that level of density without commercial development along these corridors coming in and preserve those corridors to the main sections of the town. I think the issue for us as a community is to decide are you going to be with the County and what they propose to do down the road? What are we going to recommend to the Town Council about these surrounding areas? How to proceed with these proposed developments or proposed future land use area and how we wish to use them? I am looking for the same answers that Mr. Hancock is to help me make a decision about what is the right thing for us to recommend to the Town Council.

Mr. Swecker – I have to agree with Dr. Pope. We do not know what the County is going to do. We need to know what they are going to do with the outside so that we can compare the two together.

Mr. Torrey – I feel the exact same way. If the town grows then where is it going to go and does the map make sense? We are trying to control what happens around us. We all live in town too.

Vice Chair Hillegass – I just appreciate everyone coming out tonight and letting us hear their thoughts on all of these issues. We hope to see you next month.

Mr. Pack – I think that everything the other commissioners are spot on with one exception which they forgot to say. If you do not own the property and by that I mean if it is not part of the town you do not have a whole lot of say in what happens to it. If you look at these properties that border the town which we look at for future possible land uses the town would then have control of those pieces of property. We would have say over what gets developed or more importantly what does not get developed. It is a benefit for the town to have more land so they know what they have control of. At the same time you have to balance it. We do not have all the facts from the County. It is frustrating to every single one of us up here that is tasked to see what we are supposed to do with property in the next twenty years.

Mr. Bryan – I concur with what the other members of the Planning Commission have said. One of the things that I am missing here is concerning the Pierceville development. We are hearing from the residents but are not hearing anything from the business community along Main Street. How would they think that the Pierceville subdivision would impact their business? We have a history of businesses struggling to

survive on Main Street. I can see where some additional development may add some patron support to these businesses on Main Street. Pierceville is conceptual there is nothing final about it at this stage. It is just presented to the Planning Commission to look at it. I do not believe that the developers plan is final at this point. I have one other misconception that I would like to address. Some people tend to think that the Planning Commission or the government initiates these changes or request for rezoning a property but we do not. It is at the request of the property owner when they want to change the use of their property for future use. I just wanted to be clear about that.

Chairman Davidson – As I have said before we have to visit the Comprehensive Plan every five years it is mandated by the state. Last August, we were tasked by the Town Council to come up with a plan that would include future growth out twenty years. We will revisit this again five years from now. We will make adjustments at that time. We understand that Gatling Pointe does not want to be annexed. We understand that Goose Hill does not want one hundred and fifty-two homes across the street. We have to submit a plan to the Town Council. They can accept our plan as presented or do nothing with it that is up to them. The next segment we are going to discuss future land use growth map.

Town Attorney – There is a misconception here that the Planning Commission makes a decision about annexation. It is not true. I understand that a lot of people are concerned but that is not the decision that is being made by the adjustment to the map. Annexation is a decision by the Town Council. It is much more complicated and far reaching than this. I appreciate that everyone has an opinion about what they want but it is not the decision that is being considered by the Planning Commission. With respect to Pierceville, as Mr. Bryan said, any property owner has the right to make an application for a change in zoning classification. They have the right to submit this. To my knowledge, no member of the town staff, Planning Commission, or the Town Council have taken any public position on this at all because it has never come before anybody in a public way. To my knowledge it has only just recently been filed with the Planning Department. It has not even been evaluated. If there are any beliefs or conceptions out there that the town has made decisions about any of this it is just unfounded because it is just not true. To the extent that it might make everybody feel

better I hope so. There is nothing that has been done by the town at all other than to accept an application that has been lawfully filed by a property owner. That is it.

Chairman Davidson – Thank you, Mr. Riddick. Next item is the Comprehensive Plan Amendment – Future Land Use and Growth Area map Review – Town of Smithfield, applicant. Could we have a staff report please?

Planning and Zoning Administrator – As some people have already stated this is part of our five year update to the Comprehensive Plan. I would like to clarify is that the future land use map is just that. It is a planning tool for the comprehensive plan of where we envision property and the direction that we see it moving in over the course of the next twenty years. Changes to the future land use map do not specifically rezone the property. The owner of a property has to actually come in and rezone that property. It is a lengthy and complex process. At a minimum when there is a rezoning of property there will be a public hearing at the Planning Commission and Town Council on that rezoning. There may be other opportunities like on this map. We had a public hearing at the last meeting but you all have had another opportunity to speak during public comments tonight. At the very least you will have two public hearing opportunities to speak on this rezoning. If it gets tabled there may be more opportunities to speak during public comments just as you have spoken tonight. I will reiterate that the Pierceville application was just received. We are just beginning the review process on that. It is indirectly about Pierceville because that farm is one of the areas that we are looking at as we study this map for future growth areas outside and a number of other areas on the map that have not garnered as much attention. At the last meeting the map was tabled because the Planning Commission wanted to explore the map further. Specifically at that time it was mostly due to public comment about the Gatling Pointe and Battery Park areas.

Chairman Davidson – We will take a five minute break while we figure out this technical problem with the map. We will continue with the staff report at this point.

Planning and Zoning Administrator – There are five future growth areas outside of town. Each of these brings something unique to the town. The northeastern growth sector is partly undeveloped land that a developer who would like to come into town has an option on or owns. We have areas that are currently developed that we currently

provide services to. The eastern growth sector is undeveloped land for potential growth.

The southern growth sector is partially developed land that would provide a commercial corridor as well as residential growth. The southwestern growth sector would primarily provide residential growth and is good transportation connectivity to the bypass on Fairway Drive with the overpass. The western growth area contains a town owned lake which is outside of the town limits as well as potential for residential growth and a greater commercial corridor. These are items that we will be looking at in this work session. The other item is the future land use for the Pierceville farm. The future land use there is currently parks and recreation because five years ago there was an expectation that there would be a baseball complex put there. Currently that is not envisioned. Currently it is proposed as medium density residential. This is consistent with the zoning district that all of the residential developments within the historic district currently are. The Goose Hill Creek Subdivision is outside of the historic district. This is a map of the downtown historic district. As you can see Goose Hill Creek is outside of the historic district. Effectively you have the urban center and then Goose Hill is the suburbs then when you cross the river you are in the rural area out in the County. There is a portion of about one third of the Pierceville property that is directly across Cary Street from Goose Hill Way which is also outside of the historic district. The other item is the baseball complex. It was previously envisioned at Pierceville. At the last Town Council meeting there was discussion of another possible place in town to put a baseball complex. It is in the beginning stages right now of exploration. It is another issue that should be part of our discussion on whether that is a potential change for the future land use map to envision that complex in that area before we take a vote on this map and forward it to the Town Council. I will be glad to answer any questions to the best of my ability.

Chairman Davidson – Next we are going to discuss the future land growth area map.

Mr. Pack – The northeastern growth sector which includes Gatling Pointe. This area of the Scott farm is kind of what set off all of this discussion. The second area is Pierceville. Obviously those are the two groups that we have heard the most from tonight. We also have a baseball complex that we are working on getting some property

that is for just past Westside Elementary. The town is negotiating for about twenty acres with an option on some of this frontage as well.

Town Attorney – We bought it. We have signed the contract.

Mr. Pack – I did not know we had gotten that far. The town has purchased some property back here for baseball fields. We need to look at changing a piece of that from suburban residential to parks and recreation. The first issue that I want to tackle is Pierceville. It is certainly one that is near and dear to many hearts not just the residents of downtown Smithfield but all of the residents of Smithfield. There are a couple of things that we need to look at. Density is certainly one of them and do we want this to be in downtown. In the future land use map we are not rezoning. You could make a case that this is the first step towards rezoning. It cannot be rezoned until this future land use map is changed. It is not rezoning but it is a step towards it. I am not opposed to rezoning if it is done correctly. There are court orders in place to get the old home restored. There are certain things we all want such as sidewalks, lighting, and the designs to be congruent with what is there. I think what we all want to do is to make sure that we protect our historic district. I think the easiest thing for us to do with this future land use map is that we decline to make a recommendation on the changing of Pierceville tonight. When the applicant wants to have it changed then they can make an application to change the future land use concurrent to the rezoning application. That way we really see what it is they are bringing. Is it one hundred and fifty-two homes or is it three hundred homes? We would have a real chance to see. Trying to make decisions on things that are unknown is not good.

Dr. Pope – On Pierceville you said that there are court orders for somebody to refurbish Pierceville. Does the town have to do that or the developer?

Town Attorney – It is not exactly true. It is very long and drawn out but the house is in such a bad state of decay that she was, pursuant to action by the building official, ordered to make certain repairs to it. It has really gone much further than that. The town has a historic preservation ordinance that would require her to maintain that and yet she has always maintained that she has no money to do that. She does not live there anymore. The long term plan is that the house would be restored as well as the barns. There is no court order in line with perhaps like the Parker house used to be. There are

other properties in the town that we have actually gotten court orders requiring people to fix their houses up. This is not the same thing but it is akin to that. There is some obligation to repair it. The town is going to insist if there is a development plan approved that the house and barns would be restored.

Dr. Pope – If it remains Community Conservation is the town responsible for restoring the house?

Town Attorney – No. The town has no obligation to restore it. It would be the property owner. The town does not have money to do it.

Dr. Pope – If she cannot afford it now then if we keep it Community Conservation the house will continue to fall into disrepair because there is no one to fix it up. She does not have the money to do it so therefore it is just blind neglect and it is going to fall down.

Town Attorney – That is the state of it right, neglect.

Mr. Pack – We want the house restored. Selling the property to the right people is the most likely way to get it restored. At the same time we cannot put the wrong housing in there just to have the house restored. We have to balance all of that out. It was kind of my point. Thank you for clarifying that Mr. Riddick. Are there any other questions?

Mr. Swecker – I agree with you. We need to hold back on that. The decision we make will stay there for as long as Smithfield is on the map. We should not jump on the first developer. We should think about this really hard before the town makes a decision on it. I think we should hold back voting on that one.

Mr. Pack – I was not saying to tell the developer to hit the road or anything like that when he wants to rezone this for a neighborhood for whatever density then we have to change the future land use map for that to happen. You can do that concurrent to the rezoning application. When he brings us the rezoning application we could make the future land use then. We might say yes to the rezoning but here are some stipulations. I do not want to discourage development of it. I want to do is to encourage if it is going to be developed that it is done correctly to what keeps the town what it is.

Mr. Swecker – We seem to be talking about nothing but development. Why do we have to develop it?

Town Attorney – Mr. Swecker that is not the point. This application is the town's application for the change in the land use map. What Mr. Pack is suggesting and what I suggested to him was if the developer and the property owner want to pursue development of that property they have the right to do that but it is a two pronged process. The first thing would be their application not the town's application but the property owner's application to change the future land use. It would be filed concurrent with their zoning application. The two matters would be heard together and then the Planning Commission and the public would get to see all of the details. The proposal either rises or falls on its merits. If you like it then you change things. If you do not like it at least you would have information and details on which to make a decision. The town can say that they will not change that property but the property owner always has the opportunity and the right to file an application for a change in the future land use map. If you do not own it then you cannot tell people what to do with it.

Mr. Swecker – I agree with you one hundred percent but when it boils down to the very end does the property owner have the final decision to let it be developed or does the town have the final decision?

Town Attorney – It certainly is the town but there is a process. You cannot deny them the process.

Mr. Swecker – I agree.

Town Attorney – That is all we are saying.

Chairman Davidson – There are many hoops that it has to go through. The Planning Commission is just one part of it. It has to go to the Board of Historic and Architectural Review and Town Council. There will be many public hearings on it.

Mr. Swecker – The main thing I am trying to say is we all seem to be talking about developing it. There is nothing being said about leaving it preserved as it is.

Town Attorney – Mr. Swecker that is because there has been an application filed to develop it. You cannot ignore the fact that somebody has filed an application. If the town, in conjunction with this proceeding to change the future land use map chooses not to change that designation then the property owner has the right to do that. The property owner has the right to file an application. You cannot tell them that they cannot. You do not have to approve it but they have the right to file it.

Mr. Swecker – I agree.

Town Attorney – There is so much misinformation about this. From your perspective there is no information because you have not seen any of this. I do not know where everybody gets their information from. The information that would be necessary to make an informed decision has not been brought before the Planning Commission. I do not believe that staff has it all either. It is in the very early stage of consideration. There is a lot of information that would have to be provided to the town staff before it ever comes to the Planning Commission for a public hearing. Mr. Pack has proposed a solution to a problem. Clearly there are a lot of people who are opposed to this. A decision should be made based on real information.

Mr. Swecker – I agree with Mr. Pack and the proposal that he made. I agree one hundred percent with him.

Mr. Pack – Your question is why we do not just leave it alone.

Mr. Swecker – We should just leave it alone for a while.

Mr. Pack – We have that opportunity. There is nothing before us. By not doing anything on it tonight it stays as Community Conservation. If the landowner wants to change it he has to bring all of it to us concurrently so we have the information to make an informed decision at that point.

Chairman Davidson – I have always thought that it should be the developer coming to us requesting things rather than us making the changes. This is certainly a way to do that.

Planning and Zoning Administrator – In this case with concerns from the citizens I would like to jump on the bandwagon and take the opportunity to thank you all for coming out to speak. The public feedback in this process is very valuable. We have not had much public feedback in any of the meetings relating to this matter until tonight. I agree with you that a developer who wishes to change things from the way the town envisions them that the burden should be on him to come up with a plan that is good enough to sell the town on. It does not excuse the fact that we are still supposed to come up with a plan for what we envision over the course of the next twenty years. That is how this got changed from Parks and Recreation. The recommendation was made the way it was because this is in line with the way the residences in the historic district

are currently zoned. Based on the public feedback that I have heard it seems like there would be several potential avenues to explore at Pierceville. One would be to take this change out of the proposal and leave it as Parks and Recreation and let the developer's project can speak for itself as it relates to changing it. Another opportunity would be to put it Community Conservation which is the way it is zoned currently. It would mean that you are expecting it to be farm land until a developer comes along with a good enough plan to sell you on it. Another alternative would be for us to leave as it is shown. Another would be to leave the portion that is in the historic district as it is shown and then maybe make that more suburban part that is outside the historic district low density that would be more consistent with Goose Hill Creek. On my other map we could leave the other portion in the historic district consistent with the historic district and take the other part that is across the road from Goose Hill and make it low density just as Goose Hill is low density. I think you have several opportunities here to respond to the public concerns but we are really supposed to be looking at kind of what we are expecting to see there or what we would like to see there over the course of twenty years.

Mr. Pack – It is currently Parks and Recreation. It is a question for the Planning Commission where do we see that going in twenty years.

Planning and Zoning Administrator – It is zoned Community Conservation. The future land use is Parks and Recreation right now.

Dr. Pope – Are we going to deal with these sections individually or one big motion to tie in eight points?

Planning and Zoning Administrator – I think if you all are ready to vote at the end we will kind of tally up the changes that you all have come up with and just make one motion based on those.

Chairman Davidson – Are there any other thoughts on Pierceville?

Mr. Torrey- I understand that we are supposed to make plans for the future. It is a big piece of land that the person wants to sell. The chances are somebody is going to want to build houses on it. I visited one of the other developments that this builder built. I cannot see that here. In my opinion I do not know if I will ever be able to see that many houses on top of each other in that space. If you are splitting the historic district low density if it was higher density then that might be something I would be in favor of.

Vice Chair Hillegass – I would prefer to be cautious and leave it Parks and Recreation at this time.

Mr. Torrey – I am fine with that too at this time. I do not think I will ever be in favor of a house after house right there.

Planning and Zoning Administrator – Currently the future land use is Parks and Recreation but it is zoned for Community Conservation. It is on the existing future land use map as Parks and Recreation. Is it a consensus of the commission?

Mr. Bryan – To be clear while looking at the 2009 land use map it shows Parks and Recreation.

Planning and Zoning Administrator – That is correct. That is what they are talking about is to not make this proposed change. It would remain Parks and Recreation for the time being until the developer comes along and proposes to change it as part of the rezoning process.

Mr. Bryan – I can agree with that.

Planning and Zoning Administrator – There is enough of a consensus to take it to a motion that it would remain Parks and Recreation.

Town Attorney – Thirty minutes ago most everybody on the Planning Commission said that they did not have enough information to understand what the County's vision for growth was and how it affected the Town of Smithfield and its adjacent properties. Having made those statements do you all feel comfortable voting on this?

Mr. Torrey – Only on Pierceville.

Town Attorney – I know that but this really should not be a piece meal thing. Do you intend based on the statements that you made tonight to vote on the future land use map?

Vice Chair Hillegass – Can we request a presentation from the County on their plans?

Town Attorney – You can ask them.

Chairman Davidson – You can request it but it may not happen.

Town Attorney – They may not give it to you but the information is public record.

Vice Chair Hillegass – I would like to have an official presentation from them and renew some dialogue if that is possible.

Mr. Pack – One of the things that Dr. Pope said earlier is that we do not know what the County is going to do with this. That is why we are looking at bringing all of this land in here. He wants to know more from the County. I would like to know more from the County.

Vice Chair Hillegass – There are some things floating around out there.

Mr. Pack – I cannot speak for them but I do not know how much they will tell us.

Vice Chair Hillegass – I feel obligated to ask.

Chairman Davidson – It does not hurt to ask.

Dr. Pope – My only point was if we were going to agree on Pierceville as a group then move to the next section.

Town Attorney – You can have a consensus on that then you do not have to revisit it again until it is time to vote on the whole thing.

Dr. Pope – Have we reached a consensus?

Chairman Davidson – I think we have reached a consensus on Pierceville.

Mr. Pack – We have a consensus on Pierceville to leave it how it is. Another easy one is the property that the town just purchased for the purpose of putting ball fields on. How do we redraw those lines Mr. Saunders?

Town Attorney – We can overlay that. We already know where the property is going to be. It is about twenty-one acres.

Mr. Pack – We would choose that for Parks and Recreation for future land use since that area was just purchased for the ball fields.

Vice Chair Hillegass – That makes sense.

Mr. Pack – What do you all want to do with Gatling Pointe, Battery Park and the area known as the northeast growth sector?

Vice Chair Hillegass – I thought we said we could not make that decision.

Mr. Pack – I do not know how to make that decision without enough information. We certainly know what the residents want. We know what the Scott farm wants. I think the residents have a lot of questions that need answering. I think we have a lot of questions that need answering. We do not know what is going to happen with ISLE

2040. We are clear about what the residents want. We also said it was going to be an invitation by the town and not be forced but by no means are we doing any type of annexation with this. It is just simply us planning for the future.

Planning and Zoning Administrator – This is a planning tool. The reason that Planning Commissions were created was to get the politics out of this type of decision making. The Planning Commission can make a choice on this map based on planning. Then when it gets to the Town Council and they hold public hearings they are looking at it through the political winds. It could very well be that the Planning Commission decides to keep these growth areas just as they are as a planning mechanism, including Battery Park and Gatling Pointe strictly because we provide them services and it is logical. It does not mean that when it gets further down the road that the Town Council looks at the political concerns and never acts on any type of growth, annexation, or boundary line adjustments in those areas if the residents do not want to be in the town. The public's feedback is wonderful and certainly appreciated but even if it stays in the map at this level in no way does it mean that Town Council will ever act on an annexation in all of these areas or even part of it.

Mr. Bryan – During the last meeting there was a suggestion about a boundary adjustment. How would that be shown?

Town Attorney – A boundary adjustment is when it is friendly. An annexation is when it is not. It is two different terms for the same thing. Annexation is the legal proceeding but it is effectively a boundary adjustment if you change the town's boundaries and the county's boundaries by moving the lines around on the map. Do not get hung up on that because there is really not a lot of significance to it.

Mr. Bryan – What about adjusting the area just to include the Scott farm in the northeast sector? Is there a process as to how we would go about that?

Planning and Zoning Administrator - It was actually the boundary line adjustment agreement with the County before.

Mr. Bryan – It is an overlay they agreed to before but they withdrew.

Chairman Davidson – Yes. It also included where the rescue squad is and the ball field was going to be but they decided not to do that.

Mr. Torrey – I have not been doing this very long. As you say we are not political. We have been told to look at the town and think about where the town will go twenty years from now obviously I am going to put Gatling Pointe in there. They are already on town water. The bottom line is that they do not want to be part of the town. The County does not want them to be part of the town for whatever reason. I think we should drop them off of the map.

Town Attorney – It is really not your decision. Back to the point we made a minute ago, if you do not really know what the county has envisioned for that whole area then it is pretty hard to make a decision long term as to whether that is a good idea or not. You may look at their plan and decide it is great. You do not need this anymore but you do not know because you have not seen it.

Dr. Pope – Are we going to table this discussion and invite the county? If the county does not respond do we then make the decision? Is the county going to reciprocate or are we just wasting our time in delaying the inevitable?

Town Attorney – We do not know until we ask. They might come and make a presentation but if they do not it is not secret. It is a public document. All of that information is available and can be presented to you in some format.

Mr. Pack – Ms. Seward has told me on several occasions that she wishes for better communication between the town and the County. I would be happy to ask her if she would be willing to come and speak with us and give us her vision on what the county has on that end of town.

Vice Chair Hillegass – She has expressed the same to me.

Mr. Swecker – The consensus is that everybody wants to know what is going on. Let us invite them next month and see what happens.

Chairman Davidson – It sounds good to me.

Mr. Pack – There has been rumor that we are going to table this until this room does not fill up. I think one of the hardest thing I have stomached this month after reading some of the emails that this government as a whole does not have a great name. Washington has changed the way people think about government. Things are done in back rooms and developers come in and give you a ride on their Leer jet to Florida for the weekend. It is not the way Smithfield works. The members of the

Planning Commission here are citizens of this town. They are essentially volunteers and they believe in what happens to the town. Our Town Council is the same way. I think you will find us very reasonable people. We will ask the County to speak next month at our Planning Commission meeting on April 14th at 6:30 p.m. Please come and listen and will continue this conversation. We will ask the County for some information and maybe we can make a decision from there. I do not think that is being bad servants to our people to make sure we get the right information. Just like with the Pierceville thing we decided not to change it and leave it Parks and Recreation our community has spoken. If the developer comes or if we leave it like it is then we have an opportunity to see the plan as a whole. We would have a say in what we want and how it gets rezoned or not. I do not think we are doing anybody a disservice by doing that. I think we are actually doing what we are supposed to do.

Chairman Davidson – Do we have a consensus that we are going to ask the County for information for our next meeting? Hopefully we will get enough information so that we can put this thing to rest because we have been doing this since August. The last two months we have had a good turnout. Before that we only had two people. I am glad that you all are here but it has just been recently that everybody decided to get involved. All of our meetings have been advertised. We tell you when we are having them but until you have a dog in the hunt nobody cares. I am for tabling this until the next meeting and inviting the County to come.

Planning and Zoning Administrator – There was a slide show that the County put together that they used when they were doing the presentation at various groups and boards. It is public information. Even if the county is not available to do a presentation then I can at least pull some of the maps from that slide show. We can at least show the proposed densities that they are showing in these areas as they extend the Development Service District (DSD) around the town. It would kind of them to let us know how much density they are expecting per acre. We could at least look at it at that level even if the County is not available to make a formal presentation.

Dr. Pope – I would like to make a motion to table this until our next meeting and we give the County the opportunity to present more data on what they plan to do with

the Newport District. If they do not wish to come then we can make a decision at the next meeting.

Mr. Swecker – Second.

Chairman Davidson – A motion has been made and properly seconded that we table this until our next meeting and invite the County to give us the information that we need. It is table until our next Planning Commission meeting April 14 at 6:30 p.m.

Mr. Bryan – The information that we are looking for from the County I suppose that would include all of the areas proposed.

Chairman Davidson – Yes sir. All those in favor say aye, opposed say nay.

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

Chairman Davidson – The last item on our agenda is Approval of the February 10th, 2015 Meeting Minutes.

Town Attorney – Mr. Chairman and members of the Planning Commission I have reviewed the minutes and would recommend they be approved as presented.

Vice Chair Hillegass – So moved.

Dr. Pope – Second.

Chairman Davidson – A motion has been made and properly seconded that we approve the minutes. All those in favor say aye, opposed say nay.

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

Chairman Davidson – Is there any further business? The meeting is adjourned.

The meeting adjourned at 8:17 p.m.


Bill Davidson
Chairman


William G. Saunders, IV
Planning and Zoning Administrator