

The Smithfield Planning Commission held its regular meeting on Tuesday, July 8th, 2014. The meeting was called to order at 7:30 p.m. Members present were Mr. Bill Davidson, Chairman; Ms. Julia Hillegass, Vice Chair; Mr. Larry Odom, Mr. Charles Bryan, Mr. Mike Swecker, and Dr. Thomas Pope. Mr. Randy Pack was absent. Staff members present were Mr. William T. Hopkins III, Director of Planning, Engineering and Public Works, Mr. William H. Riddick III, Town Attorney, and Mr. William G. Saunders IV, Planner/GIS Coordinator. There were four (4) citizens present.

Chairman Davidson – I would like to welcome everyone to the July 8th, 2014 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 who would like to remain standing, Mr. Odom will offer a word of prayer.

Mr. Odom – Lord, we thank you for this opportunity to gather. We pray that the decisions we make this evening for the Town of Smithfield and its citizens are based upon the wisdom and guidance that you provide us. Through Your Son, Our Lord, Jesus Christ, I ask this prayer. Amen.

Chairman Davidson – The first item on the agenda is the Director of Planning, Engineering and Public Works Activity Report.

Director of Planning, Engineering and Public Works – Thank you, Chairman. As far as site plans and subdivision plans, we have two of them under review right now. The first one is Cypress Creek Phase VII B and C. The other one is O'Reilly Auto Parts which will be next to Advanced Auto. They are still underway. There might be a few changes but it is still in staff hands and moving forward.

Chairman Davidson – Next is Upcoming Meetings and Activities. On July 15th at 6:30 p.m. the Board of Zoning Appeals has been cancelled. We will have a Board of Historic and Architectural Review meeting on July 15th at 7:30 p.m. Town Council Committee meetings will be held on July 28th and 29th at 4:00 p.m. The Town Council meeting will be on August 5th at 7:30 p.m. On August 12th the Planning Commission will meet at 7:30 p.m. The next item on the agenda is Public Comments. The public is invited to speak on any matters except scheduled public hearings. Do we have anyone

signed up tonight? Is there anyone who would like to speak? Hearing none, we will move to Planning Commission Comments. Does anyone have any comments? Hearing none, we will move to the Final Site Plan Review – Riverside Health, Magnolia Manor Expansion – Mr. Tim Dean, applicant. Could we have a staff report please?

Director of Planning, Engineering and Public Works – Thank you, Chairman. I think you are all familiar with this particular site plan. At the last Planning Commission meeting you granted preliminary approval. There were several items for the storm water management that had not been finalized. They have all been resolved except for a few technical issues. It is not changing the culvert size, inverts, and BMP's. From the public's standpoint this property is zoned Multi-Family Residential. It is 12.35 acres. The surrounding land uses are Multi-Family Residential and Neighborhood Residential. This site has been around since I have been here. Everything has been addressed on the site plans from the staff and the consultant's standpoint. We feel comfortable recommending them for final approval contingent upon a few minor storm water issues.

Chairman Davidson – Are there any questions? I will entertain a motion.

Vice Chair Hillegass – I will move to approve as presented.

Mr. Odom – Second.

Chairman Davidson – A motion has been made and properly seconded to approve as presented contingent upon a few minor storm water management issues to be solved administratively. Are there any questions? All in favor say aye, opposed say nay.

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

Chairman Davidson – The next item on the agenda is the Child Care Home Occupations Review.

Director of Planning, Engineering and Public Works – I would like to say a few words about this. I just wanted to point out to the Planning Commission that there were a couple of residents of the town that spoke at the last Town Council meeting. They had some concerns involving home day care in residential districts. They feel it is necessary

to make some changes to it. Staff has looked at it and there are several different avenues where we could go. I feel that we should look at it a bit further as far as should the home occupation section allow for more children by right, a special use permit issued, or should any change be made whatsoever. I think it is something that we should look into further.

Chairman Davidson – I agree. I think we should have a special subcommittee. I talked to Vice Chair Hillegass. We would like to have a subcommittee to study this along with staff.

Director of Planning, Engineering and Public Works – We will be able to look at all of the details such as home occupations, permitted uses, special uses, and what we feel the change should be.

Vice Chair Hillegass – What were the issues with it?

Director of Planning, Engineering and Public Works – It involved the number of children. They would like to increase it. Right now home occupation allows up to five children. Special Use Permits are allowed but not in a residential area.

Mr. Oliver – My name is James Oliver. I live at 313 Grandville Arch in Smithfield. My wife operates a home day care center. She has done so for the past nine years with the state limit of twelve. We recently became aware of the zoning restrictions a month ago. This resulted in her cutting her number of children that she cares for from twelve down to five. Isle of Wight County allows for up to the state limit of twelve in their current zoning. Wellington Estates in Gatling Point are permitted twelve children. What we would like the town to abide by the same rules that the state and county is currently abiding by.

Director of Planning, Engineering and Public Works – Those are the type of things we are going to look into.

Mr. Swecker – Is Wellington Estates in the town?

Director of Planning, Engineering & Public Works – Correct.

Mr. Swecker – I thought he said that Wellington Estates was allowed twelve.

Mr. Oliver – I was referring to Gatling Point.

Chairman Davidson – Ms.Hillegass, staff, and I will look into it. We will look not only at a county perspective but also statewide. We will also look at our local ordinances. We will figure out what to do.

Mr. Oliver – Another item to possibly keep in mind is that with five children you are not required to be state licensed. Therefore, it is nonregulated. If you go above five then it requires state licensing. They are very strict on their inspections. You are actually allowing safety by allowing above the five children limit.

Dr. Pope – In preparing for this meeting, I went to the Isle of Wight County website and searched their ordinances. The Ordinance 3-3000 said that the county does not allow more than five per household. I do not know how current it is. I do not know if that is the information but that is what is on the website under published ordinances. There may be a couple of different ordinances. Maybe they need some consolidation in their own writings but all that I found was five within the county.

Director of Planning, Engineering and Public Works – It is something that staff will look into further before the meeting.

Mr. Bryan – I see we have three options here. Should the home occupation section allow for more children by right? Should there be a Special Use Permit option for home occupation childcare? Should the ordinance be changed at all? At this time, I prefer number three. I do not think it should be changed at all. I am not inclined to rewrite a large portion of the Article 222 regulations due to just one request. The Planning Commission should be careful because of the possible effect to all residential communities in the Town of Smithfield. I believe this town is one of the best places to live in Virginia. The character of this town is due in part to careful planning. We should be mindful of our responsibility to promote the safety, health, and well-being of Smithfield for now and far into the future. These regulations were written with much thought and consideration. It would be wise to consider any changes seriously. What is the applicant's explanation for failure to consider the town's ordinances prior to the state's request? What would happen to a neighborhood if several such requests materialized? What are the views and concerns of neighbors where this would happen? Typically, we have feedback from those who may be impacted by such a change. I was

hoping to get to the Town Council meeting since they discussed this but I was out of town.

Chairman Davidson – There was not any discussion. Once they started the Town Attorney reminded everyone that it was a zoning issue and they needed to go before the Planning Commission. Staff is also concern with the three items that you mentioned. I appreciate where you are coming from and your input. Are there any other comments? Hearing none, next is Approval of the June 10th, 2014 Meeting Minutes.

Town Attorney – I have reviewed the minutes and would recommend that they be approved as presented.

Ms. Hillegass – So moved.

Mr. Odom – Second.

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

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

Chairman Davidson – The meeting is adjourned.

The meeting adjourned at 7:43 p.m.



Mr. Bill Davidson
Chairman



Mr. William T. Hopkins III
Director of Planning, Engineering, and
Public Works