

The Smithfield Planning Commission held its regular meeting on Tuesday, April 14th, 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 twenty-five (25) citizens present. The press was represented by Ms. Diane McFarland of The Smithfield Times.

Chairman Davidson – I would like to welcome everyone to the April 14th, 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 – The first item on the agenda is the Planning and Zoning Administrator Activity Report.

Planning and Zoning Administrator – Thank you, Chairman. On the Cypress Creek Phase VII B and C Subdivision Plan they are still revising their stormwater management plan before they resubmit it. I am expecting that anytime. The Pierceville Subdivision Rezoning Project did not have a complete application. We are waiting for the information from them that would complete the application. I expect to have it from them sometime next week. It is not under review until which time they have a completed application.

Chairman Davidson – Next is Upcoming Meetings and Activities. On April 21st at 6:30 p.m. there will be a Board of Historic and Architectural Review meeting. The Board of Zoning Appeals meeting has been cancelled. The Town Council Committee meetings will be held on April 27th and 28th at 4:00 p.m. The Town Council meeting will be on May 5th at 7:30 p.m. at the Smithfield Center. The Planning Commission meeting will be on May 12th, 2015 at 6:30 p.m. Next is Public Comments. You are invited to speak on any subject you would like. Please give your name and address for the record. We are limiting the comments to five minutes. The two people on the signup sheet would like to wait until the next meeting. Is there anyone else who would like to speak? Next is Planning Commission Comments. Next is a Preliminary & Final Site Plan Review –

Buddy Webb & Co., applicants. We will have a staff report.

Planning and Zoning Administrator – This project has been under review for some time. Everything seems to be in order as far as the ordinances and county stormwater plans are concerned. I believe we have someone in the audience to represent this application tonight in case you want to get more information from him.

Mr. Bent – My name is Stephen Bent. I am with Buddy Webb and Company from Springfield, Missouri. I represent O'Reilly Auto Parts.

Chairman Davidson – Are there any questions?

Dr. Pope – On the ingress and egress road that will split Advanced Auto Parts and O'Reilly Auto Parts there is a paved road that goes back the distance of the lot but when you get behind Advance Auto Parts it is a dirt road. There are all kinds of tire tracks and pot holes where people cut through. I do not know if there is a plan to connect it to Canterbury Lane.

Mr. Bent – If you look at sheet C-2 it shows that Canterbury Lane will be connected to our site. We do plan on paving the back alley area and connecting it to the back driveway.

Dr. Pope – Thank you. I missed that.

Chairman Davidson – Are there any other questions? Do we have a motion?

Mr. Pack – I would like to make a motion to approve the preliminary and final site plan review as presented.

Vice Chair Hillegass – Second.

Chairman Davidson – A motion has been made and properly seconded to approve the preliminary and final site plan review as presented. 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 Davison – Our next item is Entrance Corridor Overlay Design Review – Signs, Exterior – O'Reilly Auto Parts – Parcel #22J-01-017A Benns Church Boulevard

– Stephen Bent, Buddy Webb & Co., applicants. Could we have a staff report on that please?

Planning and Zoning Administrator – This is also for O'Reilly Auto Part which has to do with the exterior design of the building and their design of the sign for the entrance corridor overlay district. They have come a long way since they first submitted it to make their plan consistent with our entrance corridor regulations. It is quite a different product than what they started out with. It certainly meets the standards as far as colors and materials in the guidelines.

Chairman Davidson – Does anyone have any questions concerning the entrance corridor overlay?

Vice Chair Hillegass – I would like to make a motion to approve as presented.

Mr. Bryan – Second.

Chairman Davidson – A motion has been made and properly seconded that we approve the entrance corridor overlay district design review as presented. 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 – Next we move to 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 – Thank you, Chairman. Based on the last couple of meetings and the feedback from the public it seems that we are at somewhat of an impasse on the map in its current form. Based upon a lot of information and sentiment that has been provided by the public I would like to make several recommendations to the Commission regarding moving forward. First I recommend decoupling the future land use portion from the future growth area portion of the map. The future land use map and the Comprehensive Plan update I believe should go hand in hand. This would take the future land use map and put it back on track with the ongoing Comprehensive Plan update. This would provide the opportunity for more

public input into the updating of the land use map and the land use portions of the Comprehensive Plan. I know that we have done this over the course of several meetings with the Planning Commission and public but the public wants more of a hand in it. I would recommend that we take a step back with that and put the future land use portion of the map back on track with the Comprehensive Plan update. I would recommend taking the future growth area map by itself without the future land use. The Council wants a map recommending potential areas of growth from the Planning Commission. We are working on a Comprehensive Plan map which is a twenty year horizon. But boundary line adjustments typically are more of a ten year horizon because there is normally an agreement that puts a moratorium on future growth for ten years. When the Planning Commission is looking at a map of this type as part of the Comprehensive Plan then we are looking at a twenty year window that could potentially be two time horizons for boundary line adjustments. Due to that fact, I would recommend that the Planning Commission prioritize potential growth areas for either primary or secondary or ten and twenty year window to send to Town Council. You determine what you want to have for potential growth areas in the twenty year time horizon of the Comprehensive Plan but you identify of those areas which you would put for more consideration in the first ten years and then the second ten years. I would recommend that if you could come to a consensus on that tonight then we would hold a public hearing on that future growth area map at the May 12th Planning Commission meeting so that it could be forwarded to Town Council.

Chairman Davidson – I agree. We have been bogged down for months. We are just way behind on our Comprehensive Plan mostly because of the growth area map. I feel what Mr. Saunders has proposed is a good idea to put the future land use and growth area map as two separate items. The future land use is tied to the Comprehensive Plan. We can discuss the growth area map to see if we can come to a consensus on it. Do we need a motion to separate it?

Town Attorney – Yes. I think we need to have another public hearing on the future land use map. I would recommend a motion to separate the maps and bring the future growth area map back to the May Planning Commission meeting.

Planning and Zoning Administrator – The Town Council wants the potential growth area map. I would recommend taking the land use out of it and bring the growth area map back in May for a public hearing. We would not even set a time frame for the future land use that goes back into the progressive update of the Comprehensive Plan. Some future time when we have public meetings on the rest of those chapters we will worry about that part. I think having them together is kind of bogging us down. I think it would be more methodical to separate them and bring the future growth area back in May.

Town Attorney – Are you going to resolve this tonight or will you have a work session?

Chairman Davidson – Do you mean as far as separating the two maps?

Town Attorney – No. I mean the future growth areas.

Chairman Davidson – I would like to discuss if we can resolve this growth map. I have a couple of ideas if we can come to a consensus and then have a public hearing. I think we have had enough work sessions. We can try to move forward but that is only my opinion.

Mr. Pack – Do we need a motion to separate the two? Is it our first step?

Town Attorney – I think so.

Mr. Bryan – Separating the two. Is there a precedent for this or is this the first time it has been done? Did we have a projected completion date when we took this endeavor on?

Chairman Davidson – We did not have a completion date as far as the Comprehensive Plan. There have been other factors at work that necessitate Council getting some direction. We were tasked with the growth map by Council to study these areas then forward our recommendation to them. As far as splitting the two they really are two separate entities.

Town Attorney – There is no reason not to do it.

Planning and Zoning Administrator – I think it would be logical to keep the future land use part along with the Comprehensive Plan update.

Mr. Bryan – We are keeping the Comprehensive Plan and the future land use map together.

Planning and Zoning Administrator – We will work on that chapter by chapter.

Mr. Bryan - We will separate the growth area map.

Planning and Zoning Administrator – Yes because that is what Town Council is looking for is some type of recommendation.

Mr. Pack – I would like to make a motion that we separate the future land use map from the growth map and work on them independently.

Mr. Torrey – Second.

Chairman Davidson – A motion has been made and properly seconded to leave the future land use map with the Comprehensive Plan and handle the growth area map independently. 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.

Dr. Pope – There is some confusion over here. If I understand this correctly all we are doing is the growth areas which are all these highlighted areas on our map which is what we are trying to decide on tonight. The Comprehensive Plan and the land use is what we will decide in the future because that is what currently exists within the town limits.

Town Attorney – That is correct.

Mr. Swecker – So how are we progressing Town Council further by doing this?

Chairman Davidson – We are getting to that directly. Let us move to the growth map. Is there anyone that can give me a good reason to leave Gatling Pointe and Battery Park on the future growth map?

Dr. Pope – The only good reason I can come up with is to secure twenty percent of the town's water other than that I see no reason that they need to stay. It is a Town Council decision that they have to make to say what is going to happen with that customer base.

Chairman Davidson – Another thing that I would like to point out is that the population of Smithfield is approximately 8,300 people. We have in Gatling Pointe approximately another 1,000 people. If we were to annex Gatling Pointe it would bring

us precariously close to the 10,000 mark which would necessitate that we establish our own stormwater management program.

Planning and Zoning Administrator – That is correct. Typically at 10,000 the state requires it.

Chairman Davidson – Can you tell us what that would entail to the town as far as added expense.

Planning and Zoning Administrator – There would be quite a lot more administration that would have to be done. I would say it would take at least one more staff member to administer the stormwater management program for the town. Currently Isle of Wight County is doing those duties for the town. We would take on more plan review duties. We would probably have to charge the stormwater fee that the County currently charges to administer that. We would be under a permit with the state and everything that goes along with that which is currently under the County's program. I would say it would take at least one new staff member in planning or engineering to cover that.

Town Attorney – Mr. Chairman, I would caution you about worrying about things like that because that is not a Planning Commission decision.

Chairman Davidson – I agree.

Town Attorney – You should view the areas on the future growth map from a planning standpoint. Does it make any sense to include those in the long term vision for the town? Not how much is it going to cost, how many more staff, and how many more regulations. That is an economic cost benefit analysis that is done by the Town Council in deciding whether they should go forward or not on any of these areas. I would probably suggest that you step back a little bit and just look at it from a perspective of do these areas represent areas that make sense to include in a long term vision for the Town of Smithfield as far as planning and development are concern.

Chairman Davidson – That is good advice. One of the thoughts that I had about these areas such as Gatling Pointe and Battery Park are already pretty much built out. If we are thinking about protecting our borders for future growth then my suggestion would be to remove those two areas from the map but leave the areas that are not heavily populated such as the Scott farm and the other areas on the map.

Dr. Pope – You are suggesting to go all the way to the edge of Gatling Pointe but not including Gatling Pointe.

Chairman Davidson – That is my suggestion.

Vice Chair Hillegass – I would concur with that.

Mr. Pack – What about the residences that exist outside of the Scott farm that border Jones Creek and Nike Park Road? There is a creek there. It would be a good border. The landowners that I have spoken to are actually in favor of staying in the growth area map.

Chairman Davidson – I would agree with Mr. Pack. Primarily I was referring to Gatling Pointe and Battery Park as far as removing them and the rest of the map to proceed as we have already worked on in previous work sessions. Are there any other questions?

Mr. Swecker – How much time does our police department spend in Gatling Pointe in a year? I think there is an agreement if the County is busy that they can go in there.

Chairman Davidson – To my knowledge they have an agreement throughout the County that they will respond if needed. My understanding is that each department will respond as needed. It changed when Mr. Mark Marshall went to the Sheriff's office and Chief Steve Bowman took over the Smithfield Police Department.

Dr. Pope – Is the suggestion to run to the property line of Gatling Pointe and anything further out is excluded and everything from that property line back to the town is included? Are we suggesting that we will follow the boundary line on the Gatling Pointe Subdivision?

Chairman Davidson – I think Battery Park should fall into that.

Dr. Pope – It is on the other side of it.

Mr. Pack – The boundary line adjustment for the Scott farm was taken back by the County is how this whole thing got started. Mr. Saunders suggested looking at it as a ten year and twenty year growth area and prioritizes it. We could take the Scott farm and the creek to Jones Creek in the first ten years and then include the remainder of Gatling Pointe and Battery Park in the twenty year group. At the end of ten years you would have the opportunity to see if it makes sense then. We have to ask ourselves if

including Gatling Pointe and Battery Park make sense for us to do in the next ten years.

Do we think that is something that makes sense as a natural area for town growth? I do not really have a suggestion on it but it is a good way to look at this.

Chairman Davidson – I think in ten years that probably would be a good decision to look at it again.

Town Attorney – You will look at it again in five years.

Mr. Swecker – If the annexation goes through we cannot annex any more for the next ten years.

Town Attorney – That is generally the agreement. It has been in the past.

Chairman Davidson – That is something that the Town Council will have to worry about. We are just talking about future growth. I think it is very important that we protect our borders and the rest of the map. I am just not sure that the populated Gatling Pointe and Battery Park area is something we need to worry about at this point in time.

Mr. Pack – The interesting thing as we talk about these other areas the blue, green, and yellow we do not discuss them very heavily because there is really not any growth in that area. The growth that we are seeing in the County and with the ISLE 2040 plan that was sent back for additional revisions and the growth that we see coming along Nike Park Road. But up to that section of Jones Creek with the eastern growth sector and the northeastern growth sector those are the portions of our town that are most likely to be affected in the next ten and twenty years. If you look at the eastern growth sector I think it is easy to decide that we would like to keep it. Primarily there is one resident that wants to stay in the growth sector map because he wants to have that option. Gatling Pointe and Battery Park residents have said they are not interested at this time being included in that growth sector. If we are talking about protecting our borders it is an area we really need to look at.

Chairman Davidson – How about the southern growth sector? We are talking the possibility of fifteen units per acre according to the last information that I saw down by the high school.

Mr. Pack – The email that I sent everyone says the majority of it is going to be apartments and condos. No single family residents. If they developed Battery Park with

apartments, condos, and townhomes I would be a little surprise but we still have a buffer with Gatling Pointe. Gatling Pointe is built and is not going to change.

Chairman Davidson – I would hate to see the Scott farm become apartments.

Mr. Pack – I would imagine the residents of Gatling Pointe would feel the same.

Mr. Swecker – If the town and Gatling Pointe do not want apartments on the Scott farm then why not just pull Gatling Pointe in. What is one good reason why we should not pull Gatling Pointe in?

Chairman Davidson – The main reason is that the residents have been very vocal that they do not want to be part of the Town of Smithfield.

Mr. Bryan – That is part of our agenda to listen to the residents that is who we represent.

Mr. Swecker – I agree.

Town Attorney – You do not represent them.

Mr. Bryan – At the last meeting we decided to invite the County to speak on the ISLE Plan.

Vice Chair Hillegass – I spoke with the County Administrator. At the time they were getting ready to vote on what the Board of Supervisors wanted to do with the ISLE 2040 plan. She said if things went through then she would be happy to speak to us. As you know it did not get approved. She invited everyone to come to the meeting to hear about any changes.

Town Attorney – So they declined.

Chairman Davidson – Yes

Planning and Zoning Administrator – I have seen advertised that there is a proposed ISLE 2040 Plan meeting on Monday, May 11th, which is the night before our next Planning Commission meeting. It may be a good opportunity for the Planning Commission to go to that public meeting.

Dr. Pope – In the next twenty years I think that Gatling Pointe and Battery Park are going to be part of the town if the ISLE 2040 plan goes forward. I think there is going to be a huge amount of growth in the County between this ISLE 2040 and the Newport district. If the Route 460 goes in and the whole Windsor district of the County is going to be developed because you will have a road that will provide access to the County from

Suffolk to Petersburg. People are going to live within thirty minutes. There is going to be a huge expansion in the County over the next twenty years. I think Gatling Pointe and Battery Park will ultimately be part of the town if the Newport district is done to the density to which it is proposed right now. Twenty years from now I think Gatling Pointe and Battery Park will be in the town at some point depending on how much density they have in the Newport district and the other side of Jones Creek and unto the bridge. We could develop up to the edge of Gatling Pointe then look at this in five years to figure out where we are with the rest of the development. Gatling Pointe can decide if they want to be part of the town or stay in the County. The only thing that makes me nervous is if we do not supply the water to Gatling Pointe we will spend somewhere between two and five million dollars of the County's money to put a water line to Gatling Pointe. As a resident of the town and the county I do not want to pay for that especially when they are already receiving the service. As a citizen I am worried about spending the money to run a water line to something that already exists. The political answer here is to exclude Battery Park and Gatling Pointe and go up to that property line and move forward then revisit it in five years. I think that is probably what needs to happen in my opinion.

Chairman Davidson – I agree.

Dr. Pope – We have been debating this forever. We do not have any issues with the western, southwestern, and the southern growth district. What I just said about the northeastern growth sector I am fine with. The only other thing I am hung up on is the eastern growth sector which is basically the Edwards farm. To be honest with you I do not know what the Edwards want to do. I would hate to see us annex the Edwards farm only to charge them a higher tax rate for something they do not have any desire to get rid of. You hate not to annex it then they sell it and it gets developed because they decide to move out of the area. This family farm has been there forever. I just wonder why we are going to pull that in. It is developable land but we have to protect the border.

Chairman Davidson – I agree with you. We are just forwarding on to Council the areas that we see for future growth. It will be up to Council to decide if they want to annex the Edwards farm. If they just wanted to go with the Scott farm or whatever that is

their business. I think as far as projected growth that it makes sense to include it at this point.

Dr. Pope – I agree. I would just hate to be paying the tax on that if it were my property.

Mr. Pack – I asked the question of Garrett Edwards and his father. The decision was that they wanted to remain on the growth area map. They did not say they wanted to be annexed.

Chairman Davidson – Can we reach some sort of consensus tonight? We can redo the map and have a public hearing next month then forward it to Council.

Planning and Zoning Administrator – I guess probably the most logical thing to do is to find out if you want to have one set of areas to look forward to or if you want to break it up into a higher priority set and a lower priority set. Once you determine that then you can decide.

Town Attorney – Why would you do that?

Planning and Zoning Administrator – The Town Council is looking for an immediate recommendation.

Vice Chair Hillegass – I think we have consensus on all of the potential growth areas now.

Town Attorney – The decision on whether or not to pursue any of them is the Town Council's decision. From the limited perspective that you are looking at this that is where the logical future growth for the Town of Smithfield. It sounds like you have a consensus.

Chairman Davidson – Can I have a motion regarding the disposition of Gatling Pointe and Battery Park's removal from the growth map?

Town Attorney – You do not need a motion to do that. You can direct staff to modify the map to exclude the Gatling Pointe and Battery Park areas.

Chairman Davidson - After the public hearing we can go forward from there.

Planning and Zoning Administrator – The map will be amended to what your consensus is and then we will have a public hearing.

Town Attorney – You can still change it but it has to be advertised.

Mr. Pack – We are still talking about including the Scott farm.

Town Attorney – Anything that borders Nike Park Road and those individual properties not included in the Gatling Pointe subdivision.

Mr. Pack – The creek is called Jones Creek but it is actually off of Jones Creek.

Planning and Zoning Administrator – Basically it just follows the line of Gatling Pointe all the way down to the creek.

Town Attorney – It is logical in that you have both sides of Nike Park Road to the bridge. You would not be making the mistake that has been made in the past with the town on one side of the road and the County on the other.

Chairman Davidson – Does everyone agree that we should direct staff to revise the map and have a public hearing next month on this?

Dr. Pope – I thought we already had public hearings on this.

Chairman Davidson – If we change the map then we need to have another public hearing. I think everyone agrees.

Planning and Zoning Administrator – The consensus for the northeastern growth sector is to take Gatling Pointe and Battery Park out and follow that creek along the edge of Battery Park down to the larger creek.

Chairman Davidson – Everything else stays on the map.

Planning and Zoning Administrator – We will take the land use portion out and bring back those growth areas for a public hearing at the May meeting.

Chairman Davidson – That is correct. Everyone agrees with that. The next item on the agenda is the Approval of the March 10th, 2015 Meeting Minutes.

Town Attorney – Mr. Chairman and members of the Planning Commission I have reviewed and revised the minutes with minor corrections and would recommend the minutes be approved as corrected.

Vice Chair Hillegass – So moved.

Mr. Swecker – 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?

Vice Chair Hillegass – The recent General Assembly session SB-1443 was passed. As of July 1st localities in Hampton Roads who are reviewing a Comprehensive Plan should include mitigation strategies for sea level rise. I dare say we will still be working on this in July so we should give it some attention.

Planning and Zoning Administrator – It was passed by the General Assembly.

Vice Chair Hillegass – It is done.

Chairman Davidson – Is there anything else? We are adjourned.

The meeting adjourned at 7:15 p.m.



Bill Davidson
Chairman



William G. Saunders, IV
Planning and Zoning Administrator