The Smithfield Planning Commission held its regular meeting on Tuesday, January 13th, 2026. The meeting was called to order at 6:30 PM.

Members present:

Julia Hillegass - Chairwoman
Dr. Herb Bevan - Vice Chair
Dr. Thomas Pope
Charles Bryan
James Yoko
Darren Cutler
Virginia "Gigi" Smith

Members absent:

None

Staff present:

Tammie Clary – Community Development & Planning Director
Mark Kluck - Planner II
Steve Clark – Grounds Attendant

Legal Representation:

None

Press:
Stephen Faleski - The Smithfield Times

Citizens:
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Chairwoman Hillegass welcomed all attendees to the meeting.

1. Election of Chairman.

Mrs. Clary asked if there were any nominations for the office of Chairperson of the Planning Commission.

Dr. Pope nominated Julia Hillegass to remain in the position of Chairwoman. Vice Chair Smith seconded the nomination.

Mrs. Clary asked if there were any additional nominations. Hearing none, she closed the nominations. She called for a collective vote of all members present, and all present voted aye with none opposed. The motion passed unanimously.

2. Election of Vice Chair.

Mrs. Clary opened the floor for nominations for Vice Chair of the Planning Commission. Vice

Chair Smith nominated Dr. Herb Bevan as Vice Chair.

Dr. Pope seconded the nomination of Dr. Bevan.

Mrs. Clary asked if there were any additional nominations. Hearing none, she closed the nominations. She called for a collective vote of all members present, and all present voted aye with none opposed. The motion passed unanimously.

3. Upcoming Meetings and Activities

January 20 - 6:30 p.m. - Board of Historic and Architectural Review

January 20 - 7:30 p.m. - Board of Zoning Appeals
January 26 - 3:00 p.m. - Town Council Committee Meetings
February 3 - 6:30 p.m. - Town Council Meeting
February 10 - 6:30 p.m. - Planning Commission Meeting

4. Public Comments

Chairwoman Hillegass confirmed that there were no members who had signed up to comment. She asked if there was anyone present who wished to speak. Hearing and seeing none, she closed the public comment section.

5. Planning Commission Comments

Mr. Yoko reviewed that he had been absent at the previous month's meeting, and he recalled that they had discussed previously that they could request Town Council grant them the ability to participate in meetings virtually. He noted that they had never taken action to follow through on the matter.

Chairwoman Hillegass asked what the proper procedure would be to initiate the action. Mrs. Smith asked if the Commission should make a motion in order to start the process.

Mrs. Clary stated that she did not think one was necessary, but would be happy to entertain the action.

6. Agenda Items

A. Planning Commission Virtual Meeting Attendance Policy

In reference to the discussion had during Planning Commission comments, Mr. Yoko made a motion to forward a favorable recommendation to the Town Council requesting authorization for virtual meeting attendance for the Planning Commission.

Mrs. Smith seconded the motion.

Mrs. Clary called for a collective vote of all members present, and all present voted aye with none opposed. The motion passed unanimously.

B. PUBLIC HEARING: Special Use Permit - TPIN 22-01-006C - Steven Barrett, applicant. (Staff report and assorted attachments enclosed.)

Mrs. Clary stated that the applicant was seeking three special use permits (SUPs) under the provisions of Article 3.I.C.24 and Article 8. G.5.a to allow for two drive-thrus, one of which would have reduced stacking spaces. She reported that the SUPs would facilitate the construction of a 2,100 square foot restaurant with a drive-through window and a second building with a 2,400 square foot restaurant with pick-up window, 1,555 square foot retail, and 1,400 square foot restaurant. She noted that as the drive-through would feature a pickup window (as opposed to a traditional drive-thru), the applicant would have five (5) stacking spaces, as opposed to the required ten (10) stacking spaces in Article 8. G.5.

Chairwoman Hillegass asked if the applicant or their representative was present to speak regarding the application.

Robert Jones of 18169 Beach Road in Smithfield explained that he was one of the property owners, and not the operator of the proposed restaurants. He said that he was told that Stonefield Engineering would be present at the meeting; however, they were not present. He stated that, speaking on behalf of the other owners of the property, they were in support of the application.

Chairwoman Hillegass asked if Mr. Jones wanted to defer and then revisit the matter when their representative arrived later.

Mr. Jones stated that it would be wise, and he would try to contact the company in the meantime.

Chairwoman Hillegass reported that the matter was subject to a public hearing. She confirmed that there were no sign-ups to comment and asked if there was anyone present who wished to speak on the specific matter. Hearing and seeing none, she closed the public hearing.

Vice Chair Bevan asked for clarification of the different SUPs requested.

Mrs. Clary stated two were for drive-thrus and one was for reduced stacking spaces.

Mr. Cutler asked if the Staff Report could identify more clearly what the SUPs were for. He stated that the Commissioners were familiar with much of the language used, but for citizens reviewing the information, it was not clear at all. He recommended that the information be separated by line item.

Reid Cooksey, of Stonefield Engineering in Birmingham, Michigan, arrived to speak on behalf of the application. He recapped the reasons for the requested SUPs, and related that he would be happy to answer questions about the project.

Chairwoman Hillegass confirmed that one building would contain a traditional drive-thru, while the other was planned as a pick-up window and retail space, with the SUP for reduced stacking spaces at the second building.

Mr. Cooksey explained that the pick-up window was for "fast-casual" use. He continued that there would be ordering via an app with no menu boards, etc., and then pick-up was just at the window.

Mr. Cutler asked who the proposed tenants were for the buildings.

Mr. Cooksey reported that the stand-alone drive-thru was targeting a coffee vendor; but, the deal had not been finalized. He added that the pick-up window would be for fast-casual burrito sales. He noted that they did not have tenants for the other two buildings.

Dr. Pope pointed out that in the plans there were a couple of different signs in multiple areas. He asked if there was a way to converge all the different signs at one location as the site would ultimately be one property.

Mr. Cooksey stated that they had not yet submitted the information for their sign permit, and that was an idea that they would consider. He explained that the signs were included on the plan to help illustrate that they were re-platting into three parcels.

Dr. Pope asked about the signage shown behind the multi-tenant building.

Mr. Cooksey stated that signage would be used for on-site directional purposes to let people know where the pick-up window was. He added that the directional signage would work in tandem with the pavement markings proposed.

Dr. Pope questioned if the plan met all the parking requirements. Mrs. Clary indicated that the plan did meet the parking requirements.

Dr. Pope reported that his overall concern with the plan was regarding the location of the trash dumpster. He said that he did not think that the current plan to place it on the main corner of the site was ideal. He asked if there was the possibility of their reviewing the plan and finding another location for the dumpsters.

Mr. Cooksey said that the suggestion was something that they could consider, adding that there were three frontages at the site, making it a challenge to place the dumpster in a manner that was accessible to a trash collection truck.

Dr. Pope directed them to the plan for the single building, and questioned if, when going through the drive-thru lane, would there be enough room to make a U-turn to be able to get back out of the exit.

Mr. Cooksey stated that they had done truck runs with an F-150 to ensure that the turn would be able to be made, and they did not expect much ingress traffic at the far entrance. He added that the area in question was not proposed to be curbed.

Mr. Bryan asked about the number of Americans with Disabilities Act (ADA) required spaces and whether the plan was in compliance.

Mrs. Clary indicated that they were within the necessary guidelines.

Mr. Bryan expressed concern about the possible drive-thru traffic at the larger proposed building. He noted that there would be pedestrians traveling across the drive-thru lanes as there was parking directly parallel.

Mr. Cooksey reported that they had put that into consideration. He said that the pick-up window model included staggered times for customer pick-up. He related that even the stacking spaces shown were likely more than what would actually be needed. He said that it was designed to have a methodical flow of traffic, and customers that were parking should not have any conflicts with walking across. He related that there would be a stop-bar, and they could look into some cautionary pavement markings.

Chairwoman Hillegass reported that there was an existing restaurant in Suffolk with the same set-up proposed, and it was not an issue.

Mr. Bryan reiterated his concern with pedestrians crossing three lanes of alternating traffic. He confirmed that there would be signage warning drivers of the presence of pedestrians.

Mr. Cutler asked if there were any future plans to develop the third lot shown.

Mr. Cooksey reported that the idea was to eventually develop the third lot and give it cross access similar to the proposal before them. He noted that there were currently no interested tenants or active development plans.

Mr. Bryan observed that there was an access point from the Food Lion shopping center to the site and asked if that access would be updated as well.

Chairwoman Hillegass pointed out that the access he was referencing was false and was actually a dead-end.

Mr. Cooksey confirmed that there were no curb improvements to the roadway planned, only curb cut-outs.

Dr. Pope made a motion to forward a favorable recommendation to Town Council to approve the three (3) Special Use Permit Requests to allow for two (2) drive-thru facilities in accordance with Article 3.I.C.24 of the Smithfield Zoning Ordinance and to allow one drive-thru to have reduced stacking space in accordance with Article 8. G.5 of the Smithfield Zoning Ordinance.

Mrs. Smith seconded the motion.

Chairwoman Hillegass called for the vote. Mr. Bryan voted aye, Mr. Cutler voted aye, Dr. Pope voted aye, Mr. Yoko voted aye, Mrs. Smith voted aye, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed unanimously.

C. Entrance Corridor Overlay Review - 1229 Benns Church Blvd. - Ashley Ballard, applicant. (Staff report and assorted attachments enclosed.)

Mrs. Clary stated that the applicant was seeking Entrance Corridor Overlay Review approval for the removal of the existing wheel stops and installation of brown parking bollards. She explained that the parking lot alterations were to ensure building and customer safety, and no additional site and/or building work would be done. She reported that the applicant had stated that this was the start of a multiple-year update process across 14,000 stores to match the trim on the 7-Eleven along with the dumpster enclosure.

Mr. Cutler asked Mrs. Clary to explain what had been requested to be waived, as it was not clear in the Staff Report.

Mrs. Clary reported that Town Staff did not need to issue anything for what had been requested, but they did need documentation that the work had been done in case it needed to be reviewed in the future.

Mr. Cutler asked if there was a cost associated with the action. Mrs. Clary reported that there was no cost associated.

Mr. Bryan confirmed that the installation met the Town's standards. Dr. Pope made a motion to approve the application as presented.

Vice Chair Bevan seconded the motion.

Chairwoman Hillegass called for the vote. Dr. Pope voted aye, Mr. Yoko voted aye, Mrs. Smith voted aye, Mr. Cutler voted aye, Mr. Bryan voted aye, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed unanimously.

D. Entrance Corridor Overlay Review - 1005 South Church Street - Andrews Roofing Company c/o Jeri Eley, applicant. (Staff report and assorted attachments enclosed.)

Mrs. Clary reported that the applicant was seeking Entrance Corridor Overlay Review approval for the replacement of the 3-tab shingles with Landmark Series CertainTeed Architectural Shingles and the replacement of the rubber membranes on the two flat roofs in a like manner. She stated that the color of the shingles would be either Georgetown Gray, the applicant's preferred choice, or Charcoal Black.

Chairwoman Hillegass confirmed that the product line at the store would be changing as well.

Mrs. Smith asked if there was any additional information Mrs. Clary could give on the store changes.

Mrs. Clary reported that she believed it was proposed to become a Five Forks Deli and Smoothies.

Dr. Pope made a motion to approve the application as presented. Mr. Yoko seconded the motion.

Chairwoman Hillegass called for the vote. Mr. Bryan voted aye, Mr. Cutler voted aye, Dr. Pope voted aye, Mr. Yoko voted aye, Mrs. Smith voted aye, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed unanimously.

E. *Discussion Item* Land Use Matrix Residential Zoning - Town Staff, applicant.

Mrs. Clary reviewed that at the previous month's meeting they had finalized the Land Use Matrix, and as a result Town Staff had provided them with draft language taken out of the matrix, and placed it into the Town's residential zoning districts. She detailed that staff had included a copy of the proposed version based upon the Matrix, and also provided them with the permitted uses and special permit use items that currently existed. She outlined that the information was applicable to Community Conservation (CC), Neighborhood Residential (NR), Suburban Residential (SR), Attached Residential (AR), Multi-family Residential (MFR), Downtown (D), and Mobile Home Park (MHP). Mrs. Clary observed that staff had wanted to focus only on residential zoning at that meeting. She updated that there was an error found in Attached Residential as it had been listed twice, and was only supposed to be included once.

Mr. Cutler apologized for missing the previous month's meeting as he had to leave town due to a family emergency. He related that he had watched the video of the meeting, and read the minutes while also reflecting on what had been discussed at the first Town Council meeting of the year. He reported that he had real, broad concerns about the Land Use Matrix and SUPs. He reported that it had started as what seemed to be a small update that would clean up problem areas within the zoning, and now it seemed that they were rewriting the Town's zoning. He said that there was now a push to have SUPs across every category. Mr. Cutler noted that there were no citizens present at the meeting, though there was an opportunity for citizen involvement. He continued that he did not think the town's citizens understood, adding that he was not sure he even understood what the objectives of the project were. He said that he did not think that the citizens understood that the action was an opportunity to interact on a significant change to the town's zoning laws. He suggested that the project was so significant that they should consider soliciting citizen involvement, as well as consider getting a consultant involved. Mr. Cutler stated that his fear was that they would present the information to the Town Council and, due to the complexity of the changes with all the redlined versions that the information would be hard to digest. He related that when they discussed SUPs and making everything possible through waivers, he would ask the Planning Commission to ensure that their decisions were at the will of the citizens. He pointed out that every data point received since the last revision of the Comprehensive Plan communicated that residential growth should be slowed, and that residential growth should be managed. He said that in that week's Smithfield Times, a survey conducted that had 300 respondents, with 140 of the voters saying that the pace of residential growth should be slowed. He added that the next highest category voted for was to lower taxes, which was usually at the forefront. He acknowledged that the poll conducted was not scientific. Mr. Cutler said that data, along with the data collected by the County for their growth study, showed a consensus that supported slowing residential growth. He noted that the same sentiment was prevalent on social media and had also been expressed by the citizens who responded when they updated the Comprehensive Plan. He said that though they may feel as individuals that they would like to have control and raise the limits to allow denser residential growth, the citizens spoke with their actions at the last election that they would like slower and more managed residential growth. Mr. Cutler said he appreciated the work that the Planning Staff had put into the project, but it had gone from updating a few areas to a wholesale revision without citizen involvement, not consultant assistance, and motions that were contrary to the will of the public.

Chairwoman Hillegass clarified that the item was for discussion on the agenda, but it would be subject to a public hearing during which the citizens would have an opportunity for involvement.

Mrs. Clary confirmed that the process she outlined was correct.

Mr. Cutler recognized that a public hearing would be held on the subject. He pointed out that when the Comprehensive Plan was updated, there had been multiple avenues provided for citizen involvement, from online surveys to town halls to public hearings. He said that the revisions they were discussing would change the law, and as such he felt that they would provide a better service to the citizenry by having a more interactive process.

Chairwoman Hillegass asked Mr. Cutler what he proposed for additional citizen involvement.

Mr. Cutler stated that if the changes proposed were so extensive that the new information could not be differentiated from the old information, then it may be appropriate to involve a consultant to assist in tracking all the changes. He added that it may be appropriate to identify the goals or objectives of what they were attempting to accomplish. He recalled that when he asked what the purpose of the project was originally, he had been told it was to make some updates, but the changes were affecting density, Special Use Permits, and waivers in every section of the zoning. He said that without involving the citizens in the process, he felt that they were doing them an injustice.

Chairwoman Hillegass asked if there was funding in the budget to allow for a consultant.

Mrs. Clary responded that there was not. She related that she had recently been communicating with other localities that were completing similar projects and the cost for such work had increased tremendously.

Mr. Cutler said that the Town had a large amount of operating revenue. He said that they did have money in the budget for research and consulting. He reminded the Commission that last year he had said that he would be happy to champion asking the Council to budget money for the Planning Commission's use. He noted that there was currently not a budget allowed to the Commission, and they had not requested a budget.

Chairwoman Hillegass asked the other members of the Planning Commission whether they would like to pursue action if Mr. Cutler requested the funding from the Town Council.

Mr. Bryan stated that it was not clear how the project began in the first place. He said that he was unsure about the motivation behind the request for the waivers. He asked Mrs. Clary to discuss the process's start.

Mrs. Clary reported that the project started as a way of streamlining Smithfield's uses. She said that the Town Staff had noticed that, over time, piece-mealed items had been added to different zoning districts. She continued that their idea had been to create the Land Use Matrix that outlined all the Town's uses. She said that staff then had taken 380 uses and streamlined them to eliminate minor nuances between the uses down to around 180 uses. She reiterated that the Land Use Matrix that they were reviewing was for the residential zoning districts with only the permitted uses and special use permits included.

Mr. Bryan stated that the inclusion of waivers across the board was concerning. He noted that he had reviewed many of the ordinances and there were already waivers included in many of them. He continued that with the action that was being proposed, there would now be the opportunity for as many as 8 waivers in the ordinances, and that seemed to undermine their intent. He said that the Town was fine with the ordinances working in the way that they were. He questioned what the inclusion of more waivers would open them up to.

Mrs. Smith observed that the Planning Commission had the ability to deny the waivers. She said that the ability to request a waiver gave landowners the ability to use their property in ways that maybe didn't quite fit into a specific category. She stated that having a document that offered no waivers or Special Use Permits offered little flexibility.

Mr. Bryan reported that there were already waivers present in the ordinances without their adding more. He pointed out that Article 6 governed Special Use Permits, and he felt that applicants could find relief in that area. He said that adding waivers to everything would have them considering all sorts of things.

Mrs. Smith asked Mr. Bryan to point out where the permitted waivers were in the ordinance. Mrs.

Clary offered assistance to Mrs. Smith and guided her to the correct section.

Mrs. Smith noted that the waivers were included under Special Use Permit, and were available but were not by-right.

Dr. Pope asked how many of those waivers were available across the board. Mrs. Clary reported that there were 8.

Mr. Bryan repeated that a number of the ordinances had waivers available, and now they were making them unlimited.

Mr. Yoko countered that they were not unlimited. He said that the point of the exercise was to standardize and give opportunities for land use across all the various zones. He stated that way there weren't 3 waivers available in one zone, but not available in others. He reviewed that over the last months, they had standardized what was available across all the ordinances and consolidated the definitions of the various uses. He noted that they did not go into the zoning ordinance and change the size of lots, the size of setbacks, etc.

Mr. Bryan said that Mr. Yoko was saying that it was not changing, but they were adding a number of waivers to each ordinance.

Mr. Yoko stated that the waivers were not changing the ordinance, and they gave the applicant the opportunity to request something different than what was in the ordinance.

Mr. Bryan said that the ordinances had been created with consideration of the particular zone they were attached to. He related that there may be something appropriate in one zone that was not appropriate in another.

Vice Chair Bevan said that he did not think that there was really a difference between a waiver and a Special Use Permit. He observed that a waiver was not automatically granted. He said that if an applicant wanted a waiver on district size, for example, then they would be required to come to the Planning Commission. He stated that he was in agreement with Dr. Pope that waivers granted flexibility.

Mrs. Clary explained that the term Special Use Permit was used as the applicant was waiving the requirements outlined.

Vice Chair Bevan stated that they had attached the term "waiver" to the last 8 items, but all of them were waivers as they were asking for permission to do something different by means of a Special Use Permit. He added that the use of the terms in the document was confusing.

Dr. Pope reported that he did not think it was fair for one ordinance to allow a waiver, and then not be able to get the same waiver in a different zone. He noted that there should be consistency across the board. He said that the Commission elected to maintain control by including waivers because then they would say whether they were for or against the action.

Chairwoman Hillegass observed that with the action the Planning Commission was not granting them the waiver, but was granting them the opportunity to seek a waiver.

Mrs. Smith recapped that they had been working on the document for six months, and she found it so much easier to read in its current iteration. She addressed the notion that the public did not understand, and recalled that when a similar statement had been made at a Town Council meeting prior, there had been quite a large public outcry that they were in understanding of the process. She said because the term Special Use Permit had become such a focus, whenever it was heard the outcry was that special accommodations were being made for a specific person.

Mr. Cutler clarified that he said that the public might not understand that a large change to the ordinance was being undertaken.

Mrs. Smith acknowledged the difference and thanked him.

Mr. Cutler continued that he had previously completed a thesis on usability and there were countless ways to clean up the matrix to make it more readable. He said that the difference was that cleaning and changing the zoning ordinance was a lofty project, whereas making it more readable was not. He explained that what was changing was their restrictions on density and anything else that was becoming able to be waived, which was a significant alteration. He said that using the guise of standardization to describe the project was not true at all. He added that when they reviewed the history of the use of Special Use Permits for large-scale residential growth, there had been very little denials given. Mr. Cutler reported that if Smithfield had a definitive zoning law that was clear, then they would not have found themselves in the situation of having to consider Special Use Permits. He stated that considering applications on a case-by-case basis would lead to inconsistencies year over year as the Planning Commission and Town Council changed.

Mr. Bryan stated it was not control, it was chaos. He used the example of the proposed waiver of maximum density for residential uses and questioned why that would be needed in Community Conservation. He reasoned that there were some waivers that placing them across the board did not make any sense.

Chairwoman Hillegass pointed out that there was give and take from both perspectives. She illustrated that point by noting that a waiver might allow an applicant to have more greenspace by increasing the density.

Mr. Bryan stated that the action she described implied that the applicant was going to build a residential area in Community Conservation.

Mr. Cutler questioned if there was a push from the town's citizens to give developers more flexibility to build more homes. He noted that it seemed as if the process was just filled with loopholes around every regulation in the Town. He stated that the action was killing the integrity of the Town's ordinance. He said that while he appreciates the nod toward allowing for more creative products to be proposed, he hadn't seen creative products proposed. He said that there was always a way to get things done. He related that there was a reason that it was so hard to get a text amendment approved, but if a developer had such a great idea they could request one. Mr. Cutler asked what the benefit of making the zoning ordinance less restrictive.

Dr. Pope reported that when a text amendment was made it was a permanent change while a Special Use Permit was on a case-by-case basis and was not permanent.

Mr. Cutler pointed out that the Town had done both.

Dr. Pope agreed, adding that having done both actions was why it was not consistent. He said that the request was for consistency, one way or the other. He asked if there was currently a height requirement in the Community Conservation zoning.

Mrs. Clary reported that in Community Conservation, residential building height was limited to 35 feet.

Dr. Pope asked if there was the possibility of a waiver for that listed in the Matrix.

Mrs. Clary stated that, as it currently existed, there was not a waiver available for height requirements.

Dr. Pope used the example of a person wanting to build a Colonial home with an English basement and 10-foot ceilings in that zone, and as the structure would be over 35 feet then it was not able to be built. He pointed out that there was no way to get around that without a Special Use Permit. He questioned why a person on a 10 acre lot in Community Conservation shouldn't be able to build a house over 35 feet since they were not near anything else.

Mr. Cutler acknowledged that he did not disagree with that example. He said that the due diligence that was necessary to write a zoning ordinance that was going to suit most solutions would have more consistency than a lack of a zoning ordinance with everything going through the Special Use Permit process. He noted that one consistency present was the citizens saying reduce and manage slower growth.

Dr. Pope asked how a Special Use Permit increased growth.

Mr. Yoko agreed and asked how a Special Use Permit would change density.

Mr. Cutler reviewed the history of residential growth in the area with the developments of Mallory Pointe, the Greenwood Homes project, and the Cottages. He stated that every one of those developments had come with Special Use Permits for growth in some form. He continued that the history of the Planning Commission and Town Council was to approve those Special Use Permits while the history of the electorate was to oppose them. He recognized that the approval of Special Use Permits did not directly create those issues, but the ability to manage growth as directed by the town's citizens was what they desired.

Dr. Pope related that he would bring the data regarding Mallory Pointe, adding that some of the statements made by Mr. Cutler were incorrect. He reported that the Mallory Pointe project did not have a Special Use Permit for waiver of density, and its density was 1.7 houses per acre, which was well below the 3.5 that they had requested. He continued that when the developer for Mallory Pointe acquired the property, they rezoned approximately 160 acres that they had originally bought in 2005 from Community Conservation to Neighborhood Residential. He recalled that the developer then acquired the property in front of Wellington Estates, property heading towards Gatling Point, and then Scott Farm. He noted that their density, by-right, allowed them to build approximately 650–700 homes without ever having to come before the Planning Commission. He said that they ended up with 800 homes over 500 acres and reiterated that they never applied for a waiver of density. He calculated that they could have built 2,000 homes by-right if they had rezoned the property as a whole to Neighborhood Residential. He observed that the Wellington Estates neighborhood has a density of 1.7 houses per acre, but there were no complaints of it being too dense.

Mr. Cutler stated that he would like to review Dr. Pope's data. He stated that what he had taken away from what was just said was that the developer could have proceeded with something less favorable than what they did by-right, and to him, that was even more of a reason to have a more robust zoning ordinance.

Dr. Pope repeated that the developer of Mallory Pointe did not apply for any density waivers, but did apply for things like waivers of Recreational Vehicle parking requirements, and a non-contiguous space development Special Use Permit. He related that there were only 6 items that the developer requested, but the public saw 6 requests and interpreted that action as special considerations being given to the developer by the Town. He stated that he would provide the current data to back up his statement at the next month's meeting. Dr. Pope reviewed that the developer had agreed to many road improvements, conservation actions, etc.

Chairwoman Hillegass confirmed that Mr. Cutler had expressed interest in having a consultant involved in the matter.

Mr. Cutler reiterated that if they were purely cleaning up the zoning ordinance without changing the substance of it, then it was an honorable task that did not require a consultant. He said that if wholesale changes were being made to the ordinance that would affect the outcome of future proposals to the Planning Commission and Town Council in a significant fashion, then they needed to involve the Town Council and question themselves if it warranted their full effort, including monetary investments to assist in the endeavor.

Chairwoman Hillegass asked if Mr. Cutler wanted to make a motion to have a joint work session with the Town Council regarding the matter.

Mr. Cutler stated that would be a great idea.

Vice Chair Bevan reported that he saw value to both sides of the argument. He interpreted that the issue that they were stuck on was whether they wanted to make it so applicants could ask for many things with Special Use Permits or only a very small number of things that could be requested through Special Use Permits. He observed that they were not land-use professionals, but he had concerns about having an outside consultant being brought in.

Mr. Cutler stated that they could start with having a discussion that began with figuring out what their objective was in the action. He repeated that it began as a zoning ordinance clean-up and had morphed into changing the zoning ordinance to make everything available for waivers. He stated that there should be a clear objective or mission, and the mission of the Town Council was people-centric, citizen-centric governance. He stated that they should be making large decisions from a citizen-centric standpoint.

Dr. Pope stated that the goal and objective was control and flexibility in light of the state government appearing to take away that control from allowing local entities to have restrictions over what they thought was best for their community and town.

Mr. Cutler stated that if the state government proceeded in that way, then anything they did would be a moot point. He noted that he understood that point, and hoped that it did not happen. He said the objective of fixing wording and offering clarity in the ordinance was very different than changing standards.

Mrs. Smith questioned whether any standards had changed in the updated Land Matrix. She stated that the purpose and intent of the zoning areas were exactly the same as they had been. She detailed that density requirements had not changed.

Mr. Cutler clarified that the change was the ability to waive every aspect of the zoning, including density.

Mr. Yoko reported that as a Planning Commissioner, he had the same guidelines and rules that he had before because those numbers had not changed. He stated with the inclusion of waivers, he was giving the opportunity for an applicant to present an innovative idea that perhaps they had not seen before or a way to address a problem that was not already prescribed, and gave the Commission the avenue to review it. He observed that any item requested as a Special Use Permit would have a public comment period, and the public was given their voice. He stated that he felt the idea of standardizing the wording across all the zoning and allowing the opportunity across the different zones allowed for more opportunities for innovation.

Mrs. Clary referenced the concern voiced by Vice Chair Bevan regarding having a consultant brought in to address the issue, adding that she was unsure that they would find a consultant that would give them a concrete answer either way. She reviewed that the two sides were essentially two separate schools of thought on how to approach the problem.

Dr. Pope asked if the Commission could revisit the project from Agenda item 6 for the Special Use Permit for the proposed commercial development site. He reiterated that personally he felt the trash dumpster on the corner of the site was not a smart placement, but he voted to grant them the Special Use Permit. He said that in doing that, he had lost his leverage by approving the Special Use Permit.

He noted that in the Entrance Coordinator Overlay review, he could use the Special Use Permit to say that it would not be granted unless they moved the dumpster placement. He concluded that they should have been harder on them and required to see the renderings.

Mrs. Smith pointed out that they had been considering Special Use Permits for the drive-thrus and the parking stacking, but not anything else dealing with the building or landscaping, etc. She stated that she felt that the Commission did approach the review correctly.

Dr. Pope stated that it was his opinion that they wanted the Special Use Permit to be their last vote. That way they could answer the questions of why and see renderings. He noted that the Special Use Permit was what gave them their power.

Mr. Cutler stated that they did also have the Entrance Coordinator Guidelines as an enforcement tool as well.

Dr. Pope gave the reminder that the Entrance Corridor was 500 feet in depth. He added that if they were outside that area, then they had no say.

Mr. Cutler stated that they could change that. He said that there were multiple ways to assert control.

Chairwoman Hillegass asked the Commission how they wanted to proceed on the matter.

Mrs. Smith asked if they really wanted to present all the information as a public hearing and explain the rationale behind the updates in a global sense.

Vice Chair Bevan stated that he thought they needed to meet with the Town Council on the issue. He said he did not think it was the right step to take it to the public because they were not in agreement. He made a motion to request a joint Town Council and Planning Commission Meeting for discussion of the Land Use Matrix and the application of Special Use Permits.

Mr. Yoko seconded the motion.

Mrs. Clary made the logistical suggestion that the Town Staff meet with the Town Council to present the materials to ensure that they were at the same stage in the discussion as the Planning Commission was.

Vice Chair Bevan confirmed that the information would be presented at a Town Council meeting.

Dr. Pope suggested that the Town Staff merge items 12, 13, and 14 on their land use map. He noted that the 8 changes largely discussed were not the only changes made when the matrix was consolidated.

Chairwoman Hillegass called for the vote. Mr. Yoko voted aye, Mrs. Smith voted aye, Dr. Pope voted aye, Mr. Cutler voted aye, Mr. Bryan voted aye, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed unanimously.

F. <u>*Discussion Item* Repeal Article 3.N - Town Staff, applicant.</u>

Mrs. Clary reported that the Town Staff believed that the Article in question, 3. N: Environmental Conservation District, was implemented as a zoning district option prior to the Chesapeake Bay Overlay and the Flood Plain Overlay. She stated that, as a result, there were parcels across the town that were dual-zoned. She explained that the issue with dual-zoned parcels was to determine where one zone ended and the other began. She added that some of the items that could be applied for within that zoning were no longer allowed because of the Chesapeake Bay Overlay and Flood Plain Overlay. Mrs. Clary summarized that it was an antiquated zoning district and, as a secondary project, town staff have been clearing up those types of issues. She said that the staff was proposing to repeal the Article. She noted that it would be an ongoing project because they would have to rezone all the properties that were dual-zoned. Mrs. Clary observed that the project was in its infancy, and staff had wanted to bring the matter to the Commission as a discussion item.

Vice Chair Bevan asked where the maps supplied to them had come from.

Mrs. Clary reported that they were the old zoning maps that made it easier to distinguish between

Environmental Conservation and Neighborhood Residential. She said that the current official zoning map did not have the EC district shown.

Vice Chair Bevan asked if that older district could be found along the Pagan River or Cypress Creek.

Mrs. Clary noted that it was essentially anywhere in town that had water. She reiterated that the regulations were covered under both the Chesapeake Bay and Flood Plain Overlays.

Mr. Bryan said that he had wanted to see where the Chesapeake Bay and Flood Plain overlays were. He observed that when the sections were broken out in such a small way it was hard to tell where they were located.

Mrs. Clary clarified that the agenda item was for discussion only, so that staff could ensure that the Commission was on board before they began in earnest. She explained that once the project went live, the Commission would be provided with much more detailed information and maps.

Dr. Pope asked if the Environmental Conservation District had specific verbiage as the other districts did.

Mrs. Clary reiterated that the Article that contained the verbiage was 3. N. She pointed out that the information was included on their desktop and read from the Article.

Chairwoman Hillegass asked how many parcels would be affected. Mr. Kluck reported that it affected 386 parcels.

Mr. Bryan noted that the Flood Plain Overlay and Chesapeake Bay Overlay were more restrictive than the Environment Conservation District was.

Mr. Yoko clarified that things allowed in the Environmental Conservation District were not allowed in the Flood Plain and Chesapeake Bay overlays.

Mrs. Clary stated that it was her understanding, but they were permitted through the Virginia Marine Resources Commission (VMRC).

Mr. Bryant said that some were allowed, but the requirements were much more stringent.

G. Approval of the December 9th, 2025 meeting minutes. Mrs. Smith made a motion to approve the minutes as presented. Vice Chair Bevan seconded the motion.

Chairwoman Hillegass called for the vote. Mr. Bryan voted aye, Mr. Cutler voted aye, Dr. Pope voted aye, Mr. Yoko abstained due to absence, Mrs. Smith voted aye, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed.

7. Community Development & Planning Director's Report

Mrs. Clary reported that the current plan was to go live on the CivicPlus website for Planning Commission agendas. She explained that it would be the same link and log-in information each time.

8. Adjournment

The meeting adjourned at 8:02 pm.

Julia Hillegass - Chairwoman

Tammie Clary - Director of Community Development and Planning